



Minnesota Board of Water and Soil Resources.
Minutes.

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September 2001

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

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



DATE: September 20, 2001
TO: Board of Water and Soil Resources Members, Advisors, Staff
FROM: Doug Thomas, Assistant Director 
SUBJECT: September 26th BWSR Meeting -- Supplemental Information

As explained in the memo of September 17, 2001, regarding the September 26th BWSR Meeting, there were two items listed under "Old Business" that stated you would receive supplemental information under separate cover. Attached you will find information pertaining to those agenda items:

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

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

DT:mja
Enclosures

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Old Business

1. 2002 Farm Bill Position
Statement
DECISION

DRAFT

DRAFT

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
POSITION STATEMENT
ON
CONSERVATION PROVISIONS OF THE 2002 FARM BILL
9/20/01

The Minnesota Board of Soil and Water Resources is made up of 15 voting members representing counties, soil and water conservation districts, watershed districts, citizens, the Minnesota Department of Agriculture, the Minnesota Department of Health, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the University of Minnesota Extension Service. We believe this makeup provided a unique forum and mechanism to bring together thoughts and opinions on the farm bill and to formulate a position that is representative of many of the conservation organizations and state agencies within Minnesota.

The conservation title of the federal farm bill now being deliberated by congress impacts more privately owned lands than any other federal legislation, and will determine how USDA agencies, states and local governments address private lands conservation for the next ten years. This document outlines the various federal conservation programs and initiatives that we feel are important to a vital rural economy while protecting and enhancing the natural resources of Minnesota.

Because privately owned and managed farmland and forestland covers more than three fourths of Minnesota, agriculture and forestry dramatically impact water quality, wildlife habitat and the pace of sprawl. Fortunately, many Minnesota farmers and forest landowners are implementing practices to meet these environmental challenges.

Nationwide, farmers, ranchers and forest landowners seeking federal assistance to improve water quality, enhance or create fish and wildlife habitat, or combat urban sprawl are being turned away at an alarming rate. In Minnesota alone, the estimated backlog this year for the Environmental Quality Incentives Program, Wetlands Reserve Program, and Wildlife Habitat Incentives Program, combined, exceeds \$57 million.

In Minnesota, we believe the opportunity is here to make conservation a centerpiece of the next farm bill and use the conservation title to help farmers and forest landowners produce public environmental goods such as clean air, clean water, and fish and wildlife habitat, in conjunction with food and fiber. To that end we believe that the farm bill should be built around the goals of 1) maintaining the existing successful conservation programs, 2) providing additional program options and incentives for those resources in need of additional protection on private lands, 3) supporting landowners who are maintaining and improving stewardship of their lands, 4) supporting development of alternative sources of sustainable energy on private lands, and 5) discouraging urban sprawl into the rural landscape.

The following positions on the farm bill are organized into two themes: existing USDA programs and new USDA programs.

Existing USDA Programs

Conservation Reserve Program (CRP) – CRP has been a popular program in Minnesota and has had a tremendous impact on the environment by reducing erosion and sedimentation and increasing fish and wildlife habitat. We fully support reauthorization of CRP and would like to see the enrollment cap raised to at least 39.5 million acres.

Specifically we support:

- Giving state Farm Services Agency offices flexibility to raise the 25 percent acreage limitation in counties on a case-by-case basis.
- Ensuring that CRP is targeted to only the most highly erodible, environmentally sensitive, and marginal cropland, by emphasizing the Continuous CRP Signup and continuing to use the Environmental Benefits Index to rank bids in the General CRP Signup.
- Continuing the Conservation Reserve Enhancement Program.
- Allowing the use of short-term rotational grazing of CRP under an approved plan, as a mechanism for managing the vegetation.
- Allow up to 15% of CRP acres to be used to grow multi-year (perennial) cover crops to be used for renewable energy.

Wetland Reserve Program (WRP) – Reauthorize WRP and increase annual enrollment to at least 150,000 acres per year.

Environmental Quality Incentives Program (EQIP) - Reauthorize EQIP and fund at a level of at least \$1 billion per year. Specific recommendations include:

- Give states greater flexibility in how the program is administered and carried out at the state level.
- Allow for one-year contracts with producers.
- Allow funds to be used to support the development of on-farm energy from animal waste.
- Allow cost-sharing on low-cost conservation practice options.
- Continue the existing mandate that 50 percent of EQIP funds be targeted toward livestock producers.
- Eliminate the size limitation for EQIP eligibility.
- Give higher priority to EQIP offers that aid producers in complying with federal and state environmental laws.
- Increase the payment limitation from \$10,000/year to \$50,000/year, and from \$50,000 to \$200,000 per multi-year contract.
- Require the Secretary of Agriculture to establish a system for certification of third parties to provide producers with technical assistance in carrying out conservation plans.

