



Minnesota Board of Water and Soil Resources.
Minutes.

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August 2001

**BOARD OF WATER AND SOIL RESOURCES
FIRESIDE SUPPER CLUB
HWY. 210/65
MCGREGOR, MINNESOTA
THURSDAY, AUGUST 23, 2001**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Minutes of July 25, 2001

Reports

- Chair – Lee Coe
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Lee Coe
- Wetlands Committee – Darrell Bruggman
- Cost-Share/Soil Conservation Committee – Dwain Otte
- Education and Public Relations Committee – Paul Krabbenhoft
- Administrative Advisory Committee – Lee Coe

Agency Reports

- Department of Agriculture
- Department of Health
- Department of Natural Resources
- Minnesota Extension Service
- Pollution Control Agency

Consent Agenda

1. Carlton County Request for Comprehensive Local Water Plan Extension – DECISION
2. Beltrami County Request for Comprehensive Local Water Plan Extension - DECISION

Old Business

1. WCA Principles and Goals – DECISION
2. FY02 Non-Point Engineering Assistance Grant – Wayne Zellmer – DECISION
3. 2002 Farm Bill Conservation Provisions – Doug Thomas - INFORMATION

New Business

1. Soil and Water Conservation District Role in Private Forest Management – Ron Shelito – INFORMATION

Advisory Comments

- Minnesota Association of Townships (MAT)
- Minnesota Association of Conservation District Employees (MACDE)
- Minnesota Association of Soil and Water Conservation Districts (MASWCD)
- Minnesota Association of Watershed Districts (MAWD)
- Natural Resources Conservation Service (NRCS)

Upcoming Meetings

- Governor's CREP Tour and Radio Show, September 6-7, New Ulm
- BWSR Meeting, September 26, St. Paul
- BWSR Tour and Meeting, October 24-25, Caledonia

Adjourn



DATE: August 13, 2001

TO: Board of Water and Soil Resources Members, Advisors, and Staff

FROM: Ronald D. Harnack, Executive Director *RDH*

SUBJECT: August 22-23 BWSR Tour and Meeting

The Board of Water and Soil Resources (BWSR) will tour Aitkin County on Wednesday, August 22, 2001. See attached tour itinerary. A preview of the tour will begin at 8:30 a.m. on Wednesday, at the Fireside Supper Club in McGregor (Hwy. 210/65). The coach bus will promptly depart from the Fireside Supper Club at 9:45 a.m. for the tour of Aitkin County. The coach bus will return to McGregor about 4:30 p.m. A social hour will begin at 6:00 p.m. at the Fireside Supper Club, with dinner served at 7:00 p.m.

A block of sleeping rooms have been reserved for the nights of Tuesday, August 21 and Wednesday, August 22, at the Country Meadows Inn (next door to the Fireside Supper Club) in McGregor. Attached is the list of room reservations. The rooms have been direct billed (you do not pay for them), unless noted on the rooming list. If you do not need a room reservation, please contact Mary Jo Anderson (651-297-4290) immediately, to cancel the reservation. A complimentary continental breakfast is included with the room reservation.

The Board of Water and Soil Resources will meet on Thursday, August 23, at the Fireside Supper Club in McGregor.

The following information pertains to the agenda items:

Consent Agenda

1. Carlton County Request for Comprehensive Local Water Plan Extension – See attached. DECISION
2. Beltrami County Request for Comprehensive Local Water Plan Extension – See attached. DECISION

Bemidji 3217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	Brainerd 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	Duluth 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	Fergus Falls 413 W. Stanton Avenue Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	Marshall 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	New Ulm 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	Rochester 40 16th Street S.E. Suite A Rochester, MN 55904 phone (507) 285-7458 fax (507) 280-2875	Saint Paul One West Water Street Suite 250 Saint Paul, MN 55107 phone (651) 282-9969 fax (651) 284-0000
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Old Business

1. WCA Principles and Goals – Proposed goals and principles were presented to the Board at the July 25, 2001, meeting. Significant efforts will be made to develop rule amendments that will encourage local governments to integrate the WCA rules into other local land use planning and zoning efforts. DECISION
2. FY02 Non-Point Engineering Assistance Grant – This a non-competitive annual grant allocated to the eleven SWCD Joint Powers Boards (JPBs). It is to be used by each JPB to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices. This revised allocation procedure was recommended by MASWCD and approved by the Board in February 2001. DECISION
3. 2002 Farm Bill Conservation Provisions – At the July board meeting, a subcommittee was appointed to make recommendations on conservation provisions Minnesota would like to see in the next Farm Bill. The subcommittee will present its recommendations for board discussion and approval. DECISION

New Business

1. Soil and Water Conservation District Role in Private Forest Management – See attached – INFORMATION

If you have any questions regarding the agenda, please feel free to give me a call. If you have any questions regarding accommodations for the Board tour and meeting, please contact Mary Jo Anderson at 651-297-4290. I look forward to seeing you in McGregor on August 21-23!

**AITKIN COUNTY
TOUR ITINERARY**

Wednesday, August 22, 2001
McGregor, Minnesota

- | | |
|------------------------|--|
| 8:30 a.m. – 9:00 a.m. | Tour Preview/Registration at Fireside Supper Club,
McGregor |
| 9:00 a.m. – 9:30 a.m. | Introduction to Aitkin County |
| 9:30 a.m. – 9:45 a.m. | Board Bus |
| 9:45 a.m. – 12:30 p.m. | Tour (Four Sites) <ul style="list-style-type: none">• Wealth of wetlands (stay on bus)• Recreational properties (stay on bus)• Forest management (Ed Kehn property)• Lakeshore development (Fleming Lake) |
| 12:30 p.m. – 1:30 p.m. | Lunch at Long Lake Conservation Center |
| 1:30 p.m. – 3:00 p.m. | Issues Discussion
Three-person panel |
| 3:00 p.m. – 4:30 p.m. | Travel back to McGregor – final tour destination is the
original "Minnesota Wild" |

Country Meadows Inn
Hwy. Jct. 210/65
McGregor, MN 55760
218-768-7378 or 1-800-331-7378

Room Reservations

Tuesday, August 21, 2001

1. Jim Anderson **
2. Mary Jo Anderson
3. Darrell Bruggman
4. Sharon Clark **
5. Lee Coe
6. JoAnn Coover
7. Jerome Deal
8. Wayne Edgerton **
9. Jack Frost
10. Karen Harder
11. Ron Harnack
12. Ginny Imholte
13. Char Kahler
14. Paul Krabbenhoft
15. Jim Lemmerman
16. Rod Massey **
17. Clair Nelson
18. Victor Ormsby
19. Dwain Otte
20. Ron Shelito
21. Doug Thomas
22. Dan Wilson **

1. Pete Raeker (Tues. only)
2. Tammy McGlone (Tues. only)

Wednesday, August 22, 2001

1. Jim Anderson **
2. Mary Jo Anderson
3. Darrell Bruggman
4. Sharon Clark **
5. Lee Coe
6. JoAnn Coover
7. Jerome Deal
8. Wayne Edgerton **
9. Jack Frost
10. Karen Harder
11. Ron Harnack
12. Ginny Imholte
13. Char Kahler
14. Paul Krabbenhoft
15. Jim Lemmerman
16. Rod Massey **
17. Clair Nelson
18. Victor Ormsby
19. Dwain Otte
20. Ron Shelito
21. Doug Thomas
22. Dan Wilson **

1. Wayne Zellmer (Wed. only)

**** Will pay for room upon arrival**

**BOARD OF WATER AND SOIL RESOURCES
FIRESIDE SUPPER CLUB
HWY. 210/65
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PRELIMINARY AGENDA

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- BWSR All Staff Meeting, October 1-3, Brainerd
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Consent Agenda

1. Carlton County Request for
Comprehensive Local Water Plan
Extension
DECISION

Executive Summary for the Carlton County Water Plan Extension Request

Carlton County is requesting an extension for their water Plan update to June 30 of 2002 (instead of December 2001). The primary reason for the request is a change in water plan coordinators early this year. With the change in leadership, it is not possible to complete the planning process prescribed by the Carlton County commissioners.

The Carlton County citizen's task force has been meeting monthly since April. Agency input and local comments are being discussed at these meetings. The process is slow and deliberate yet I feel a high quality update will result from their diligence.

Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107

In the Matter of Extending the Comprehensive Water Plan
for **Carlton County** (1995 Minnesota Session Law, Chapter 184
authorizing BWSR to grant extensions)

ORDER EXTENDING
COMPREHENSIVE
WATER PLAN

Whereas, the Carlton County Board of Commissioners has a state approved Comprehensive Water Plan (Plan) that is effective until December 31, 2001 pursuant to M.S. 1990.301 and

Whereas, the Carlton Board of Commissioners requested an extension of the Plan to the Minnesota Board of Water and Soil Resources (Board) on August 14, 2001 pursuant to Minn. Session Law 1995, Chapter 184 Section 24 and

Whereas, the Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24,

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. In February 2001, the Carlton Co. Water Plan Coordinator resigned and was replaced in May 2001.
2. The staffing change has lengthened the timetable to complete the Plan Update.
3. On August 14, 2001 the Board received a resolution from Carlton County requesting an extension of their Plan.
4. On August 14, 2001 the Board staff reviewed and recommended approval of the extension requested by Carlton County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Carlton County Plan pursuant to Minn. Session Law 1995, Chapter 184 Section 24.

ORDER

The Board hereby approves the extension of the Carlton County Plan until June 30, 2002. Dated at McGregor, Minnesota, this 23rd day of August 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

Consent Agenda

2. Beltrami County Request for
Comprehensive Local Water Plan
Extension
DECISION

(FOR BOARD ACTION)

BELTRAMI COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

The Minnesota Board of Water and Soil Resources (BWSR) approved Beltrami's current Comprehensive Local Water Plan (CLWP) update on August 28th, 1996.

The 1995 amendment to the Comprehensive Local Water Management Act, M.S. 103B.301, gives BWSR authority to grant extensions of a CLWP effective date. A county may make a written request to the BWSR for a two-year extension. On August 9th, 2001, the BWSR received a resolution from the Beltrami County Board of Commissioners requesting an extension of the effective date to December 31, 2002.

Beltrami County has been fighting high surface and groundwater levels for the last several years due to record precipitation. The Headwaters Regional Development Commission and Beltrami SWCD have made significant progress in updating the Local Water Plan, but would like more time to develop strategies to deal with the high water and allow for additional public participation.

BWSR Board Conservationist Dale Krystosek recommends approval of Beltrami County's request of an extension to December 31st, 2002.

**RESOLUTION
REQUESTING AN EXTENSION OF
BELTRAMI COUNTY
COMPREHENSIVE LOCAL WATER PLAN**

Resolution # 010523

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Resources (BWSR) authority to extend the ending date of local water plans for a period not to exceed two (2) years; and

WHEREAS, the current five-year Beltrami County Comprehensive Local Water Plan will expire August 28, 2001, and

WHEREAS, Beltrami County will need additional time to complete the following five-year comprehensive planning activities:

Develop the plan

Finalize the plan through local, and state review

Adopt and implement the plan, and

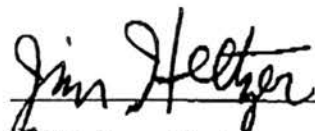
WHEREAS, Beltrami County will assure continued public participation in the form of public information meetings, encouraging participation and input; and

WHEREAS, no projects will be ordered or commenced under M.S. 103B.331 subdivision 3 and 4 during the extension period.

NOW, THEREFORE BE IT RESOLVED:

THAT the Beltrami County Board of Commissioners requests from BWSR an extension of their existing comprehensive local water plan up to December 31, 2002 in order to complete the update process.

Dated this 1st day of May, 2001.



Jim Heltzer, Chair

ATTEST: _____



Greg Lewis, Administrator

RESOLUTION TO UPDATE THE BELTRAMI COUNTY COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN

Resolution # 010522

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a comprehensive local water management plan, and

WHEREAS, the Act requires that a County update and revise their comprehensive local water management plan on a periodic basis, and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and

WHEREAS, the Act requires that plans and official controls of other local governmental units be consistent with the comprehensive local water management plan, and

WHEREAS, Beltrami County has determined that the revision and continued implementation of a local water management plan will help promote the health and welfare of the citizens of Beltrami County.

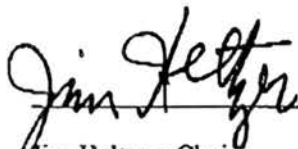
NOW, THEREFORE, BE IT RESOLVED that the Beltrami County Board of Commissioners resolve to revise and update its current comprehensive local water management plan.

BE IT FURTHER RESOLVED that Beltrami County will coordinate its efforts in the revision and update of its plan with all local governmental units within the county, and will incorporate, where appropriate, any existing plans and rules which have been developed and adopted by watershed districts having jurisdiction wholly or partly within the County, into its comprehensive local water management plan update.

BE IT FURTHER RESOLVED that the Beltrami County Board of Commissioners authorizes the continued existence of a Water Management Advisory Committee who serves as a sub-committee of the Beltrami Soil and Water Conservation District Board with the responsibility of revising and updating the plan and who shall report to the County Board on a periodic basis.

BE IT FURTHER RESOLVED that the Beltrami County Board of Commissioners delegates the Beltrami SWCD the responsibility of coordinating, assembling, and writing the revised comprehensive local water management plan pursuant to M.S. 103B.301 and M.R. 9300.

Passed by a majority vote of all members of the Beltrami County Board of Commissioners
this 1st day of May, 2001.