Wildlife Habitat Incentives Program (WHIP) – Reauthorize WHIP and fund at a level of at least \$50 million per year.

Farmland Protection Program (FPP) – Reauthorize FPP and fund at a level of at least \$200 million per year. Minnesota has been unable to utilize FPP because this program only supports purchase of development rights (PDRs), whereas Minnesota's Agricultural Land Preservation Program is just beginning to consider PDRs. Specifically we support allowing FPP funds to be used to support lower-cost strategies for farmland preservation such as tax incentives and planning and zoning.

Forest Incentive Program (FIP) - Reauthorize FIP and fund at a level of at least \$25 million per year.

Forest Stewardship Program (FSP) – Reauthorize FSP and fund at a level of at least \$50 million per year.

Stewardship Incentives Program (SIP) – Reauthorize SIP and fund at a level of at least \$50 million per year. Minnesota also supports the US Forest Service request to authorize a new non-industrial private forest cost-share program titled "Sustainable Forestry Assistance Program" as an alternative to SIP.

Sustainable Agricultural Research and Education (SARE) – Reauthorize SARE and fund at a level of at least \$50 million per year. Emphasis should be given to expanded research and development assistance programs related to carbon sequestration and bio-mass energy production.

Swampbuster and Sodbuster Provisions – Minnesota supports reauthorization.

Conservation Technical Assistance (CTA) – With the increasing demand to improve water quality and wildlife habitat from private lands conservation efforts, experts estimate that the current level of federal funding for technical assistance will only be able to meet 30 percent of that demand. Minnesota supports greater availability of CTA through increased funding for USDA agencies and/or third-party contracting with states, local soil and water conservation districts, and the private sector.

New USDA Programs

Conservation/Stewardship Incentives Program – Minnesota supports the establishment of a conservation/stewardship incentives program that rewards farmers and ranchers financially for establishing and/or maintaining soil and water conservation practices that produce the public benefits of clean water, clean air, and high-quality fish and wildlife habitat. Specifically we support a program that:

- Rewards not only producers who establish a conservation practice for the first time, but also those who have a history of practicing effective soil and water conservation.
- Does not take funding from existing conservation programs.

- Includes funds for monitoring and evaluation.

Grassland Reserve Program – Minnesota supports the establishment of a federal grassland reserve program that allows for the enrollment of one million acres per year. The western part of Minnesota is similar to certain western states in that we have many areas where grassland that has never been plowed is ineligible for the existing CRP. The program should exclusively focus on grasslands, which have not been plowed or inter-seeded.

Karst Region Pilot Project – Minnesota strongly supports the creation of a three-state pilot project for treating hay as a program commodity in parts of Minnesota, Iowa, and Wisconsin. Analysis of land use trends in a 31,000 square mile area of Minnesota, Iowa, and Wisconsin that includes the karst region plus adjoining headwaters plains, indicate s that acreage of hay and pasture declined by about 20% from 1982 to 1997, with the area planted to soybeans increasing by 60%, corn declining by 13%, and forestland increasing by about 7%. This unprecedented change in landuse coupled with the highly erodible silt loam soils and steep topography of the karst region has led to increased water quality impairments of the streams and rivers, sedimentation of fish and wildlife habitat, and increased flooding.

Safe Harbor Program – Minnesota supports a safe harbor program within the farm bill. If farmers follow a conservation plan prepared by a government agency, they should be provided some protection against being held liable in the future, by another government entity, for unexpected or unanticipated environmental problems.

Upper Mississippi River – Minnesota supports federal coordination and targeting of efforts to address non-point source pollution within the upper Mississippi River watershed.

Old Business

2. Process for Removal of
SWCD Supervisor
DECISION



September 18, 2001

TO: Board of Water and Soil Resources Members and Advisors

FROM: Jim Birkholz

SUBJECT: Recommended Procedures for Responding to a Request to Remove a SWCD Supervisor—FOR BOARD DECISION

This memo transmits the recommendations of the BWSR Administrative Advisory Committee concerning requests to remove a Soil and Water Conservation District Supervisor.

Background

Minnesota Statutes Chapter 103C.315, Subd. 5 provides for the removal of a Soil and Water Conservation District supervisor by the BWSR:

***Subd. 5. Removal of Supervisor.** A supervisor may be removed by the state board upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.*

This authority dates back to the original SWCD law passed in 1937. The authority has never been used to its full extent. Infrequently, the threat of using this authority has caused a supervisor to resign from office.

It is rare that a state administrative agency has the authority to remove an elected local government official. The right of the people to speak at the ballot box is a cornerstone of Minnesota's Constitution. It is generally accepted that once the electorate have spoken through their vote, only the electorate may change their decision by voting. Removal procedures for elected officials guilty of malfeasance or neglect of duty have been generally modernized over the years. In 1986 the legislature created procedures for conducting recall elections for officials elected to countywide offices (Minnesota Statutes Ch. 351). In 1996 the Minnesota Constitution was amended to provide for recall elections for certain state officials. The SWCD statutes have not been amended to reflect this more "modern" approach to removing elected officials from office. SWCD Supervisors are not included in the definitions of county wide offices even though they are elected county wide.

Recent inquiries to the BWSR have suggested the need to both "modernize and standardize" the SWCD statute regarding removal of supervisors from office to make it the same as other elected county officials. In the interim, the Administrative Advisory Committee recommends the following procedures to accomplish an orderly and fair removal procedure should a petition be received. Because the recommendation calls for a

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timely statutory change, the interim procedures are recommended without the intention of establishing them via a rulemaking process.

Recommendations

1. **Amend existing statute—modernize and standardize.** Pursue legislation to amend SWCD statute, MS 103C and MS 351 to handle removal of SWCD supervisors in the same manner as for removing other elected county officials, MS 351. This would require a cross reference between the two statutes and adding SWCD supervisor to the definition of elected county official (...any public official who is elected to countywide office....)
2. **Who may petition.** A request to remove a SWCD supervisor may come from two sources. Citizens who are registered voters in the district may petition the BWSR or the SWCD Board of which the supervisor is a member may petition the BWSR.
3. **Qualifying petitions.** Citizens who are registered voters must follow the process established in MS 351. This requires that signatories to the petition must total at least 25 percent of the number of persons who voted in the preceding election for the office. County auditors are required to provide forms for these petitions.

SWCD boards submitting a petition for removal must include a formal board resolution approved by at least 4 members of the board. A form will be developed patterned after the county auditor form noted above.

4. **Cost considerations.** The cost of processing qualified citizen petitions submitted to the BWSR shall be borne by the BWSR. The cost of processing qualified petitions submitted by SWCD boards shall be borne by the SWCD.
5. **Office of Administrative Hearings.** Qualifying petitions submitted to the BWSR shall be referred to the Minnesota Office of Administrative Hearings to conduct the required hearing and to prepare a record, findings and a recommendation to the BWSR. While current statute assigns the responsibility for final decision making to the BWSR, the recommendation of the Committee is that the BWSR should accept and concur with the recommendation of the Administrative Law Judge conducting the hearing.

Background information is attached as follows:

- Attachment 1—Proposed statute change
- Attachment 2—Flow chart of intended process
- Attachment 3—Sample petition (pending receipt from county auditor)
- Attachment 4—Minnesota Statutes Chapter 351.14 to 351.23
- Attachment 5—MN Office of Administrative Hearings information

Attachment 1

**Board of Water and Soil Resources
Legislative Initiative
Removal of Soil and Water Conservation District Supervisors**

Two parts of statute need to be changed: MS103C and MS351.

I. The following change to soil and water conservation district law does two things. First, it amends soil and water conservation district law by removing the authority of the BWSR to remove elected supervisors from office. Secondly, it links the removal of supervisors to the process established in the section of statutes that deals with the removal of elected county officials.

MS103C.315, Subd. 5 is amended to read:

Subd. 5. Removal of Supervisor. A supervisor may be removed ~~by the state board upon notice and hearing, for neglect of duty or~~ from office in accordance with the procedures established in sections 351.14 to 351.23 for malfeasance or in office, but for no other reason.