Jim Heltzer, Chair

ATTEST: 
Greg Lewis, Administrator

**Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107**

In the Matter of Extending the Comprehensive Local Water Plan For Beltrami County (1995 Minnesota Session Law, Chapter 184, Section 24 authorizing BWSR to grant extensions.)	ORDER EXTENDING EFFECTIVE DATE
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Whereas, Beltrami County has a state approved and locally adopted Comprehensive Local Water Plan (CLWP) with an effective date of October 31, 2001, and

Whereas, the Beltrami County Board of Commissioners passed a resolution requesting an extension of CLWP effective date to the Board of Water and Soil Resources on May 1st, 2001, pursuant to Minnesota Session Law 1995, Chapter 184, Section 24, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

Now, Therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On August 9th, 2001, the Board of Water and Soil Resources received a resolution from Beltrami County requesting an extension of their Comprehensive Local Water Plan.
2. Beltrami County has been subjected to localized severe lake flooding during the last several years due to excessive precipitation.
3. The Headwaters Regional Development Commission and the Beltrami Soil and Water Conservation District have already made significant progress in the initial phases of updating the Beltrami County Local Water Plan. The extension would allow for additional public participation and more time to develop strategies to deal with surface and groundwater flooding issues.
4. On August 9th, 2001, the Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Beltrami County.

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Beltrami County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the extension of the Beltrami County Comprehensive Local Water Plan until December 31, 2002. Dated at McGregor, Minnesota, this 23rd day of August 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

Old Business

1. WCA Principles and Goals
DECISION

WCA Rule Revision Principles (8-9-01)

- Maintain no net loss of wetlands; including monitoring and measuring results of protection and mitigation
- Emphasize sequencing: the steps of avoid, minimize, replace impacts to wetlands
- Simplify and reduce paperwork
- Integrate with other local land use plans and regulations
- Establish measurement standards for no net loss
- Wetlands do not all have equal or similar functions and benefits within a defined geographic area
- Ensure efficient and effective state and federal involvement and oversight (Appeals, TEP, Enforcement, Training, Plan/Ordinance review)
- Consider surrounding land use impacts /affects and address wetlands as one resource issue among many
- Get wetlands addressed early in the planning /development process

Goals of WCA Rule Revision Process (8-9-01)

- Coordination with state/federal regulatory programs to minimize “on-site” and decision-making duplication and delay
- LGUs with increased capability and performance standards for program implementation
- Greater coordination between LGU’s to share resources and expertise
- Less prescriptive, more performance based standards and outcomes
- Create incentive for local flexibility and innovation (example = buffer protection)
- Link WCA program implementation to water planning and other related landuse planning efforts
- Organize rule language to follow the “on-the-ground” process

Old Business

2. FY02 Non-Point Engineering
Assistance Grant
DECISION

PROPOSED FY 02 NPEA BASE GRANTS

BACKGROUND

Since 1997, this Program has been funded by the legislature at \$1,130,000 annually. Periodic EPA Section 319 and MPCA feedlot grant funds have supplemented Program funding. The costs to employ and equip the NPEA engineers and technicians have increased at a rate of about 3 – 3.5% per year to \$1,422,440. As determined by the Board, EPA and MPCA grants or reallocation of funds to BWSR are not viable long term funding sources. Without any changes to BWSR allocations and policies, this Program would not be solvent in FY 2002.

ISSUE

To address the looming budget shortfall, at their February 2001 Meeting, the BWSR adopted the MASWCD recommendations as follows:

- A) The entire FY 02 legislative appropriation will be allocated equally, (currently \$102,727 per JPB) up to the total requested amount.
- B) JPBs will be responsible for their budget shortfalls.
- C) JPBs will be required, to submit a Board Conservationist approved budget and plan detailing how they will resolve their budget shortfalls, and provide adequate engineering assistance in their JPB area.
- D) Any unused grant funds will be subtracted from the next year's grant.

RECOMMENDATION

Staff recommends the approval of the FY 02 NPEA Base Grants as listed in the "Adjusted Base Grant" column on the enclosed spreadsheet. FY 01 Financial Reports have all been approved by the BWSR SWCD Accounting Coordinator. All FY 02 JPB budgets, including "budget shortfall plans", have been approved by Board Conservationists.

"Budget shortfall plans" include the following:

- Charging fees for services
- SWCD contributions
- Grants from other sources
- Spending down JPB fund balances

PROPOSED FY 02 NPEA BASE GRANTS

AMOUNT AVAILABLE - \$1,130,000

JPB	FY 02 BASE GRANT	FY 01 CARRYOVER	FY 02 BUDGET	FUNDING SHORTFALL	ADJUSTED BASE GRANT
1	\$102,727	\$1,906	\$127,450	(\$22,817)	\$103,570
2	\$102,727	\$10	\$134,838	(\$32,101)	\$103,570
3	\$102,727	\$34,009	\$129,376	\$7,360	\$96,211
4	\$102,727	\$8,537	\$122,009	(\$10,745)	\$103,570
5	\$102,727	\$874	\$168,340	(\$64,739)	\$103,570
6	\$102,727	\$0	\$118,759	(\$16,032)	\$103,570
7	\$102,727	\$14,247	\$115,060	\$1,914	\$101,656
8	\$102,727	\$0	\$102,727	\$0	\$103,570
9	\$102,727	\$0	\$138,807	(\$36,080)	\$103,570
10	\$102,727	\$1,886	\$105,000	(\$387)	\$103,570
11	\$102,727	\$42,213	\$160,074	(\$15,134)	\$103,570
TOTAL	\$1,129,997	\$103,682	\$1,422,440	(\$188,761)	\$1,129,997
AVE.	\$102,727	\$9,426	\$129,313	(\$17,160)	\$102,727

NOTE: BECAUSE OF THEIR FY 01 CARRYOVER, JPBS 3 & 7 DO NOT NEED \$102,727 FOR FY 02. THESE "LEFTOVER" FUNDS (\$9,274) ARE DIVIDED BY 11 AND ADDED TO EACH JPB'S GRANT IN THE ADJUSTED BASE GRANT" COLUMN.

New Business

1. Soil and Water Conservation
District Role in Private Forest
Management
INFORMATION

Soil and Water Conservation District Role in Private Forest Management

Minnesota's 14.4 million acres of forestland makes up approximately 27 percent of the land use in Minnesota. Minnesota's forest lands are used for timber production, recreation, wildlife habitat, and home sites. Forestland in blocks of 20 acres or less is the largest growing category of forest land ownership. There are more than 125,000 landowners in this category in Minnesota. The trend toward small parcel ownership points to a need for more technical and planning assistance with these landowners to protect land and water resources. Currently, this need is going mostly unmet. Soil and Water Conservation Districts are uniquely suited to provide land management assistance to landowners including small tract private forest landowners. Increased SWCD involvement with small tract private landowners can compliment existing federal, state, and private sector forest management activities. We have identified the need for at least half time forestry technical assistance staff in 40 counties throughout Minnesota.

Soil and Water Conservation Districts' Role in Private Forest Management

Summer 2001

Background

Minnesota's 14.4 million acres of forestland makes up 27 percent of the land use in Minnesota (source: Land Management Information Center). Minnesota's forests are used for timber production, recreation, wildlife habitat, and increasingly, for home sites. The value of forest products has increased from \$3.8 billion in 1985 to \$8.2 billion dollars in 2000 (source: Minnesota Forest Industries). Forest products companies are the third-largest manufacturing employer in the state. The industry employs around 60,000 people.

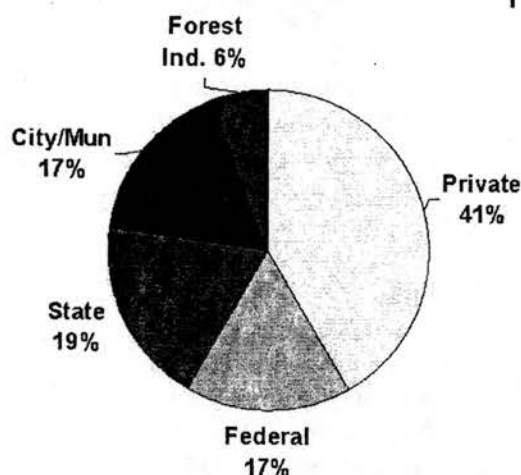
In Minnesota, ownership of the 14.8 million acres of timberland is divided. County/municipal, state, and federal levels each own between 17-21 percent, with forest industries at 5 percent. The largest single block is private ownership, with a base of 40 percent or approximately 6 million acres. A recent United States Department of Agriculture (USDA) survey shows considerable fragmentation into small holdings. Ownership of less than 20 acres is the fastest growing category. According to a recent USDA Forest Service forest inventory analysis, there are more than 125,000 landowners in the 0-20 acre category. Many of these smaller parcels are in sensitive areas adjacent to lakes, streams, and rivers.

It is expected that the cost and value of wood products will continue to increase, along with the increasing fragmentation of smaller holdings of timberland. *This makes management of these lands even more critical.*

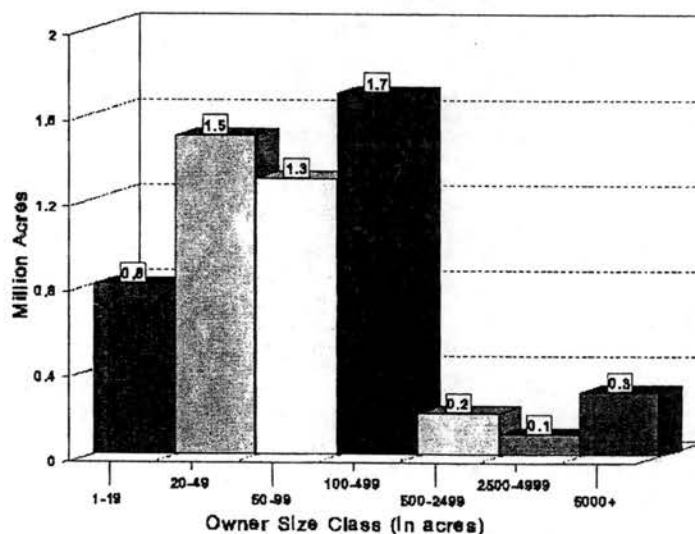
Minnesota's Soil and Water Conservation Districts (SWCD) are uniquely suited to provide land management assistance to private landowners to protect our water and soil

Continued

Minnesota Commercial Forest Land Ownership



Minnesota Private Forestland Total 5.9 Million Acres



resources. Traditionally this assistance has been focused on agricultural practices, but because of the increasing use of small forestlands, conservationists have recognized the need to provide an increasing level of assistance to forestland owners.

Opportunities

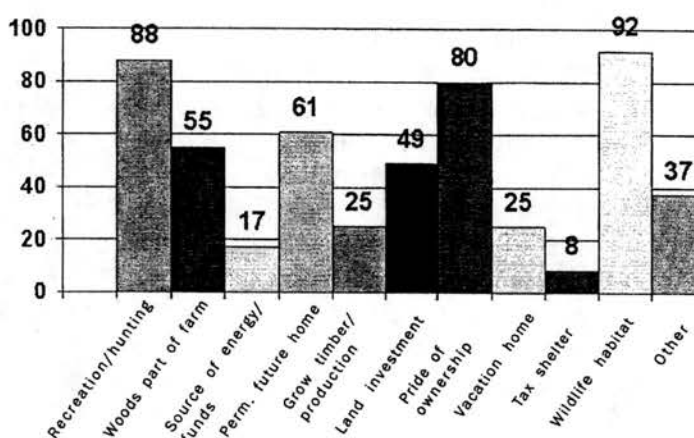
Current trends toward smaller parcels in private ownership and the growing economic significance of our forests are putting a tremendous strain on stewardship efforts with limited staff at all levels of government. This points to a growing need for more planning and technical assistance to these landowners, who need to be informed that their forestland can provide buffer areas to protect water quality and provide important habitat for many wildlife species. Multiple benefits are associated with managed forestland—tourism, wildlife, hunting/recreation, and biodiversity all benefit from sustainably managed forests. According to the USDA, approximately 125,000 landowners in this category manage 800,000 acres.

Many of these small tract owners are not interested or able to manage their property for timber/fiber production. They are far more interested in other recreational uses of their property, as the graph, based on information from the Nonindustrial Private Forest Landowner, to the right shows.

Solution

SWCDs can play a major role in sustainable forestland use management and implementation working primarily with the smaller parcel landowners. This added management and protection can improve or maintain the water quality of the state. SWCD involvement can effectively complement existing federal, state, and private forest-management efforts. Using the existing delivery system, SWCDs, in cooperation with private-sector foresters, and state and federal agencies, can deliver technical, financial, and planning assistance to these landowners. There are approximately 40 counties throughout the state that could benefit from this additional resource management assistance. The SWCDs could provide this service through a full-time equivalent position focusing half of their time on "normal" duties and the other half on forestland use management activities. It would cost approximately \$800,000 per year to get a half-time equivalent in 40 counties.

NIPF Objectives of Ownership



Produced by the Minnesota Board of Water and Soil Resources.

Equal opportunity employer.

Information in this publication can be made available in alternative format upon request.