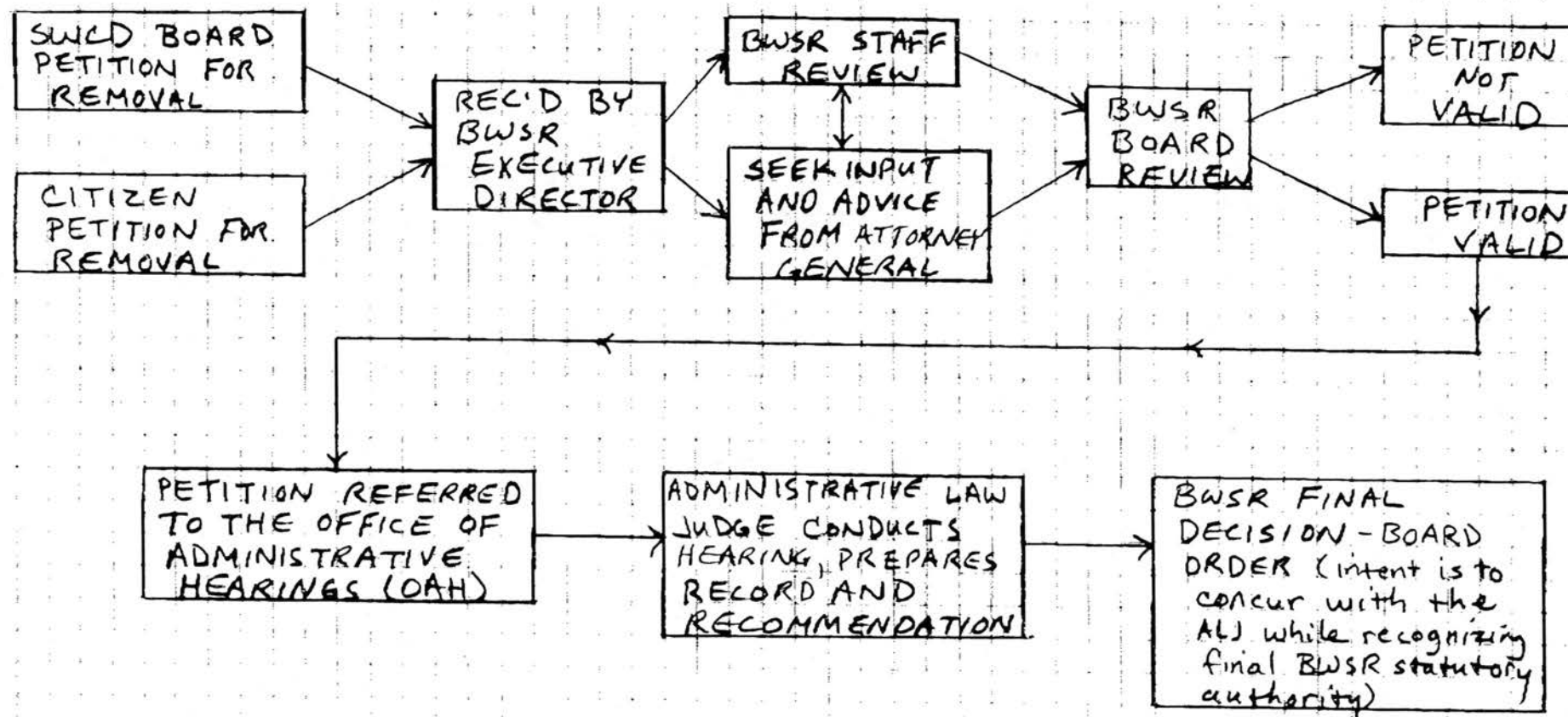
II. The following change to Minnesota Statutes Chapter 351 adds soil and water conservation district supervisor to the definition of elected county officials. Removal from office would then be dealt with in the same manner as for other countywide offices.

MS351.14 is amended to read:

Subd. 5. Elected County Official. "Elected county official" means any public official who is elected to countywide office or appointed to an elective countywide office, including county attorney, county sheriff, county auditor, county recorder, ~~and~~ county treasurer, and soil and water conservation district supervisor.

ATTACHMENT
2

GENERALIZED FLOW CHART
PROPOSED INTERIM PROCESS FOR REMOVAL OF SWCD SUPERVISOR
IMS 103C.315, Subd. 5



9-19-01

Attachment 4

Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.14 Definitions.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 351.14 to 351.23.

Subd. 2. **Malfeasance.** "Malfeasance" means the willful commission of an unlawful or wrongful act in the performance of a public official's duties which is outside the scope of the authority of the public official and which infringes on the rights of any person or entity.

Subd. 3. **Nonfeasance.** "Nonfeasance" means the willful failure to perform a specific act which is a required part of the duties of the public official.

Subd. 4. **Misfeasance.** "Misfeasance" means the negligent performance of the duties of a public official or the negligent failure to perform a specific act which is a required part of the duties of the public official.

Subd. 5. **Elected county official.** "Elected county official" means any public official who is elected to countywide office or appointed to an elective countywide office, including county attorney, county sheriff, county auditor, county recorder, and county treasurer. "Elected county official" also means a county commissioner elected or appointed from a commissioner district.

HIST: 1986 c 418 s 1

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Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.15 Removal of elected county official.

An elected county official may be removed from office in accordance with the procedures established in sections 351.14 to 351.23.

HIST: 1986 c 418 s 2

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Minnesota Statutes 2000, Table of ChaptersTable of contents for Chapter 351**351.16 Petition; review.**

Subdivision 1. **Form of petition.** Any registered voter may petition the county auditor requesting a removal election and setting forth facts which allege with specificity that an elected county official committed malfeasance or nonfeasance in the performance of official duties during the current or any previous term in the office held by the elected county official, except that a petition may not be submitted during the 180 days immediately preceding a general election for the office which is held by the county official named in the petition. The petitioner must attach to the petition documents which contain the signatures of supporters who are registered voters totaling at least 25 percent of the number of persons who voted in the preceding election for the office which is held by the county official named in the petition. Each page on which signatures are included must clearly identify the purpose of the petition. The registered voters must be residents of the county or, in a removal election involving a county commissioner, of the commissioner district which elected the named county commissioner. The signatures of supporters must be on forms provided by the county auditor.

Subd. 2. **County auditor's duties.** The county auditor shall examine the petition to determine whether it contains the requisite number of valid signatures of registered voters. If so, the county auditor shall forward the petition, but not the signatures, to the clerk of appellate courts within 15 days of receipt of the petition. If the county auditor determines that the petition does not include the requisite number of signatures, the county auditor shall deny the petition within 15 days of receipt of the petition.

Subd. 3. **Removal of county auditor.** If the county auditor is the named elected county official, the petition must be submitted to the chair of the county board of commissioners who shall appoint a county official to perform the duties of the county auditor specified in sections 351.14 to 351.23.

Subd. 4. **Limitation.** An elected county official is not subject to a removal election on the ground that misfeasance in the performance of official duties was committed, or on the ground of disagreement with actions taken that were within the lawful discretion of the elected county official.

HIST: 1986 c 418 s 3

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Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.17 Chief justice review; assignment to special master.

The clerk of appellate courts shall submit the petition to the chief justice. The chief justice shall review the petition to determine whether the petition properly alleges facts which, if proven, constitute malfeasance or nonfeasance in the performance of official duties. If the petition properly contains factual allegations of malfeasance or nonfeasance, the chief justice shall assign the case to a special master for a public hearing. The special master must be an active or retired judge. The chief justice may issue an order denying the petition if it appears that the petition does not contain allegations which, if proven, constitute malfeasance or nonfeasance in the performance of official duties.

HIST: 1986 c 418 s 4

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Minnesota Statutes 2000, Table of Chapters

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351.18 Waiver.

An elected county official who is the subject of a petition under section 351.16 may waive in writing the right to a public hearing. If the hearing is waived, the case must be certified by order of the chief justice to the county auditor for a removal election to be held within 30 days of the receipt of the order.

HIST: 1986 c 418 s 5

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Minnesota Statutes 2000, Table of ChaptersTable of contents for Chapter 351**351.19 Public hearing.****Subdivision 1. Time; subpoenas; amendment of petition.**

A public hearing into the allegations of a petition under section 351.16 must be held within 60 days after issuance of the order of the chief justice assigning the case to a special master. The special master may issue subpoenas to compel the testimony of witnesses and the production of documents. The petition may be amended of right by the petitioners at any time prior to 40 days before the scheduled hearing. The special master may permit later amendment of the petition only for good cause.

Subd. 2. **Determinations by special master.** The special master shall take evidence at a public hearing under this section and determine:

(1) whether the petitioners have shown by clear and convincing evidence that the factual allegations of malfeasance or nonfeasance are true; and

(2) if so, whether the facts found to be true constitute malfeasance or nonfeasance.

The special master shall dismiss the petition at any time if it appears that this standard has not been met.

Subd. 3. **Rules.** The public hearing under this section must be conducted using the Minnesota Rules of Civil Procedure, unless modified in sections 351.14 to 351.23, and the Minnesota Rules of Evidence.