SWCD FORESTRY ACTIVITY WORKSHEET
Year 2000

Funding of Local Forester Position	Beltrami Prepared by Jerry Stensing & Chris Parthun	Crow Wing Prepared by Jim Chamberlin	Aitkin Prepared by Steve Hughes & Dennis Thompson
State of MN County	<i>county</i> \$10,600.00	<i>Forest Stew.</i> \$9,348.50	Forest Stewardship \$11,000.00
SWCD	\$5,400.00	\$12,032.05	\$22,000.00
Fees	\$8,676.68	Tree sale \$2,735.15	-
Other (Special Project)	Special Projects \$11,000.00	Water plan \$5,019.30	-

Activities	Number	Acres	Number	Acres	Number	Acres
Plans	10	697	24	2212	25	2672
Projects	38	262	15	58.5	-	-
Timber Sales	All on public land 10	69	N/A		-	-
Timber sale referrals (private lands)	Private land 1	19	N/A		5	161
Education	46 CEU's last 2 yrs		30	N/A*	-	-
Other	see attached		Tree sales, CRP, EQIP GA** 165	240	Gen. Assistance Hrs. 73	-
Total Landowners Assisted	235		234	2510.5	many	0

*Realtor training "Determining Woodland & Wetland Impacts" on Real Estate Values

**General Assistance

COMPREHENSIVE FOREST WATERSHED MANAGEMENT PLAN COMPONENTS
POTENTIAL SWCD ROLE ON PRIVATE LAND

LAND USE SPECIALIST
FOREST WATERSHED MANAGEMENT SPECIALIST
FOREST ECOLOGIST

INVENTORY	EDUCATION	WATER QUALITY	RECREATION	WILDLIFE	WETLANDS	BMPs	AESTHETICS	TIMBER HARVEST
Timber Cruising	Flora & Fauna	Pesticide Application	Ski Trails	Management	WCA	Soils	Riparian Plantings	Contractor List
GIS Mapping	Publicity	Mechanical Site Preparation	Snowmobile Trails	Habitat Diversity	Local Ordinances	Buffers	White Pine	Harvest Methods
Aerial Photos	Insects	Forest Roads	Walking Trails	Wildlife Diversity	Construction	Bank Stabilization	Tourism Corridors	Appraisals
Soils	Disease	Development		Seeding	Survey	Run Off Control	Trails	Clear Cuts
Species Identification	Taxes	Prescribed Burns		Waterfowl Habitat	Creations	Critical Area Seedings		Thinning
				General Recommendations	Enhancement	Cost Share \$		Regenerations
				Shearing	Restorations	Easements		Logger Contacts
				Fisheries	Avoidance	Windbreaks		Residue
					Access Roads	Stream Crossings		

September 2001



DATE: September 17, 2001
TO: Board of Water and Soil Resources Members, Advisors, Staff
FROM: Doug Thomas, Assistant Director 
SUBJECT: September 26th BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 26, 2001, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. See attached map indicating where to park. Please display the attached "temporary parking permit" on your vehicle's dashboard.

The following information pertains to the agenda items:

Committee Recommendations

1. Brown's Creek Watershed District Watershed Management Plan – Metro Subcommittee – The subcommittee recommends approval of the plan per the attached draft order. DECISION
2. Heron Lake Watershed District Watershed Management Plan – Metro Subcommittee – The subcommittee recommends approval of the plan per the attached draft order. DECISION
3. Upper Minnesota River Watershed District Revised Plan – Water Planning Subcommittee – The subcommittee recommends approval of the revised plan per the attached draft order. DECISION

Old Business

1. 2002 Farm Bill Position Statement – Doug Thomas will provide information under separate cover prior to the Board meeting. DECISION
2. Process for Removal of SWCD Supervisor – The Administrative Advisory Committee met on September 13 and developed recommendations for a procedure, which will be mailed to board members in a follow-up mailing prior to the Board meeting. DECISION

Bemidji
3217 Bemidji Avenue N.
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

Brainerd
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

Duluth
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

Fergus Falls
413 W. Stanton Avenue
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

Marshall
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

New Ulm
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
40 16th Street S.E.
Suite A
Rochester, MN 55904
phone (507) 285-7458
fax (507) 280-2875

Saint Paul
One West Water Street
Suite 250
Saint Paul, MN 55107
phone (651) 282-9969
fax (651) 284-0000

New Business

1. Order Public Hearing in City of Wyoming Petition for Withdrawal of Territory from Comfort Lake Forest Lake Watershed District – The City of Wyoming filed a Petition with the Board on September 7, 2001, for Withdrawal of Territory from the Comfort Lake Forest Lake Watershed District. The basis of the petition is that the area of the City of Wyoming that is within the watershed district does not runoff into the watershed district. Staff recommend the petition be accepted and a public hearing be held that is heard by the Metro Water Planning Subcommittee per the attached draft Order. DECISION
2. Thirty Lakes Watershed District Boundary Change - The Board of Managers of the Thirty Lakes Watershed District filed a Petition with the Board dated September 27, 2000, to change the boundary of the Thirty Lakes Watershed District. The area involved in the boundary change is that part of the Brainerd International Raceway that is not already in the watershed district. Approximately 80 percent of the Raceway presently drains into the watershed district. The landowner of the Brainerd International Raceway submitted written approval of the boundary change. Staff recommend the boundary change be approved per the attached draft Order. DECISION
3. Shell Rock River Watershed District Establishment Petition - In July, 2000, the Board authorized the Executive Director to enter into a one year agreement with Freeborn County, Freeborn SWCD and the City of Albert Lea to hold the decision in abeyance on the establishment petition for the Shell Rock River Watershed District. The County has substantially completed the agreement, planning that includes citizen input continues in earnest, a Corps of Engineers study appears likely, the workplan contains projects, an engineering design for a replacement dam, feasibility study of lake dredging, and installation of upland practices. However, funding could be an issue. The County has included funding for this effort in their preliminary budget for 2002, which will be finalized in three months. In spite of levy limits, the County's proposed budget contains \$150,000 of new additional money for this effort. The real key, staff feel, is to observe the amount of implementation that actually occurs. There is no doubt that funding is directly related to the amount of implementation that can occur. The County could obtain funding from other state and federal sources, however, it is important to consider the amount of funding the County budgets towards this effort. Each year, preliminary budgets are certified by September 15 with final budget certification by December 31. A new agreement could continue for one year and four months to evaluate the amount of implementation that has been

accomplished and to observe the County's final budgets for 2002 and 2003. Copies are attached of the budgets from the past three years, the proposed 2002 budget, and the 2001 and 2002 workplans. Therefore, staff recommend the Board enter into an agreement with Freeborn County to continue the establishment petition being held in abeyance for one year and four months, per the attached draft Order and agreement. DECISION

4. Low Phosphorus Lawn Fertilizer - Woody Love, a past manager of the Minnehaha Creek Watershed District, will present information on low phosphorous lawn fertilizers. Attached are copies of a sample resolution, a sample ordinance, legislation, and other information. INFORMATION
5. CREP Grants to SWCDs – See attached. Kevin Lines - DECISION
6. Legislative Initiatives – Doug Thomas – INFORMATION

If you have any questions, please feel free to give me a call at 651-297-5617. I look forward to seeing you on September 26!

DT/MJA
Enclosures

TEMPORARY PARKING PERMIT

BWSR

One West Water Street

Board Member

September 26, 2001

Wabasha

1 WEST WATER STREET, LLC

ONE
CAR
Length

Define
then

Define
then

DESIGNATED PARKING AREA

SOUTH WABASHA ST.

FILLMORE AVENUE

DRILL HOLE
WITH MAC NAIL

BITUMINOUS AREA
ENCROACHING

HEIGHT = 6'-0" FEET

WOOD WALK, FENCE
& EXHAUST FAN ARE
ENCROACHING

N89°58'53"E

MAC NAIL

125.23

STEPS

WATER

WATER

WATER

PARCEL 5

BITUMINOUS
AREA

138.09

INGRESS & EGRESS
EASEMENT - 200' NO
DISTRICT 1008803

PARCEL

STONES

Wabasha

1 WEST WATER STREET, LLC

ONE
CAR
length

DESIGNATED PARKING AREA

SOUTH WABASHA ST.

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, SEPTEMBER 26, 2001**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Minutes of August 23, 2001

Reports

- Chair – Lee Coe
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Lee Coe
- Wetlands Committee – Darrell Bruggman
- Cost-Share/Soil Conservation Committee – Dwain Otte
- Education and Public Relations Committee – Paul Krabbenhoft
- Administrative Advisory Committee – Lee Coe

Agency Reports

- Department of Agriculture
- Department of Health
- Department of Natural Resources
- Minnesota Extension Service
- Pollution Control Agency

Committee Recommendations

1. Brown's Creek Watershed District Watershed Management Plan –
 Metro Subcommittee – DECISION
2. Heron Lake Watershed District Watershed Management Plan –
 Metro Subcommittee – DECISION
3. Upper Minnesota River Watershed District Revised Plan –
 Water Planning Subcommittee - DECISION

Old Business

1. 2002 Farm Bill Position Statement – Doug Thomas –DECISION
2. Process for Removal of SWCD Supervisor – Jim Birkholz –
 DECISION

New Business

1. Order Public Hearing in City of Wyoming Petition for Withdrawal of Territory from Comfort Lake Forest Lake Watershed District – Jim Haertel – DECISION
2. Thirty Lakes Watershed District Boundary Change – Jim Haertel – DECISION
3. Shell Rock River Watershed District Establishment Petition – Jim Haertel – DECISION
4. Low Phosphorus Lawn Fertilizer – Woody Love, Mayor of Shorewood - INFORMATION
5. CREP Grants to SWCDs – Kevin Lines - DECISION
6. Legislative Initiatives – Doug Thomas – INFORMATION

Advisory Comments

- Minnesota Association of Townships (MAT)
- Minnesota Association of Conservation District Employees (MACDE)
- Minnesota Association of Soil and Water Conservation Districts (MASWCD)
- Minnesota Association of Watershed Districts (MAWD)
- Natural Resources Conservation Service (NRCS)

Upcoming Meetings

- BWSR Tour and Meeting, October 24-25, Caledonia

Adjourn

Committee Recommendations

1. Brown's Creek Watershed
District Watershed
Management Plan – Metro
Subcommittee –
DECISION

OVERVIEW

Brown's Creek Watershed District Plan

Background

On September 11, 2001, the BWSR Metro Subcommittee recommended approval of the Brown's Creek Watershed District Plan to the BWSR Board. The BWSR Metro Region Staff also recommends approval of the Brown's Creek Watershed District Plan.

Summary of Plan Review Process and Plan Strengths

The BCWD has developed a focused plan that defines goals and performance standards through technical review of five major sections of the BCWD Administrative Rules: Volume Control, Buffers, and Water Quality Standards, Wetland Bounce, and Flood Protection. The Plan also concentrates on education, water and project monitoring, and groundwater management. Highlights of the Plan include: 1) definition of specific projects, responsible parties and set time line, 2) identification of priority issues determined through citizen involvement and agency participation, 3) concise implementation section with identified management standards and activities, 4) Strategy to expand communication partnership with cities on management and monitoring programs.

In a letter dated December 15, 2000, the BWSR strongly recommended building a stronger local connection to the Plan by initiating a city staff/council/planning commission workshop. In a letter dated March 13, 2001, the BWSR provided follow-up guidance regarding the enlargement of the BCWD into the area under the current jurisdiction of the Middle St. Croix Water Management Organization (MSCWMO). The BWSR's main concern leading into the District's transition period was that the current BCWD Plan include a short and concise financial, regulatory and administrative interim strategy for the new area. The BWSR hoped that the BCWD would adopt the appropriate portions of the existing MSCWMO Management Plan as the interim BCWD Plan. The BWSR also recommended that the current draft BCWD Plan determine if the standards and requirements necessary in the current BCWD Rules are appropriate in the new area.

In the final Plan review letter dated June 6, 2001, the BWSR again asked that the Plan include a short and concise financial, regulatory and administrative interim strategy. The BWSR stated that the BCWD should work with the intergovernmental transition team to describe the permitting process for the enlargement area. Staff plans to continue to work closely with the BCWD and municipalities to develop a required Plan amendment (due in early 2003) that will result in a coordinated management strategy of the "new" enlarged BCWD. The BCWD final Plan dated July 2001 included language to suggest that the BCWD intends to continue its support for integration of the BCWD rule with municipal ordinances through working with the intergovernmental transition team.

The Plan does fundamentally comply with Minnesota Rules 8410 and the fundamental planning expectations articulated by BWSR.

Watershed Description

The Brown's Creek Watershed District (BCWD) is approximately 29.4 square miles (not including enlargement area) in size and includes part of Cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Townships of May and Stillwater in Washington County.

DRAFT

Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of the review of the Watershed
Management Plan for the **Brown's Creek**
Watershed District pursuant to
Minnesota Statutes Section 103B.231, Subdivision 9

**ORDER
APPROVING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Board of Managers of the Brown's Creek Watershed District (BCWD) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. **District Establishment.** The BCWD was formed in October 1997 because the watershed management organization was unable to effectively deal with the problems of flooding, land development pressure, protection of natural resources and differing political perspectives between the various cities and townships.
2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The BCWD has developed a focused plan that defines goals and performance standards through technical review of five major sections of the BCWD Administrative Rules: Volume Control, Buffers, and Water Quality Standards, Wetland Bounce, and Flood Protection. The Plan also concentrates on education, water and project monitoring, and groundwater management.
3. **Nature of the Watershed.** The Brown's Creek Watershed District (BCWD) is approximately 29.4 square miles (not including enlargement area) in size and includes part of Cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Townships of May and Stillwater in Washington County.