Subd. 4. **Legal counsel.** The petitioners and the elected county official shall be represented by legal counsel at their own expense, and shall pay their costs associated with the hearing except that the county may assume the legal costs incurred by the elected county official. The county shall pay all other costs of the hearing.

Subd. 5. **Decision.** The special master shall issue a decision within 60 days after the end of a public hearing under this section.

Subd. 6. **Appeal.** If a petition under this section is dismissed by the special master, either before or after a public hearing, the petitioner may appeal the decision to the supreme court within 30 days. The supreme court shall grant an expedited appeal.

HIST: 1986 c 418 s 6

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Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.20 Decision; certification.

If the special master determines that the elected county official committed malfeasance or nonfeasance in the performance of official duties, the case must be certified to the county auditor for a removal election on a date to be fixed by the county auditor and held within 30 days of the order of the special master.

HIST: 1986 c 418 s 7

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Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.21 Appeal.

An elected county official may appeal the decision of a special master under section 351.20 to the supreme court within ten days. The removal election is stayed until 20 days after the supreme court issues a decision on the appeal. The supreme court shall grant an expedited appeal.

HIST: 1986 c 418 s 8

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Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.22 Removal election; disqualification.

Subdivision 1. **Majority vote; form of question.** An elected county official may be removed pursuant to sections 351.14 to 351.23 by majority vote. The removal election is a special election conducted under applicable provisions of section 375.20. The question submitted to the voters must be:

"Should, elected (appointed) to the office of
(Name) (title)
be removed from that office?

Yes

No"

Any resulting vacancy must be filled as provided by law.

Subd. 2. **Disqualification.** A removed county official may not thereafter hold the same office for the remainder of the term to which the official was elected.

HIST: 1986 c 418 s 9

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Minnesota Statutes 2000, Table of Chapters

Table of contents for Chapter 351

351.23 Extension of time.

The chief justice may extend the time limitations in sections 351.14 to 351.23 for good cause.

HIST: 1986 c 418 s 10

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Attachment 5

**Services for Cities
Counties and School Districts
provided by the**

**MINNESOTA OFFICE OF
ADMINISTRATIVE HEARINGS**



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July 2000

The Minnesota Office of Administrative Hearings can provide you with skilled hearing officers to conduct hearings of contested disputes or to mediate settlements. The legislature created OAH in 1975 to provide state agencies and local government with impartial adjudicators trained to consider evidence, make findings and recommend action to the decisionmaker. For 25 years administrative law judges at OAH have successfully conducted hearings for state agencies, cities, counties, towns, school districts and other public entities.

What Kind of Work Does OAH Do?

Administrative law judges conduct four kinds of proceedings:

1. Trial-like hearings for state agencies.
2. Rulemaking hearings for state agencies where public testimony is heard.
3. Hearings for local units of government on a variety of issues, upon request.
4. Settlement conferences and mediations

Workers compensation judges employed by a separate division of OAH hear benefit claims from injured workers. Each year, OAH's administrative law judges and workers' compensation judges preside over several thousand hearings throughout the State of Minnesota. OAH has offices in Minneapolis, St. Paul, Duluth, and Detroit Lakes. Also, OAH judges travel to conduct hearings in many other communities throughout the state.

What Services does OAH provide for Local Government?

The legislature has authorized OAH to contract with local political subdivisions such as cities, counties, school districts, towns, or other entities to provide administrative law judges to conduct trial-like (contested case) hearings and to serve as mediators to settle disputes. The ALJ presides at the hearing, hears the testimony and prepares findings of fact and a recommendation for the final decisionmaker, such as the City Council. When an ALJ serves as a mediator, the ALJ facilitates settlement discussions between the parties to a dispute.

What Types of Hearings do ALJ's Conduct for Local Government?

ALJs conduct a variety of license revocation or suspension hearings for municipalities, such as liquor licenses, tobacco licenses, taxi licenses, and food vendor licenses. Public employee discharge or suspension cases are often referred to OAH. ALJs also conduct student expulsion and teacher discharge hearings for school districts. Other matters referred to OAH for hearing include municipal code violations such as nuisance or animal control problems, zoning disputes, and special assessment appeals.

What's the Cost?

OAH bills for the services of ALJs on an hourly basis. The rate for FY 2001 is \$91 per hour. Hourly charges include hearing time, writing time and travel time. Expenses such as lodging, meals and mileage are billed when the judges must travel outside the metro area. OAH staff attorneys are often involved in the preparation of recommended written orders. Staff attorney time is billed at \$50 per hour for FY 2001. OAH provides detailed invoices to agencies that show what time was expended by the judge or staff attorney and at what activity.