DRAFT

4. **Local Review.** The BCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, prior to submittal to the Metropolitan Council.
5. **Metropolitan Council Review.** In the initial draft Plan comment letter, the Council suggested that the capital project section of the Plan should be developed with a list of all available potential funding sources. Council felt that the Plan should include the period that the Plan is in effect and when the next plan update is required. The Council also commented that the Land Planning Act requires local governments within the metro area to prepare local comprehensive plans. Moreover, the Council recommended the Plan includes a summary of current water quality conditions as well as goals to maintain or improve water quality. In a letter dated June 6, 2001, the Council stated, "The BCWD has done a commendable job communicating the plan, its policies and its implementation process to the communities within the watershed."
6. **Department of Agriculture Review.** The MDA did not provide comments on the BCWD Plan.
7. **Department of Health Review.** The MDH did not provide comments on the BCWD Plan.
8. **Department of Natural Resources Review.** In the 60-day initial comment letter, the DNR provided general comments recommending further study to evaluate the need, feasibility, cost and impact of adopting volume control standards. DNR also mentioned that the District should consider revising the District hydrologic study to incorporate Washington County's 2-foot contour mapping. In the final Plan comment letter, the DNR recommended that the Plan include a specific implementation strategy under education, outreach and stewardship. The DNR again recommended that the BCWD perform a strategy to evaluate the need, feasibility, cost and impact of adopting stormwater volume control standards above the 1.5 year rainfall event.
9. **Pollution Control Agency Review.** In the initial Plan comment letter, the MPCA questioned if there was information in the Plan on the St. Croix River and the impact on the St. Croix from BCWD. The MPCA also asked that the inventory include more information on fish populations, wildlife, and threatened and endangered species as defined in the District's Hydrologic analysis. The MPCA also recommend that the inventory include a list of existing ordinances, regulations, and management strategies that are being locally enforced. The MPCA felt that the Plan should include more information and analysis on future land use management conditions. Lastly, the MPCA requested that the District's hydrologic analysis include a complete "buildout" scenario to further evaluate future water quality impacts. The MPCA ~~had~~ did not provide a 45-day comment letter.

10. **Board Review.** In a letter dated December 15, 2000, the BWSR commented that this Plan is an excellent example of how to incorporate a "front-end" partnership focusing attention toward issues identified by the watershed residents, citizen advisory committee and agency input. The BWSR also stated that the Plan is a testament to the level of effort put-forth to access local watershed opinion and target future activities toward the nine major issue areas identified. The BWSR strongly recommended building a stronger local connection to the Plan by initiating a city staff/council/planning commission workshop. In a letter dated March 13, 2001, the BWSR provided follow-up guidance regarding the enlargement of the BCWD into the area under the current jurisdiction of the Middle St. Croix Water Management Organization (MSCWMO). The BWSR's main concern leading into the District's transition period was that the current draft BCWD Plan include a short and concise financial, regulatory and administrative interim strategy for the new area. The BWSR hoped that the BCWD would adopt the appropriate portions of the existing MSCWMO Management Plan as the interim BCWD Plan. The BWSR also recommended that the current draft BCWD Plan determine if the standards and requirements necessary in the current BCWD Rules are appropriate in the new area.

In the final Plan review letter dated June 6, 2001, the BWSR again asked that the Plan include a short and concise financial, regulatory and administrative interim strategy. The BWSR also reiterated the need to incorporate the BCWD transition decision-making process and adopt appropriate portions of the MSCWMO Plan as necessary for taxation. Lastly, the BWSR stated that the BCWD should work with the intergovernmental transition team to describe the permitting process for the enlargement area. Staff plans to continue to work closely with the BCWD and municipalities to develop a required Plan amendment (due in early 2003) that will result in a coordinated management strategy of the "new" enlarged BCWD. The BCWD final Plan dated July 2001 included language to suggest that the BCWD intends to continue its support for integration of the BCWD rule with municipal ordinances through working with the intergovernmental transition team.

The Plan does fundamentally comply with Minnesota Rules 8410 and the fundamental planning expectations articulated by BWSR.

11. **Highlights of the Plan.** The critical elements included in the Plan are:
- a. Definition of specific projects/actions, responsible parties and set time line,
 - b. Identification of priority issues determined through citizen involvement and agency participation,
 - c. Concise implementation section with identified management standards and activities,

- d. Strategy to expand communication and partnership with cities on management and monitoring programs.
12. **Board Subcommittee.** The Metro Water Planning Subcommittee met on September 11, 2001 and recommend approval of the plan. Board staff also recommended plan approval.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Brown's Creek Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 9.
3. The Brown's Creek Watershed District Plan attached to this Order defines water and water-related problems within the BCWD boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated July 2001 as the Watershed Management Plan for the Brown's Creek Watershed District.

Dated at Saint Paul, Minnesota this 26th day of September 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

BY: Leland Coe, Chair

Committee Recommendations

2. Heron Lake Watershed
District Watershed
Management Plan – Metro
Subcommittee –
DECISION

OVERVIEW

Heron Lake Watershed District Overall Plan

Background

On August 13, 2001, the BWSR Water Planning Subcommittee recommended approval of the Heron Lake Watershed District Overall Plan to the BWSR Board. The BWSR Staff also recommends approval of the Heron Lake Overall Plan.

Summary of Plan Review Process and Plan Strengths

In a letter dated August 6, 1999, the BWSR commented on the draft Heron Lake Watershed District Overall Plan outline. One of major BWSR comments was the need to include a new separate section VI titled "Implementation Actions", which would describe the regulatory, financial, capital project and education /marketing tools the HLWD will use to reach District goals and objectives.

In a letter dated November 12, 1999, BWSR staff provided a follow-up comment letter on the draft Heron Lake Watershed District Overall Plan. The BWSR staff continued to comment on the need for the Plan to explain to the reader why implementation activities are necessary. Staff felt that as a "bottom line", the Plan should outline the District's future activities and expenditures – justified by resource data. BWSR recommend further incorporation of data from local resource management plans including the CWP, local water plans and other natural resource studies.

In a letter dated April 16, 2001, the Board of Water and Soil Resources staff conducted its final review of the February 16, 2001 draft of the Heron Lake Watershed District Plan. The Plan was improved from the initial draft plan by incorporating the Clean Water Partnership Implementation Workplan for 2000-2003 as an appendix and providing clarity to the steps necessary to achieve lake water quality standards. The Plan incorporated a focus on short-term and long-term reduction in lake phosphorus concentration, as well as quantified phosphorus reduction objectives. The Plan also included a concise narrative on each of the five major components of implementation: financial incentives, projects, evaluation, education and regulation. Overall, the Plan effectively incorporated some of BWSR's previously submitted recommendations and template language on quantified goals.

Highlights of the Plan include: 1) definition of specific projects, responsible parties and set time line, 2) identification of priority issues determined through citizen involvement and agency participation, 3) concise implementation section with identified management standards and activities, 4) communication partnership on management and monitoring programs.

Watershed Description

The Heron Lake Watershed District is approximately 472 square miles in size and includes part of Nobles, Jackson, Murray and Cottonwood Counties in southwestern Minnesota. The HLWD has three major lake systems including Fluda, East/West Graham and Heron Lakes. These three major lake systems have high levels of phosphorus and total suspended solids and are subject to periodic flooding.

DRAFT

Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of prescribing a Revised Watershed
Management Plan for the **Heron Lake**
Watershed District pursuant to
Minnesota Statutes Section 103D.405

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Board of Managers of the Heron Lake Watershed District (HLWD) filed a proposed Revised Watershed Management Plan (Plan) dated February, 2001 with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.405, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **District Establishment.** The HLWD was established by the Minnesota Water Resources Board on February 25, 1970.
2. **Requirement to Plan.** The Plan defines a framework to allow the HLWD to implement the Plan towards the goals of increased public awareness, reduced nonpoint source pollution loading, reduced point source pollutant loading, water quantity management, lake water quality monitoring and improved habitat. The HLWD does administer a permit program for installation of agricultural BMPs not designed by NRCS or SWCD, surface tile intakes and basins, snow disposal, and impervious surface creation. The mission of the HLWD is to carry out the conservation of the natural resources within its jurisdiction using sound scientific principles to reduce property damage, improve water quality for the benefits of the public health, welfare and recreation, and provide for the preservation and enhancement of wildlife habitat.
3. **Nature of the Watershed.** The Heron Lake Watershed District (HLWD) is approximately 472 square miles in size and includes part of Nobles, Jackson, Murray and Cottonwood Counties in southwestern Minnesota. The HLWD has three major lake systems including Fulda, East/West Graham and Heron Lakes. These three major lake systems have high levels of phosphorus and total suspended solids and are subject to periodic flooding.

DRAFT

4. **Local Review.** The HLWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.405.
5. **Department of Natural Resources Review.** In a letter dated June 4, 2001, the DNR suggested that the HLWD consider starting a cost-share program for landowners for soil testing for nitrogen and phosphorus. The DNR also believes that the HLWD should work closely with agricultural extension to educate citizens in the watershed about the proper application rates of nutrients. The DNR's most pressing comments seem to be that the HLWD should require that new or improved ditch systems result in no increase in flood volume, peak flow or duration of events less than the ten-year storm event.
6. **Board Review.** In a letter dated August 6, 1999, the BWSR commented on the draft Heron Lake Watershed District Overall Plan outline. One of major BWSR comments was the need to include a new separate section VI titled "Implementation Actions", which would describe the regulatory, financial, capital project and education /marketing tools the HLWD will use to reach District goals and objectives.

In a letter dated November 12, 1999, BWSR staff provided a follow-up comment letter on the draft Heron Lake Watershed District Overall Plan. The BWSR staff continued to comment on the need for the Plan to explain to the reader why implementation activities are necessary. Staff felt that as a "bottom line", the Plan should outline the District's future activities and expenditures – justified by resource data. BWSR recommend further incorporation of data from local resource management plans including the CWP, local water plans and other natural resource studies.

In a letter dated April 16, 2001, the Board of Water and Soil Resources staff conducted its final review of the February 16, 2001 draft of the Heron Lake Watershed District Plan. The Plan was improved from the initial draft plan by incorporating the Clean Water Partnership Implementation Workplan for 2000-2003 as an appendix and providing clarity to the steps necessary to achieve lake water quality standards. The Plan incorporated a focus on short-term and long-term reduction in lake phosphorus concentration, as well as quantified phosphorus reduction objectives. The Plan also included a concise narrative on each of the five major components of implementation: financial incentives, projects, evaluation, education and regulation. Overall, the Plan effectively incorporated some of BWSR's previously submitted recommendations and template language on quantified goals.

BWSR staff commented that the Plan has the potential to be an excellent tool for the District to implement effective local water management. Staff also commend the HLWD for creating a focused and streamlined, overall comprehensive Plan. The Plan does comply with the fundamental planning expectations articulated by BWSR.

7. **Highlights of the Plan.** The critical elements included in the Plan are:
 - a. Definition of specific projects/actions, responsible parties and set time line,
 - b. Identification of priority issues determined through citizen involvement and agency participation,
 - c. Concise implementation section with identified management standards and activities,
 - d. Communication and partnership on management and monitoring programs.
8. **Publish Notice of Filing.** The legal notice of filing was published in the Daily Globe on July 11, 2001 and July 20, 2001, in the Lakefield Standard on July 12, 2001 and July 19, 2001, in the Cottonwood County Citizen on July 11, 2001 and July 18, 2001, and in the TriCounty News on July 11, 2001 and July 18, 2001. Further, a letter containing the legal Notice of Filing was sent from Jim Haertel dated July 10, 2001, to several addresses including the affected county auditors, county SWCD's and cities.
9. **Water Planning Subcommittee meeting.** On August 13, 2001, the BWSR Water Planning Subcommittee recommended approval of the Heron Lake Watershed District Overall Plan to the BWSR Board. The BWSR Staff also recommends approval of the Heron Lake Overall Plan.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Overall Watershed Management Plan for the Heron Lake Watershed District pursuant to Minnesota Statutes Sections 103D.405.
3. The Heron Lake Watershed District Plan attached to this Order defines water and water-related problems within the HLWD boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103D, BWSR guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan dated February, 2001, as the Revised Watershed Management Plan for the Heron Lake Watershed District.

Dated at Saint Paul, Minnesota this 26th day of September, 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

BY: Leland Coe, Chair

Committee Recommendations

3. Upper Minnesota River
Watershed District
Revised Plan – Water
Planning Subcommittee –
DECISION

OVERVIEW

Upper Minnesota River Watershed District Revised Plan

Background

On August 13, 2001, the BWSR Water Planning Subcommittee recommended approval of the Upper Minnesota River Watershed District Revised Watershed Management Plan to the BWSR Board. The BWSR Staff also recommends approval of the Upper Minnesota River Revised Plan.

Summary of Plan Review Process and Plan Strengths

In a letter dated May 24, 1999, the BWSR commented on the draft Upper Minnesota River Watershed District Revised Plan outline. The outline was approved as submitted. A suggestion was made for the District to be specific and measurable with the goals and actions in their plan.

In a letter dated October 15, 1999, BWSR staff provided comments to the draft plan. BWSR staff identified the need to include summary descriptions of completed and on-going projects, studies, etc. with financial information in the plan. Discussed the Minnesota Water Plan 2000 and how the District's plan could interface with this planning process. Encouraged that the City of Ortonville be represented on the watershed advisory committee. Encouraged more detail regarding livestock numbers. Suggested that at the end of the surface water section a brief summary of water quality conditions be included. Suggested in the groundwater section to include unsewered communities within the District. And finally in the erosion and sedimentation section suggested reviewing statistical information gathered via the tillage transect program.

In a letter dated June 19, 2000, the BWSR staff conducted its final review of the draft Upper Minnesota River Watershed District Plan. Staff noted the inclusion of a mission statement and other requested items from the first comment letter. In addition the plan updated statistical information concerning CRP and RIM acres and provided more clarity in identifying the District's role relating to erosion problems impacting surface waters from agricultural fields. The letter did identify that the District must include in its plan update the identification of high priority wetland preservation, enhancement and restoration areas. The final plan has met this requirement. Finally, in the Future Directions and Priorities section of the Plan, BWSR staff provided information to the District regarding a recent legislative change to the drainage law concerning use of external sources of funding to help manage drainage systems. The letter also identified several possibilities and encouraged pursuing all state and federal funding sources in the District's efforts to improve the water quality of Big Stone Lake and Minnesota River restoration efforts in the headwaters. The Plan was significantly enhanced by inclusion of the last section – Future Directions and Priorities. This section provided clear and focused priorities for the District.

Highlights of the Plan include: 1) significant input from citizens and local, state and federal agency partners in priority issue identification, 2) identification of specific goals and objectives of the District, including establishment of an interim goal of no-net increase in nutrient loading to Big Stone Lake from the contributing drainage area and ultimate goal to reduce nutrient loading to Big Stone Lake by 40% for a normal hydrologic year, 3) developed policies of the watershed district to address the goals and objectives identified, and 4) clearly identified four priority areas of the District – drainage systems and natural waterways, Big Stone Lake water quality, Minnesota River restoration efforts and unsewered communities and failing individual septic systems.

Watershed Description

The Upper Minnesota River Watershed District (UMRWD) is approximately 505 square miles in size and includes parts of Big Stone, Traverse, Swift, Lac qui Parle and Stevens Counties in western Minnesota. The District was established on September 7, 1967. The UMRWD is located at the headwaters of the Minnesota River, a river that has attained national prominence because of the ongoing restoration efforts. Big Stone Lake is a significant resource, along with five other lakes within the District. Also a number of tributaries are important surface water resources. Wetlands exist throughout the District. The drainage system is comprised of fourteen county ditches and one judicial ditch. Because of these water resources – stream water quality, lake water quality and soil erosion were identified as the three most important issues in the Watershed. Flooding was the fourth issue identified. Surface water impacts included suspended sediments, excess nutrients, pesticides, pathogens, and biochemical oxygen demand.

DRAFT

Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of the review of the Revised Watershed
Management Plan for the **Upper Minnesota**
River Watershed District pursuant to
Minnesota Statutes Section 103D.405

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Board of Managers of the Upper Minnesota River Watershed District (UMRWD) filed a Revised Watershed Management Plan (Plan) dated May, 2000, with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.405, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **District Establishment.** The UMRWD was established by the Minnesota Water Resources Board on September 7, 1967.
2. **Requirement to Plan.** The Plan defines a framework to allow the UMRWD to implement the Plan toward goals addressing water quantity, water quality, erosion and sedimentation, biotic diversity, recreational resources, intergovernmental relationships, and public information and education. The UMRWD does administer a permit program. The mission of the UMRWD is to serve the residents of the District by wisely and judiciously managing water, in a manner that sustains and enhances the social, economic and natural resources of the District. The District prefers the use of innovative water management methods, which recognize the unique agricultural, community, lake and stream, and natural resources within the District. These innovative approaches as reflected by the policies of the District should be oriented toward ensuring the economic viability of the District's agrarian community.

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3. **Nature of the Watershed.** The UMRWD is approximately 505 square miles in size and includes parts of Big Stone, Traverse, Swift, Lac qui Parle and Stevens Counties in western Minnesota. The UMRWD is located at the headwaters of the Minnesota River. Big Stone Lake is a significant resource, along with five other lakes within the District. Also a number of tributaries are important surface water resources. Wetlands exist throughout the District. The public drainage system is comprised of fourteen county ditches and one judicial ditch. Because of these water resources – stream water quality, lake water quality, soil erosion and flooding were identified as the most important issues.
4. **Local Review.** The UMRWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.405.
5. **Department of Natural Resources Review.** In a letter dated November 19, 1999, the DNR commented on the density and distribution of wetlands in the UMRWD. The DNR also commented on the distribution and types of drainage ditches, noting the density of legal drainage systems in the District is much lower than other areas of the Minnesota River Basin. It suggested adding land locked or closed basins as unique water features. The DNR noted that the District has assumed oversight over a DNR general permit for a variety of work activities conducted in protected waters in the District. It encouraged the inclusion of flooded cropland and residential flooding as a priority problem. And, applauded the District goal of increasing the number of stream gauges located throughout the District.

In a final letter dated July 9, 2001, the DNR noted the UMRWD plan lays a good foundation for the future direction of water management activities in the District. The stated priorities seem timely, and the District's commitment to sustainable water resource management is in keeping with the DNR's water management goals and policies.

6. **Board Review.** In a letter dated May 24, 1999, the BWSR commented on the draft Upper Minnesota River Watershed District Overall Plan outline. The outline was approved as submitted. A suggestion was made for the District to be specific and measurable with the goals and actions in their plan.

In a letter dated October 15, 1999, BWSR staff provided comments to the draft plan. BWSR staff identified the need to include summary descriptions of completed and on-going projects, studies, etc. with financial information in the plan. Discussed the Minnesota Water Plan 2000 and how the District's plan could interface with this planning process. Encouraged that the City of Ortonville be represented on the watershed advisory committee. Encouraged more detail regarding livestock numbers. Suggested that at the end of the surface water section a brief summary of water quality conditions be included. Suggested in the

groundwater section to include unsewered communities within the District. And finally in the erosion and sedimentation section suggested reviewing statistical information gathered via the tillage transect program.

In a letter dated June 19, 2000, BWSR staff conducted its final review of the draft Upper Minnesota River Watershed District Plan. Staff noted the inclusion of a mission statement and other requested items from the first comment letter. In addition the plan updated the statistical information concerning CRP and RIM acres and provided more clarity in identifying the District's role relating to erosion problems impacting surface waters from agricultural fields. The letter did identify that the District must include in its plan update the identification of high priority wetland preservation, enhancement and restoration areas. The plan has met this requirement. Finally, in the Future Directions and Priorities section of the Plan, BWSR staff provided information to the District regarding a recent legislative change to the drainage law concerning use of external sources of funding to help manage drainage systems. The letter also identified several possibilities and encouraged pursuing all state and federal funding sources in the District's efforts to improve the water quality of Big Stone Lake and the Minnesota River restoration efforts in the headwaters. The Plan was significantly enhanced by inclusion of the last section – Future Directions and Priorities. This section provided clear and focused priorities for the District.

7. **Highlights of the Plan.** The critical elements included in the Plan are:
 - a. Significant input from citizens and local, state and federal agency partners in priority issue identification,
 - b. Identification of specific goals and objectives of the District, including an interim no-net increase and ultimate goal to reduce nutrient loading to Big Stone Lake by 40%,
 - c. Development of policies of the watershed district to address the goals and objectives identified,
 - d. Clear identification of four priority areas of the District – drainage systems and natural waterways, Big Stone Lake water quality, Minnesota River restoration efforts and unsewered communities and failing septic systems.
8. **Publish Notice of Filing.** The legal notice of filing was published in the Valley News on February 27, 2001, in the Appleton Press on February 21, 2001 and February 28, 2001, and in the Ortonville Independent on February 20, 2001. Further a letter containing the legal Notice of Filing was sent from Jim Haertel dated February 21, 2001, to several addresses including the affected county auditors, county SWCD's and cities.

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9. **Water Planning Subcommittee meeting.** On August 13, 2001, the BWSR Water Planning Subcommittee recommended approval of the Upper Minnesota River Watershed District Revised Plan to the BWSR Board. The BWSR Staff also recommends approval of the Upper Minnesota River Overall Plan.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Revised Watershed Management Plan for the Upper Minnesota River Watershed District pursuant to Minnesota Statutes Sections 103D.405.
3. The Upper Minnesota River Watershed District Plan attached to this Order defines water and water-related problems within the UMRWD boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103D, BWSR guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan dated May, 2000, as the Revised Watershed Management Plan for the Upper Minnesota River Watershed District.

Dated at Saint Paul, Minnesota this 26th day of September, 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

BY: Leland Coe, Chair

New Business

1. Order Public Hearing in
City of Wyoming Petition
for Withdrawal of Territory
from Comfort Lake Forest
Lake Watershed District –
DECISION

DRAFT

Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of the Petition for Withdrawal
of Territory in the Comfort Lake Forest Lake
Watershed District in the City of Wyoming, Chisago
County, pursuant to Minnesota Statutes § 103D.255

**ORDER WITHDRAWAL
OF TERRITORY
PUBLIC HEARING**

Whereas, the City of Wyoming filed a Petition dated September 5, 2001 with the Board of Water and Soil Resources (Board) on September 7, 2001, to withdraw territory from the Comfort Lake Forest Lake Watershed District pursuant to Minn. Stat. § 103D.255, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS

1. **Petition.** The Petition to withdraw territory from the Comfort Lake Forest Lake Watershed District was filed by the City of Wyoming with the Board on September 7, 2001.
2. **Property Description.** The territory proposed to be removed from the watershed district, the Petitioned Area, is located in the City of Wyoming in Chisago County and consists of all property currently located within the City of Wyoming which is part of the Comfort Lake Forest Lake Watershed District.
3. **No Benefits Received.** The Petition states that the Petitioned Area has not received and will not receive any benefits from the operation of the watershed district.

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4. **District Performance.** The Petition states that the watershed district can perform the functions for which it was established without the inclusion of the Petitioned Area.
5. **Territory not in Watershed.** The Petition states that the Petitioned Area is not, in fact, a part of the watershed for which the Comfort Lake Forest Lake Watershed District was formed.
6. **Petition Service.** The Petition was served on the Board and the Comfort Lake Forest Lake Watershed District pursuant to Minn. Stat. § 103D.255, Subd. 1 (e).
7. **Hearing Location.** The hearing should be held at the City of Wyoming City Hall, 26885 Forest Boulevard, Wyoming, Minnesota. The facility is handicap accessible and located within the Comfort Lake Forest Lake Watershed District.
8. **Hearing Panel.** The Board's Metropolitan Water Planning Subcommittee consisting of Karen Harder, Dwain Otte, and Jack Frost should preside over the hearing due to their familiarity with the issues and bring a recommendation to the Board.
9. **Hearing Time.** The pertinent parties have been coordinated with such that the hearing will be held on Tuesday, November 13, 2001, starting at 7:00 PM.

CONCLUSIONS

1. The Petition for the withdrawal of territory in the Comfort Lake Forest Lake Watershed District is valid in accordance with Minn. Stat. § 103D.255.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a watershed district withdrawal of territory public hearing.

ORDER

The Board hereby orders that the public hearing on the Petition for Withdrawal of Territory in the Comfort Lake Forest Lake Watershed District be heard by the Metropolitan Water Planning Subcommittee on Tuesday, November 13, 2001, at the City of Wyoming City Hall, 26885 Forest Boulevard, Wyoming, Minnesota.

Dated this 26th day of September, 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Leland Coe, Chair

New Business

2. Thirty Lakes Watershed
District Boundary Change
– DECISION

DRAFT

Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of the Boundary Change
for the Thirty Lakes Watershed District
in Crow Wing County, Minnesota, pursuant
to Minnesota Statutes Section 103D.251.

**ORDER BOUNDARY CHANGE
FOR THIRTY LAKES
WATERSHED DISTRICT**

Whereas, the Board of Managers of the Thirty Lakes Watershed District filed a Petition with the Board of Water and Soil Resources (Board) dated September 27, 2000, to change the boundary of the Thirty Lakes Watershed District pursuant to Minn. Stat. § 103D.251, and;

Whereas, the Board has completed its review of the Petition;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Boundary Change Petition.** The Petition to change the boundary of the Thirty Lakes Watershed District dated September 27, 2000, was filed by the watershed district with the Board on September 28, 2000.
2. **Property Description.** The territory to be included in the watershed district, the Petitioned Area, is located near the City of Brainerd in Crow Wing County and is approximately 239.77 acres of land that is part of the Brainerd International Raceway. The Petitioned Area is part of Parcel Number 980133000ZAA009 which is owned by Brainerd International Raceway. The Petitioned Area is described as follows:

DRAFT

Section 13, T. 134N, R. 29W:

NE ¼ of the SW ¼ (40 acres)

NW ¼ of the SW ¼ except the west 362 feet of the north 870 feet (32.77 acres)

Remainder of the SW ¼ of the SW ¼, A.K.A. Government Lot 5 (7.0 acres)

SE ¼ of the SW ¼ (40 acres)

SW ¼ of the SE ¼ (40 acres)

Section 24, T. 134N, R. 29W:

NE ¼ of the NE ¼ (40 acres)

NW ¼ of the NE ¼ (40 acres)

3. **Reasons for Change.** The Petition lists the following:
 - A. The Thirty Lakes Watershed District boundary presently includes only a portion of the Brainerd International Raceway property.
 - B. Development is taking place in various areas of the Raceway property.
 - C. Additional development is being planned by the Raceway owner.
 - D. The impact of the development cannot be properly assessed without taking into consideration the entire property.
 - E. No other watershed districts would be affected by the proposed boundary change.
 - F. The boundary change has been discussed with the property owner and developer.
4. **Property Owner Concurrence.** In a letter dated August 30, 2000, the owners of the Brainerd International Raceway stated their support of the proposed boundary change.
5. **Hydrologic Boundary.** A map accompanying the Petition clearly shows a majority of the Petitioned Area is within a subwatershed boundary of the watershed district. Approximately 80 percent of the Brainerd International Raceway presently drains into the watershed district.

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6. **Stormwater Drainage.** The Petition states that a central sewer system is being planned to service the entire Brainerd International Raceway, which would flow into the Thirty Lakes Watershed District.
7. **Notice of Filing.** Legal Notice of Filing was published in the Lake County Echo on July 12 and 19, 2001, and in the Brainerd Daily Dispatch on July 11 and 20, 2001. The Legal Notice of Filing was also mailed on July 10, 2001 to several addressees including the Crow Wing County Auditor, Crow Wing Soil and Water Conservation District and the City of Brainerd.
8. **Public Hearing.** The legal notice was published pursuant to Minn. Stat. § 103D.105, Subd. 2 and 103D.251, Subd. 6, which require at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing were received and no hearing was held.
9. **Comments Received.** The comment period was held open for 30 days. Two letters of comment were received. In a letter dated July 2, 2001, Nathan Tuomi focused on the high costs of obtaining permits from several agencies. In a letter dated August 1, 2001, the Crow Wing Soil and Water Conservation District supported the boundary change and spoke of the need for the boundary change to effectively manage the water issues of the Brainerd International Raceway.
10. **Board Staff Report.** Board staff recommend the boundary change be approved. Over 50 percent of the parcel drains into the Thirty Lakes Watershed District. The boundary change is not controversial.