When and Where are the Hearings Held?

Hearings are usually held at the location specified by the agency involved. Normally hearings are scheduled for locations convenient for the parties and witnesses. Common hearing facilities include conference rooms, jury rooms, city council chambers, county commissioner boardrooms, or courtrooms. Hearing rooms are also available at OAH if a neutral location is desirable. The agency normally also specifies the date of the hearing and OAH finds an ALJ available for that date.

Why Do Local Government Agencies Hire OAH?

Reasons expressed to OAH for referring cases include:

- lack of time on the part of the local decisionmaker to hear a case,
- the need for a professional decisionmaking process that will hold up upon court review,
- the need for impartiality in politically sensitive cases, and

- cost effectiveness when compared to hiring an attorney to serve as a hearing officer.

ALJs are experienced in limiting hearings to relevant matters, and in conducting the hearing efficiently and cost effectively. The ALJ will usually have expertise in the subject matter of the hearing, as well as experience in preparing concise findings from an administrative record. However, the ALJ cannot provide legal advice to the parties.

Are There Rules for How Administrative Contested Case Proceedings Are Conducted?

Rules for hearings may be set out in statute, municipal ordinance or city charter. But the parties may agree to use the procedural rules of OAH that apply to state agency hearings if they wish to do so. Hearings are usually informal and most last a half-day or less. The hearings are tape-recorded, and a copy of the tape is available if requested. A transcript can also be prepared from the tape for a charge. OAH also maintains a list of qualified court reporters who are available upon request.

Can the Services be Tailored to the Needs of the Agency?

Yes. Typically the ALJ conducts the hearing, hears testimony and receives written exhibits and then prepares written findings of fact, conclusions and a recommendation. In license cases, recommendations are not specific, but merely indicate whether or not disciplinary action is appropriate. The ALJs report and the record of the hearing are then forwarded to the agency for a final decision. However, ALJs have also conducted hearings without any written work product, have provided a summary of testimony instead of findings, have provided oral findings, have provided legal instructions to decisionmakers without findings, and have provided specific recommendations or final decisions when requested.

What is the Advantage of Mediation to Settle a Dispute?

Mediation is a process where the parties meet with an impartial mediator who will help them reach an agreement to resolve the dispute that is acceptable to both parties. Mediation is less adversarial, may help the parties preserve a relationship and may save time. All ALJs have received training as mediators and several have extensive experience in the process.

Are Attorneys Required?

No. Cities, counties and school districts are normally represented by their attorney in these proceedings, but it's not required. Likewise, other parties may, but are not required to, have an attorney present. ALJs are experienced in conducting hearings with unrepresented parties while making sure an adequate record is developed to support a decision.

How Can I Request Hearing Services?

Call the OAH Docket Coordinator at 612-341-7448. The Docket Coordinator will ask you some questions about your hearing such as a proposed date and location, the issues in the case, the attorneys involved, the expected length of the hearing, and whether media attention is anticipated. The Docket Coordinator will then check the OAH calendar and promptly assign an ALJ to your case. The Docket Coordinator will also send you a simple contract covering the services to be provided.

How Can I Find out More about OAH or the Hearing Process?

The OAH website at www.oah.state.mn.us contains a description of the office, biographies of the ALJs, OAH rules, and access to past decisions of OAH. You can also direct questions to the Docket Coordinator or ask to talk to an ALJ supervisor or a staff attorney about our services for local government.



Last updated - June 23, 2000

FOR YOUR INFORMATION

September 26, 2001

- **"BWSR Update"**
- **State Water Program Reorganization Project**
- **MASWCD 2001 Resolution Packet**
- **Memo of September 4, 2001, to agency heads regarding Nicollet County Comprehensive Local Water Management Plan**
- **Memo of September 4, 2001, to agency heads regarding Sherburne County Comprehensive Local Water Management Plan**



Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources

September 2001

SOUTH

The Minnesota River Conservation Reserve Enhancement Program took center stage in early September when Gov. Jesse Ventura initiated a series of statewide tours by visiting southwestern Minnesota.

More than 150 people attended the CREP portion of the Governor's tour, which had three buses and many other vehicles that followed his bus from Granite Falls through Redwood Falls. The CREP portion of the tour began around 1:30 p.m. on Thursday, Sept. 6, and ended around 5 p.m. that day. Earlier that day, Gov. Ventura visited Appleton and Montevideo.