CONCLUSIONS

DRAFT

1. The Petition for boundary change of the Thirty Lakes Watershed District is valid in accordance with Minn. Stat. § 103D.251.
2. Proper notice of filing was given and a public hearing was not held in accordance with applicable laws.
3. All relevant substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.
5. The boundary change of the Thirty Lakes Watershed District as proposed in the Petition would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D.
6. The boundary change of the Thirty Lakes Watershed District as proposed in the Petition affects one parcel of land, namely the Brainerd International Raceway, and part of the parcel is currently in the watershed district.
7. Over 50 percent of the Brainerd International Raceway presently drains into the Thirty Lakes Watershed District.
8. The boundary change of the Thirty Lakes Watershed District as proposed in the Petition has the concurrence of the landowner and is not controversial.

ORDER

The Board hereby orders that the Thirty Lakes Watershed District boundary is changed to include the portion of the Brainerd International Raceway that is not already in the watershed district, the Petitioned Area, as follows:

Section 13, T. 134N, R. 29W:

NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ (40 acres)
NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ except the west 362 feet of the north 870 feet (32.77 acres)
Remainder of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, A.K.A. Government Lot 5 (7.0 acres)
SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ (40 acres)
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (40 acres)

Section 24, T. 134N, R. 29W:

NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ (40 acres)
NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (40 acres)

Dated at Saint Paul, Minnesota this 26th day of September, 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Leland Coe, Chair

New Business

3. Shell Rock River
Watershed District
Establishment Petition –
DECISION

FREEBORN
COUNTY
MINNESOTA



2001
Annual
Budget

GENERAL FUND

Water Planning

ACCOUNT	DESCRIPTION	HISTORY 1999	HISTORY 2000	BUDGET 2001
01-558-554-0000-5001	CURRENT REAL ESTATE TAX	(8,500)	(8,500)	(8,500)
01-558-554-0000-5101	FEES FOR SERVICE	0	0	(15,000)
01-558-554-0000-5720	GRANTS-STATE	(70,574)	(84,978)	(70,000)
	REVENUE	(79,174)	(93,478)	(93,500)
01-558-554-0000-6102	REGULAR SALARIES	37,419	47,229	56,697
01-558-554-0000-6153	HEALTH INSURANCE - EMPLOYEES	1,947	376	3,448
01-558-554-0000-6154	LIFE INSURANCE - EMPLOYEES	20	24	58
01-558-554-0000-6161	P E R A	1,837	2,448	2,937
01-558-554-0000-6171	F I C A	2,154	2,859	3,515
01-558-554-0000-6174	MEDICARE	503	668	822
01-558-554-0000-6181	DEFERRED COMPENSATION MATCH	650	780	2,015
01-558-554-0000-6272	PROFESSIONAL SERVICES	1,930	8,777	12,000
01-558-554-0000-6275	CONTRACTED CLERICAL SERVICES	110	1,465	1,000
01-558-554-0000-6331	TRAVEL AND EXPENSES	0	176	400
01-558-554-0000-6332	ADVISORY BOARD EXPENSES	0	0	300
01-558-554-0000-6401	OFFICE SUPPLIES	0	0	100
01-558-554-0000-6411	GENERAL SUPPLIES	0	0	100
01-558-554-0000-6601	FURNITURE AND EQUIPMENT	3,139	482	2,000
01-558-554-0000-6911	COMPREHENSIVE WATER PROJ APPROPRIATION	12,564	6,945	42,000
	EXPENDITURES/APPROPRIATIONS	62,373	72,207	127,390
	CHANGE (TO) FROM FUND BALANCE	(16,801)	(21,271)	33,890

Shellrock Watershed

ACCOUNT	DESCRIPTION	HISTORY 1999	HISTORY 2000	BUDGET 2001
01-558-555-0000-5720	GRANTS-STATE	0	0	(20,000)
	REVENUE	0	0	(20,000)
01-558-555-0000-6102	REGULAR SALARIES	0	0	20,800
01-558-555-0000-6171	F I C A	0	0	1,290
01-558-555-0000-6174	MEDICARE	0	0	302
01-558-555-0000-6241	MEMBERSHIP DUES AND REGISTRATION FEES	0	0	100
01-558-555-0000-6242	ADVERTISING AND PUBLICATIONS	0	0	250
01-558-555-0000-6243	BOOKS AND SUBSCRIPTIONS	0	0	200
01-558-555-0000-6272	PROFESSIONAL SERVICES	0	0	5,000
01-558-555-0000-6275	CONTRACTED CLERICAL SERVICES	0	0	500
01-558-555-0000-6331	TRAVEL AND EXPENSES	0	0	500
01-558-555-0000-6332	ADVISORY BOARD EXPENSES	0	0	1,500
01-558-555-0000-6351	MISCELLANEOUS	0	0	500
01-558-555-0000-6401	OFFICE SUPPLIES	0	0	500
01-558-555-0000-6411	GENERAL SUPPLIES	0	0	250
01-558-555-0000-6601	FURNITURE AND EQUIPMENT	0	0	2,000
	EXPENDITURES/APPROPRIATIONS	0	0	33,692
	CHANGE (TO) FROM FUND BALANCE	0	0	13,692

2002 Budget Proposal for Shellrock River watershed

1.	60,000	Soil and Water Conservation District (Employee)
2.	40,000	Rock Inlets and Best Management Practice's
3.	20,000	Equipment (ISCO Samplers, Flow Meters, and Miscellaneous.)
4.	30,000	Engineering Designs on New Dam
	150,000	Total Budget for Shellrock River Watershed

THESE FUNDS ARE IN ADDITION TO
2002 DEPARTMENT BUDGET



Freeborn County
Environmental Services
Work Plan
for 2002

- 1) Update Water Plan. (Inkind)
- 2) Continue Signups For CRP Filter Strips & Other Programs (WRP & RIM) (Inkind)
- 3) Coordinate Volunteer Efforts (\$3000)
 - Volunteer Stream and Lake Monitoring
 - Professional Monitoring
 - Storm water Monitoring
- 4) Albert Lea Lake Aeration Permits (\$7000)
 - ◆ Albert Lea Lake Aeration
 - ◆ White's Lake Aeration
- 5) Lakes Taskforce (\$5000)
 - Formation of a Lakes Management Committee. (Committee will be a Sub-Committee of the County Wide Water Planning Committee.)
 - Committee will address
 - ✓ Dam Replacement (Albert Lea Lake)
 - ✓ Dredging (Albert Lea Lake)
 - ✓ Shoreline Erosion (Albert Lea Lake)
- 6) Education
 - ◆ News Letter
 - ◆ Educational Meetings
- 7) Corp. Of Engineers (Restoration Assessment) (\$?????)
- 8) Design Catch Basins (Inkind)
 - ◆ Rural (Ditches)
 - ◆ Urban (Construction Sites)
- 9) New Ordinances (\$1500)
 - Building/Construction Sites Erosion Control Ordinance
 - 0% Phosphorus Ordinance
 - Soil Loss Ordinance
- 10) ISTS (Seek State Assistance for Stables Area for Municipal Sewer.) (Inkind)
- 11) Continue Small Communities Waste Water Treatment Updates (Conger, Manchester & Myrtle)(6,000) (inkind)
- 12) Digitized Soil Survey (?)
- 13) Soil and Water Conservation District (60,000)
 - ◆ Additional Employee and Equipment
- 14) Best Management Practice's (40,000)
 - Rock Inlets
 - Terraces
- 15) Equipment (20,000)
 - ◆ ISCO Samplers
 - ◆ Flow Meters
 - ◆ Miscellaneous
- 16) Engineering Designs (30,000)
 - New Dam for Albert Lea Lake

Freeborn County
Environmental Services
Work Plan
for 2001

- 1) Update Water Plan. (Inkind)
- 2) Continue Signups For CRP Filter Strips & Other Programs (WRP & RIM) (Inkind)
- 3) Coordinate Volunteer Efforts (\$3000)
 - Volunteer Stream and Lake Monitoring
 - Professional Monitoring (ISCO Samplers)
 - Storm water Monitoring
- 4) Albert Lea Lake Aeration Permits (\$4000)
 - ◆ Albert Lea Lake Aeration
 - ◆ White's Lake Aeration
- 5) Lakes Taskforce (\$3000)
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 - ✓ Dam Replacement (Albert Lea Lake)
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 - ◆ News Letter
 - ◆ Educational Meetings
- 7) Corp. Of Engineers (Restoration Assessment) (\$?????)
- 8) Design Catch Basins (Inkind)
 - ◆ Rural (Ditches)
 - ◆ Urban (Construction Sites)
- 9) New Ordinances (\$1500)
 - Building/Construction Sites Erosion Control Ordinance
 - 0% Phosphorus Ordinance
 - Soil Loss Ordinance
- 10) ISTS (Seek State Assistance for Stables Area for Municipal Sewer.) (Inkind)
- 11) Continue Small Communities Waste Water Treatment Updates (Conger, Manchester & Myrtle) (inkind)
- 12) Digitized Soil Survey (?)

AGREEMENT

This agreement is made by and between Freeborn County, Minnesota, (County) and the Minnesota Board of Water and Soil Resources (BWSR).

Whereas, BWSR has the responsibility to ensure that appropriate water resource issues are properly addressed through comprehensive local water plans or watershed districts.

Whereas, a Petition for the Establishment of a Shell Rock River Watershed District was filed with BWSR on March 9, 2000; and

Whereas, the County by Resolution entered into an Agreement with BWSR whereby the petition for the creation of a Shell Rock River Watershed District was held in abeyance for a period of one year to allow the County to address certain specific water resource issues as described in the Agreement; and

Whereas, County has complied with the July 26, 2000, Agreement with BWSR; and

Whereas, an updated and amended Comprehensive Local Water Plan for Freeborn County can address all relevant water resource issues relating to the Shell Rock River Watershed; and

Whereas, an updated and amended Comprehensive Local Water Plan involves the County, all local units of government, interested citizens and interest groups;

NOW THEREFORE BE IT RESOLVED THAT

Rather than ask for a dismissal of the petition for the establishment of a Shell Rock River Watershed District at this time, Freeborn County asks that BWSR hold the Petition for the establishment of a Shell Rock River Watershed District until February 1, 2003 and if County complies with the following conditions the Petition shall receive a final decision at that time.

- A. By September 30, 2001, this Agreement be signed by the Chairman of the Freeborn County Board of Commissioners and the Executive Director of the Minnesota Board of Water and Soil Resources.

-  B. By ~~January 1, 2002~~ ^{October 1, 2001}, County establish an Albert Lea Lake Management Committee as a sub-committee of the County Water Planning Committee.

Approved August 1st
C. *OK* By ~~August 1, 2002~~, the County Water Planning Committee with the assistance of its sub-committee, the Albert Lea Lake Management Committee make specific recommendations for an Albert Lea Lake Management Plan and the Freeborn County Board of Commissioners adopt a specific, Albert Lea Lake Management Plan for Albert Lea Lake.

OK D. *By August 1, 2002* By ~~February 1, 2003~~, County shall allocate budget monies for and start to implement five of the highest priority activities in the comprehensive plan for the Shell Rock River Watershed as determined by the County Water Planning Committee and the Freeborn County Board of Commissioners.

OK E. *August 2002* By ~~February 1, 2003~~, the Comprehensive Plan for the Shell Rock River Watershed be integrated into the Freeborn County Comprehensive Water Plan, either by amending or revising the County Comprehensive Water Plan.

water 2001 proposed budget
DATED: 8-2-01

Darryl Meyer
Chair
Freeborn County Board of Commissioners

DATED: _____

Executive Director
Board of Water and Soil Resources

I hereby certify that the above is a true and correct copy of a resolution adopted by the Freeborn County Board of Commissioners at their session on the 24th day of July, 2001, and as appears on the minutes of their record of proceedings.

Darryl Meyer
Darryl Meyer
Interim Administrator/Clerk
County of Freeborn
State of Minnesota

DRAFT

Minnesota Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107

DRAFT

In the Matter of the Establishment of the
Shell Rock River Watershed District in
Freeborn County pursuant to Minnesota
Statutes § 103D.225.

**ORDER WATERSHED
DISTRICT ESTABLISHMENT
PROCEEDINGS ABEYANCE**

Whereas, more than fifty (50) resident owners residing in the proposed Shell Rock River Watershed District in Freeborn County filed a Petition dated March 8, 2000, with the Board of Water and Soil Resources (Board) on March 9, 2000, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

Whereas, the Board continued its review of the Petition by Order dated July 26, 2000;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Previous Order.** The Board Order dated July 26, 2000, attached and made a part of this Order hereof, directed the Establishment Proceedings be held in abeyance for up to one year subject to the successful and timely completion of the conditions listed in the agreement attached to said Order.
2. **Previous Agreement.** The agreement resulting from the July 26, 2000 Board Order was signed by Freeborn County, Freeborn SWCD, the City of Albert Lea and the Board's Executive Director to hold the decision in abeyance on the establishment petition for the Shell Rock River Watershed District until July 26, 2001. The County has substantially completed the agreement; planning that includes citizen input continues in earnest; a Corps

DRAFT

of Engineers study appears likely; the workplan contains projects, an engineering design for a replacement dam, feasibility study of lake dredging, and installation of upland practices. However, funding could be an issue. The County has included funding for this effort in their preliminary budget for 2002, which will be finalized by the end of December, 2001. The preliminary budget includes approximately \$150,000 of new additional money for this effort.

3. **Staff Recommendation.** Board staff have been working closely with Freeborn County, the petitioners, and local citizens. The County has made substantial progress in their planning efforts during the past year that has involved much citizen input. It now appears that a fair amount of funding is being proposed towards implementation of the plan. The real key, staff feel, is to observe the amount of implementation that actually occurs. Funding is directly related to the amount of implementation that can occur. The County could obtain funding from other state and federal sources, however, it is important to consider the amount of funding the County budgets towards this effort. Each year, preliminary budgets are certified by September 15, with final budget certification by December 31. Therefore, staff recommend an agreement be entered into with Freeborn County that would hold the establishment proceedings in abeyance until February 1, 2003.

CONCLUSIONS

1. The Petition for establishment of the Shell Rock River Watershed District is valid in accordance with Minn. Stat. § 103D.205.
2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.
3. All relevant substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.
5. The establishment proceedings for the Shell Rock River Watershed District should be held in abeyance up to February 1, 2003, subject to the successful and timely completion of the conditions listed in the attached agreement.

ORDER

The Board hereby orders that the proceedings on the Establishment Petition for the Shell Rock River Watershed District be held in abeyance up to February 1, 2003, subject to the successful and timely completion of the conditions listed in the agreement attached and made a part of this Order hereof.

Dated at Saint Paul, Minnesota this 26th day of September, 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

DRAFT

By: _____
Leland Coe, Chair

New Business

4. Low Phosphorus Lawn
Fertilizer – INFORMATION

Better Water Quality with Proper Lawn Fertilizers

The waters of the Land of Lakes are valuable and precious resources. Residents throughout Minnesota have a vital interest in having good water quality – for economic vitality, public health, recreation, and controlling public expenditures.

A web of factors affects the quality of our waters – our lakes, streams, and wetlands. A many-faceted approach is needed to maintain and improve water quality; there is no single “silver bullet” panacea. Preventing chemical compounds from entering the surface water system is the most cost-effective way to improve water quality.

Phosphorus (“P”): Phosphorus occurs in abundance in Minnesota soils. It is estimated that 70 to 80 percent of the soils in the state have sufficient Phosphorus for healthy plant growth. Phosphorus is also a nutrient usually included in lawn fertilizers. The vast majority of the state’s consumers are paying for something they don’t need – a limited resource mined and transported from Florida.

Soils can hold only so much phosphorus. Excess amounts are carried by rain and lawn sprinkling into stormwater systems and ditches. Fertilizers spilled on hard surfaces, such as sidewalks and driveways, are washed directly into the stormwater system – and then directly to wetlands, lakes, and streams.

What are the effects of Phosphorus on our wetlands, lakes, and streams?

- One pound of phosphorus produces 300 to 500 pounds of algae.
- Studies have shown that 50 percent of the phosphorus in stormwater runoff comes from residential lawns.
- The cost to cities and watershed districts to remove phosphorus before it enters a water body is at least \$200 per pound. This translates into millions of dollars in taxes and stormwater utility charges.

To give some indication of the magnitude of this issue, six million pounds of phosphorus fertilizer are applied to turf areas in the seven-county Metro area every year.

More Effective Regulation: While public education is an important and on-going strategy, decades of education have resulted in little behavior change in consumer habits or what is produced by the fertilizer industry. Non-phosphorus lawn fertilizers are not made by national manufacturers, Minnesota manufacturers of non-phosphorus fertilizers have not been able to compete, retailers find it difficult to stock these fertilizers, and they are usually available only at a premium price.

Simply and most effectively, the use and sale of lawn fertilizers needs to be regulated by the State. Fertilizers containing phosphorus should be allowed where they have been shown to be needed. Except in those instances, the State should restrict the use and sale of lawn fertilizers containing phosphorus. The State is the appropriate level of government – it has the needed resources and expertise, and natural watersheds don’t pay attention to local political boundaries. Cities do not have the capacity to be “fertilizer police”.

There are many Minnesota companies already producing phosphorus-free lawn fertilizers. With effective new regulations, these companies can fill the demand. This creates jobs in Minnesota, eliminates subsidies to national manufacturers and, ultimately, reduces the cost to the public for clean up of our wetlands, lakes, and streams.

PHOSPHORUS LAWN FERTILIZERS

POINTS TO CONSIDER

- Phosphorus is abundant in soils throughout Minnesota. There are limits as to how much phosphorus these soils can adsorb and hold. Phosphorus in excess of the soils' carrying capacity will run off the turf, and into natural or man-made drainage systems, and eventually into streams, lakes, and wetlands.
- Approximately 80 percent of lawns in the Metropolitan region have naturally very high levels of phosphorus. The University of Minnesota soils laboratory recommends that no additional phosphorus be applied to them. The application of phosphorus fertilizer to most lawns does not improve grass growth. Over 75 percent of homeowners fertilize their lawns with phosphorus two or more times each year.
- Many studies have shown that the amount of phosphorus carried off of turf in rainfall runoff water increases as the fertility level of the soil increases. Thus, adding phosphorus fertilizer to our already phosphorus-rich soils only serves to increase the amount of this pollutant entering our lakes and rivers.
- Approximately 6 million pounds of phosphorus fertilizer are applied to turf areas in the seven-county Metro area every year.
- Studies have shown that 50 percent of the phosphorus in stormwater runoff from residential areas comes from lawns.
- Phosphorus is the nutrient which "limits" algae growth in lakes, and one pound of phosphorus will grow 300 to 500 pounds of algae blooms.
- Water management organizations in the Metro area spend millions of dollars each year to remove phosphorus from runoff. On average, it costs \$375 to remove one pound of phosphorus from runoff water.
- Eliminating phosphorus from lawn fertilizer is one of the most economical best management practices (BMPs) we can use to begin improving our lakes and rivers.
- Phosphates were removed from soaps and detergents almost 30 years ago based upon adverse impacts on water quality. Legislation regarding phosphorus in lawn fertilizers would be based on the same need.
- Proposed restrictions are limited to lawn fertilizers – not agricultural or gardening uses.
- Proposed legislation would have reasonable exceptions for establishment of new turf and demonstrated low-phosphorus soils.

RESOLUTION NO. 00-116

A RESOLUTION RELATING TO RESTRICTIONS ON THE USE OF PHOSPHOROUS FERTILIZERS

WHEREAS, the City of Shorewood is a primary tributary of significant fresh water resources including Lake Minnetonka, Christmas Lake and Galpin Lake; and

WHEREAS, there has long been established a well-documented relationship between the use of phosphorous fertilizers and the degradation of water quality; and

WHEREAS, as a matter of policy, the City of Shorewood desires to reduce the consumption and use of phosphorous fertilizers; and

WHEREAS, subject to unique circumstances, regional soil conditions have an abundance of natural phosphorous; and

WHEREAS, the City of Shorewood finds it important to encourage the reduction in the use of phosphorus fertilizers within the City; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Shorewood declares its commitment to phosphorus fertilizer reduction by encouraging the adoption of regulations regarding restrictions of use and sale of phosphorus fertilizers within the City.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Shorewood supports legislation restricting the sale of any lawn fertilizer, liquid or granular, within the seven county metropolitan area that contains any amount of phosphorous or other compounds containing phosphorous, such as phosphate, except, small quantities may be sold when a soil test indicates added phosphorous is needed to support healthy turf growth, or during the first year when new area or turf is being established. In addition, displays of lawn fertilizer containing phosphorous shall be limited to ten percent of the quantity of non-phosphorous lawn fertilizer on display at any given time.

BE IT FURTHER RESOLVED, that displays of such fertilizer must be clearly marked as containing phosphorous, and must be separated from the display of other fertilizers, and that for each sale of such fertilizer the seller must provide the buyer with a copy of the appropriate printed consumer information.

ADOPTED by the City Council of the City of Shorewood this 11th day of December, 2000.

Woody Love, Mayor

ATTEST:

Bradley J. Nielsen, Acting City Administrator

City of Shorewood

08.22.01

Status on action re: Resolution supporting legislation restricting use and sale of lawn fertilizers containing phosphorus

Bloomington	<u>Adopted Resolution</u>
Burnsville	<u>Adopted Resolution</u>
Coon Rapids	<u>Adopted Resolution</u>
Cottage Grove	<u>Adopted Resolution</u>
Dayton	<u>Adopted Resolution</u>
Deephaven	<u>Adopted Resolution</u>
Detroit Lakes	Supports
Eagan	<u>Adopted Resolution</u>
Eden Prairie	<u>Adopted Resolution</u>
Edina	Referred to its Health Advisory Committee
Elk River	<u>Adopted Resolution</u>
Excelsior	<u>Adopted Resolution</u>
Faribault	<u>Adopted Resolution</u>
Golden Valley	<u>Adopted Resolution</u>
Greenwood	<u>Adopted Resolution</u>
Hennepin County Board	Several commissioners are supportive
Hennepin Parks	<u>Adopted Resolution</u>
Hutchinson	<u>Adopted Resolution</u>
Lake Mtka Conservation District	<u>Adopted Resolution</u>
Lakeville	Referred to Env'l Affairs Cmte
Litchfield	<u>Adopted Resolution</u>
Little Canada	<u>Adopted Resolution</u>
Little Falls	<u>Adopted Resolution</u>
Long Lake	<u>Adopted Resolution</u>
Minneapolis	<u>Adopted Resolution</u>
Minnehaha Creek Watershed Dist.	<u>Adopted Resolution</u>
Minnesota Association of WSDs	<u>Adopted Resolution</u>
Minnetonka	<u>Adopted Resolution</u>
Minnetonka Beach	<u>Adopted Resolution</u>
Minnetrissa	Supports legislation, provided local ordinance is not necessary
Monticello	<u>Adopted Resolution</u>
Morris	<u>Adopted Resolution</u>
Mound	Council <u>approved motion of support</u> on March 13, 2001
New Hope	<u>Adopted Resolution</u>
Oakdale	Environmental Committee supports
Orono	<u>Adopted Resolution</u>
Pioneer-Sarah Creek WtrMCmsn	<u>Adopted Resolution</u>
Plymouth	<u>Supportive Resolution</u> -- in 2001 Resolution of legislative priorities
Prior Lake	<u>Adopted Resolution</u>
Robbinsdale	<u>Adopted Resolution</u>
Saint Louis Park	Its water management plan supports restrictions for such fertilizers
Spring Park	<u>Adopted Resolution</u>
Stillwater	<u>Adopted Resolution</u>
Woodland	<u>Adopted Resolution</u>
Worthington	<u>Adopted Resolution</u>

City of Shorewood
08.22.01

**POPULATION OF CITIES SUPPORTING RESTRICTIONS
ON USE AND SALE OF LAWN FERTILIZERS CONTAINING PHOSPHORUS**

<u>City</u>	<u>Population</u> (*=2000 Census)
Bloomington	85,172 *
Burnsville	60,220 *
Coon Rapids	61,607 *
Cottage Grove	30,582 *
Dayton	4,699 *
Deephaven	3,853 *
Detroit Lakes	7,348 *
Eagan	63,557 *
Eden Prairie	54,901 *
Elk River	16,447 *
Excelsior	2,393 *
Faribault	20,818 *
Golden Valley	20,281 *
Greenwood	729 *
Hutchinson	13,080 *
Litchfield	6,562 *
Little Canada	9,771 *
Little Falls	7,719 *
Long Lake	1,842 *
Minneapolis	382,618 *
Minnetonka	51,301 *
Minnetonka Beach	614 *
Monticello	7,868 *
Morris	5,086 *
Mound	9,435 *
New Hope	20,873 *
Orono	7,538 *
Plymouth	65,894 *
Prior Lake	15,917 *
Robbinsdale	14,123 *
Saint Louis Park	44,126 *
Shorewood	7,400 *
Spring Park	1,717 *
Stillwater	15,143 *
Woodland	480 *
Worthington	11,283 *

Total 1,132,997

**CITY OF SHOREWOOD
ORDINANCE NO. 366**

**AN ORDINANCE AMENDING TITLE 300 OF THE SHOREWOOD CITY
CODE, ESTABLISHING REGULATIONS FOR LAWN FERTILIZER
APPLICATION**

Section 1. Title 300 of the Shorewood City Code is hereby amended to include:

"CHAPTER 310

LAWN FERTILIZER APPLICATION CONTROL

310.01. **PURPOSE:** The City has considered expert testimony and has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the City is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes as a result of storm water runoff or other causes. The purpose of this Chapter is to establish regulations that will aid the City in managing and protecting its water resources that are enjoyed by its residents and other users.

310.02. **DEFINITIONS:** For the purpose of this section, certain terms and words are defined as follows:

Subd. 1. **COMMERCIAL APPLICATOR:** A person who is engaged in the business of applying fertilizer for hire.

FERTILIZER: A substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by Rule by the Minnesota Commissioner of Agriculture.

NONCOMMERCIAL APPLICATOR: A person who applies fertilizer during the course of employment, but who is not a commercial lawn fertilizer applicator.

PESTICIDE: A substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

310.03 **REGULATIONS FOR COMMERCIAL LAWN FERTILIZER
APPLICATORS:**

Subd. 1. **License Required.** No person, firm, corporation or franchise shall engage in the business of commercial lawn fertilizer applicator within the City unless a license has been obtained from the City Administrator or a designee as provided herein.

Subd. 2. License Application Procedure. Applicants for a commercial lawn fertilizer applicator license shall be submitted to the City Manager or a designee. The application shall consist of the following:

a. Application Form. Application forms shall be provided by the City and shall include the following instructions:

- (1) Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
- (2) Description of lawn fertilizer formula proposed to be applied on lawns within the City.
- (3) A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.

b. Product Material Safety Data Sheet. A copy of Material Safety Data Sheet, including product chemical analysis of the intended lawn fertilizer, shall be submitted to the City along with the initial application for a license, and, thereafter, at least seven days before fertilizer composition changes are implemented.

c. Minnesota State Licenses. A copy of all licenses required of the applicant by the State of Minnesota regarding the application of pesticides and fertilizers.

d. License Fee. The license fee as established in Chapter 13 of the Shorewood City Code. The license shall expire on the 31st day of December. The license fee shall not be prorated.

Subd. 3. Conditions of License. Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions that shall be specified on the license form:

a. Random Sampling. Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer applications to be applied within the City at any time after issuance of the initial license.

b. Possession of License. The commercial lawn fertilizer license, or a copy thereof, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.

c. Possession of Product Material Safety Data Sheet. A copy of the Product Material Data Safety Sheet of the lawn fertilizer used shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.

d. State Regulations. Licensee shall comply with the provisions of the Minnesota Fertilizer and Soil Conditioner Law as contained in Minnesota Statutes Sections 17.711 through and including 17.729 and amendments thereto. The licensee shall also comply with the provisions of the Pesticide Control as contained in the Minnesota Statutes Chapter 18B.

310.04 **GENERAL REGULATIONS.**

Subd. 1. Time of Application. Neither commercial applicators nor noncommercial applicators may apply lawn fertilizer when the ground is frozen or when conditions exist that will promote or create runoffs.

Subd. 2. Sample Analysis Cost. The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis indicates that phosphorus content exceeds the levels authorized herein.

Subd. 3. Fertilizer Content. No person, firm, corporation, franchise, or commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the City of Shorewood that contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:

- a. the naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost;
- b. or as otherwise provided in Section 310.05.

Subd. 4. Sale of Fertilizer Containing Phosphorous. Effective 1 January 2002, no person, firm, corporation, franchise, or commercial establishment shall sell any lawn fertilizer, liquid or granular, within the City of Shorewood that contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:

- a. Effective 1 January 2002, small quantities of such fertilizer may be sold for use as provided in Section 310.05. Displays of lawn fertilizer containing phosphorous shall be limited to ten percent (10%) of the quantity of non-phosphorous lawn fertilizer on display at any given time.
- b. Effective 1 January 2001, displays of such fertilizer must be clearly marked as containing phosphorous, and must be separated from the display of other fertilizers by no less than eight (8) feet.
- c. Effective 1 January 2001, for each sale of such fertilizer the seller shall provide the buyer with a copy of this Chapter of the Shorewood City Code.

Subd. 5. Impervious Surfaces and Drainage Ways. No person shall apply fertilizer to impervious surfaces, areas within drainage ditches, or waterways.

Subd. 6. Buffer Zone. Fertilizers and pesticides shall not be applied:

- a. to any established natural buffer zones as outlined in Section 1102.06 Subd. 2. of this Code.
- b. below the Ordinary High Water Level of any lake as established by the Minnesota Department of Natural Resources; or
- c. within ten (10) feet of any wetland or water resource.

Subd. 7. Warning Signs for Pesticide Application. All commercial or noncommercial lawn fertilizer applicators that apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied. The warning signs shall comply with the following criteria and contain the following information:

- a. The warning signs must project at least eighteen (18) inches above the top of the grass line. The warning signs must be of a material that is rain resistant for at least a forty-eight (48) hour period and must remain in place for at least forty-eight (48) hours from the time of initial application.
- b. The following information must be printed on the warning signs in contrasting colors and capitalized letters measuring at least one-half inch (1/2"), or in another format approved by the Minnesota Commissioner of Agriculture. The signs must provide the following information:
 - (1) The name of the business, entity, or person applying the pesticide; and
 - (2) The following language: "This area chemically treated. Keep children and pets off until (date of safe entry)" or a universally accepted symbol and text approved by the Minnesota Commissioner of Agriculture as recognized as having the same meaning or intent as specified in this subparagraph. The warning signs may include the name of the pesticide used.
- c. The warning sign must be posted on a lawn or yard between two (2) feet and five (5) feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrance to the property.

310.05. **EXEMPTION TO PHOSPHOROUS REQUIREMENT.** The prohibition against use of fertilizer containing any quantity of phosphorous under Section 310.04 shall not apply to:

- a. newly established or developed turf and lawn areas during first growing season; or
- b. turf and lawn areas which soil tests confirm are below phosphorous levels established by the University of Minnesota Extension Services. The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation.

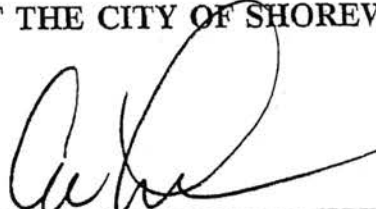
Phosphorus applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil where it is immobilized and generally protected from loss by runoff.

Any person, firm corporation, franchise, or commercial or noncommercial applicator, including a homeowner or renter, shall notify the City at least 24 hours prior to applying lawn fertilizer containing phosphorous of the reason for using fertilizer containing phosphorous and the amount of phosphorous contained in the lawn fertilizer to be applied.

310.06. **PENALTY.** Any person violating this Chapter shall be guilty of a petty misdemeanor. The City may revoke a commercial applicator's license for repeat violations of this Chapter."

Section 2. That this Ordinance shall be in full force and effect upon publishing in the Official Newspaper of the City of Shorewood.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD
this 24th day of July 2000.



WOODY LOVE, MAYOR

ATTEST:



BRADLEY J. NIELSEN, ACTING CITY ADMINISTRATOR



Minnesota Senate

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KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you **need to** change the display of stricken and/or underscored language.

[Authors and Status](#) ■ [List versions](#)

S.F. No. 1789, as introduced: 82nd Legislative Session (2001-2002) Posted on Mar 16, 2001

- 1.1 A bill for an act
- 1.2 relating to the environment; providing for limitations
- 1.3 in the use and sale of phosphorous lawn fertilizers;
- 1.4 requiring rulemaking; appropriating money; amending
- 1.5 Minnesota Statutes 2000, section 115.01, by adding a
- 1.6 subdivision; proposing coding for new law in Minnesota
- 1.7 Statutes, chapter 115.
- 1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.9 Section 1. Minnesota Statutes 2000, section 115.01, is
- 1.10 amended by adding a subdivision to read:
- 1.11 Subd. 21a. [TURF.] "Turf" means land planted in closely
- 1.12 mown, managed grasses and includes, but is not limited to,
- 1.13 residential and commercial residential property; private golf
- 1.14 courses; and property owned by federal, state, or local units of
- 1.15 government, including parks, recreation areas, and public golf
- 1.16 courses.
- 1.17 Sec. 2. [115.175] [PHOSPHOROUS TURF FERTILIZER.]
- 1.18 Subdivision 1. [PHOSPHOROUS USE PROHIBITION.] (a)
- 1.19 Effective August 1, 2002, a person may not apply a fertilizer
- 1.20 containing the plant food phosphorous to turf, except:
- 1.21 (1) when a soil test by a laboratory certified by the
- 1.22 agency and performed within the last three years indicates that
- 1.23 the levels of available phosphorous in the soil are insufficient
- 1.24 to support healthy turf growth;
- 1.25 (2) when the property owner or an agent of the property
- 1.26 owner is first establishing turf via seed or sod procedures
- 2.1 during the first growing season; or
- 2.2 (3) when using organic turf fertilizer derived primarily
- 2.3 from animal or compost waste that does not exceed a natural
- 2.4 phosphorous content of two percent by weight.
- 2.5 (b) Applications of the plant food phosphorous done under
- 2.6 paragraph (a), clause (1), must not exceed rates adopted by the
- 2.7 agency in rule.
- 2.8 Subd. 2. [RULES.] The agency shall adopt rules governing
- 2.9 the application of lawn fertilizer containing phosphorous and
- 2.10 standards for the containment and cleanup of the release of lawn
- 2.11 fertilizers containing phosphorous.
- 2.12 Subd. 3. [POINT OF SALE INFORMATION.] A person offering
- 2.13 for sale or selling at retail a fertilizer containing the plant
- 2.14 food phosphorous after August 1, 2001, must:
- 2.15 (1) conspicuously post consumer information pertaining to
- 2.16 the lawful sale, prohibited uses, and recommended best
- 2.17 management practices for fertilizers containing the plant food
- 2.18 phosphorous for residential uses; and

- 2.19 (2) provide printed and free-of-charge consumer
2.20 information, as described in clause (1), to persons purchasing
2.21 fertilizer containing the plant food phosphorous.
2.22 Subd. 4. [RESTRICTIONS ON SALE AND DISTRIBUTION OF
2.23 PHOSPHOROUS LAWN FERTILIZERS.] Effective August 1, 2002, no
2.24 person, firm, corporation, franchise, or commercial
2.25 establishment may sell lawn fertilizer, liquid or granular, that
2.26 contains any amount of phosphorous or other compound containing
2.27 phosphorous, such as phosphate, except as provided in
2.28 subdivision 1.
2.29 Subd. 5. [PENALTY.] After August 1, 2002, the agency may
2.30 assess an administrative penalty of \$..... for a violation of
2.31 this section.
2.32 Sec. 2. [APPROPRIATION.]
2.33 \$..... is appropriated from the general fund to the
2.34 pollution control agency for the 2002-2003 biennium for the
2.35 purposes of section 1.
-

New Business

5. CREP Grants to SWCDs –
DECISION

SWCD CREP Staffing Grants (New)

The following CREP SWCD's have requested additional funds to cover special staffing to further their implementation of CREP. These grants are for the intended purpose of securing more staff assistance in their respective SWCD office to accomplish the workload generated in the CREP program. BWSR is recommending that we provide a CREP staffing grant to the following CREP SWCD's for the following amount:

Renville SWCD	\$15,000
Carver SWCD	\$14,000
Big Stone SWCD	\$7,500
Jackson SWCD	<u>\$5,000</u>
	\$41,500

It is our desire that these funds provide for additional staffing for the implementation of CREP beginning July 1, 2001 to June 30, 2002.

Decision:

BWSR CREP SPECIALIST ADMINISTRATIVE GRANT (NEW)

In 2000, the Minnesota Department of Natural Resources hired 19 DNR CREP TECHNICIANS and placed them in SWCD offices to assist in marketing and implementation of CREP. These DNR positions ended on June 30, 2001. The BWSR hired 12 of their employees as BWSR CREP SPECIALISTS and retained them at their respective SWCD offices. In addition, we hired an additional 7 NEW BWSR CREP SPECIALISTS and placed them in SWCD office to implement and market CREP. These 19 positions are BWSR state employees.

BWSR is recommending that we provide an administrative grant to the SWCD to support BWSR CREP specialist position located in their SWCD office. This grant is for a total of \$4,000 and being awarded upfront rather than as a reimbursement. It is our desire that this grant be used to cover these traditional or other related, CREP expenses from July 1, 2001 to June 30, 2002. (office space, copying, and misc.) See attached table for County SWCD Grant Amounts.

Decision:

SWCD

BWSR CREP SPECIALIST GRANTS

July 1, 2001 – June 30, 2002

Blue Earth	\$4,000
Chippewa	\$4,000
Douglas	\$4,000
Faribault	\$4,000
Grant	\$4,000
Lac qui Parle	\$4,000
Le Sueur	\$4,000
Lincoln	\$4,000
Lyon	\$4,000
Martin	\$4,000
Murray	\$4,000
Nicollet	\$4,000
Pope	\$4,000
Redwood	\$4,000
Renville	\$4,000
Stevens	\$4,000
Swift	\$4,000
Waseca	\$4,000
Yellow Medicine	<u>\$4,000</u>
	\$76,000

2001 SWCD CREP TECHNICIAN GRANTS (AMENDED)

The Minnesota River CREP is going great in large part due to the efforts of the SWCD's. In 1999, 2000, and 2001 BWSR has assisted in funding 14 SWCD CREP TECHNICIANS to implement CREP. Available funds have been \$425,000/year. In 2001 (FY02) BWSR received the last state appropriation needed to complete MN River CREP Initiatives (\$43.0 Million for Easements;\$8.4 Million for Implementation).

BWSR is recommending that we amend the SWCD CREP Technicians grant recently received from BWSR to achieve a total of \$36,000/district. This grant amount more accurately reflects the actual costs needed to support a CREP Technician employed at the district office. It is also the intent of BWSR that this supplemental grant be used to compensate the CREP staff in your office from a period beginning July 1, 2001 to June 30, 2002. See attached table for County SWCD Grant Amounts

Decision:

YEAR THREE STAFFING GRANT AGREEMENTS WITH SWCD'S FOR CREP IMPLEMENTATION MAY 2001

<u>SWCD</u>	<u># of Staff</u>	<u>GRANT (\$)</u>	<u>ADJUSTMENT (\$)</u>	<u>TOTAL (\$)</u>
Chippewa	1	30,615	5,385	36,000
Yellow Medicine	1	29,067	6,933	36,000
Lac qui Parle	1	28,545	7,455	36,000
Lincoln	1	28,545	7,455	36,000
Swift	1	28,722	7,278	36,000
Redwood	1	32,000	4,000	36,000
Lyon	1	32,000	4,000	36,000
Cottonwood ¹	1	28,000	8,000	36,000
Renville	1	33,599	2,401	36,000
Waseca	1	28,465	7,535	36,000
Blue Earth	1	28,465	7,535	36,000
Martin	1	28,465	7,535	36,000
Watonwan	1	28,465	72,535 7,535	36,000
West Ottertail	1	28,000	8,000	36,000
Douglas, Grant, Traverse, Stevens ²		5,000 ³	see footnote	5,000
TOTAL	14.0	417,953	91,047	509,000

¹ Position will also work in Jackson and Murray Counties.

² The fiscal agents is Stevens SWCD.

³ The grant is for contract easement promotion and processing.