Four CREP sites were chosen to show the Governor. Those included the Donald and Lola Dambrotten farm near Granite Falls; Joel Romo and family land, also near Granite Falls; land owned by Janet Pedersen, Crystal Rosso, and Tina Harried, south of Sacred Heart; and land, which is near Redwood Falls, owned by the family of Jerome Stancer.

Families on the tour had a chance to meet with the Governor, take pictures, and discuss why they decided to enroll in CREP.

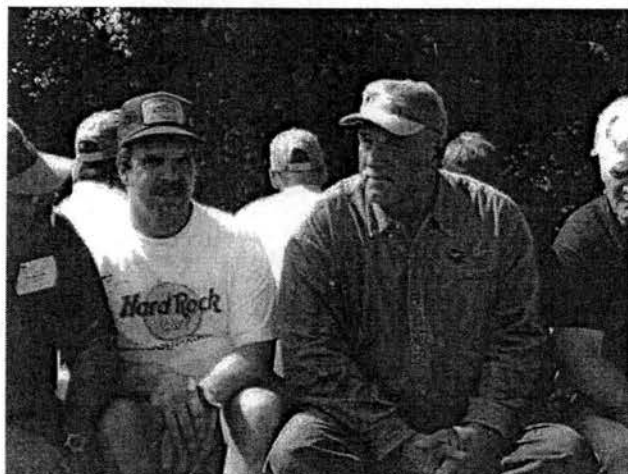
BWSR's own Tabor Hoek served as the sole CREP guide on the Governor's bus. Says Hoek: "I was awestruck at the once-in-a-career chance to spend that much time with the Governor. I found him attentive and interested in what's going on in the farm country of Minnesota."

The event brought significant attention to the success of CREP and the efforts of everyone involved in the program. "The Governor obviously drew much attention to a program that is hitting its peak, and this should help push us over the edge to completion of the 100,000 acres," says Hoek.

As expected, the event garnered significant media coverage. Newspaper and television coverage was extensive.



CREP Tour 2001: Members of the Dambrotten family (top) ride a trailer with Gov. Ventura. (Left) The Governor chats with Tabor Hoek and Janet Pedersen, one of the landowners at the third stop. (Bottom) Tom Kalahar, Renville SWCD, visits with Joel Romo, landowner at the second stop, and Gov. Ventura.



L & WS

In recent months, staff members have been researching and defining options for providing a voluntary option for local governments to incorporate WCA into local ordinance. This programmatic shift for the upcoming WCA rule revision is an attempt to develop a streamlined procedure for local WCA administration. Through this shift, local governments would connect wetland management with other local zoning programs. Management of wetlands through local ordinance will provide ultimate protection of the most important wetland and surrounding landscapes and facilitate successful sequencing through local land use decisions. The newly revised WCA rules will provide a clear and simple choice for local governments: do they want to administer WCA as a local resource management and zoning program or as a state regulatory program?

At the Aug. 22 meeting, the BWSR Board "kicked off" the new era in local wetland management by approving the principles and goals for the WCA rule revision process. These principles and goals will be used by staff to develop methods for defining performance standards for wetland quantity, quality, and biological diversity. Local governments will incorporate these standards into wetland/water management plans and zoning ordinance. The technical evaluation panel and local citizen/technical advisory committees would be involved in plan/ordinance development. Methods for annual reporting and evaluation will be required to determine if local implementation is achieving results.

This new and enhanced local option for WCA administration would have many programmatic benefits, including:

- 1) Deferring to existing local notification procedures;
- 2) Empowering the discretion of LGU's to define mitigation location, type, quality, and extent when they've pre-planned;
- 3) Rewarding comprehensive water or wetland management planning with increased autonomy;
- 4) Incorporating wetland management into other local water and land use management strategies;
- 5) Standardizing local sequencing requirements; and
- 6) Developing local thresholds for wetland protection areas and local exemptions such as *deminimis*.

Over the upcoming months, we need your ideas and comments as the draft language for this new section of WCA is developed. For further information, please provide your comments to Phil Belfiori at (651) 297-8026 or John Jaschke (651) 297-3432.

-Submitted by Phil Belfiori

NORTH

Bill Best reports on the completion of the restoration work related to the Harbott wetland violation in Thief River Falls. The issue involved the ongoing placement of fill material in a wetland since 1990. The fill involved was estimated at 1.29 acres (.93 acres restored with another .36 acres to be mitigated or restored). Darcy Harbott, the property owner, had gone to court in October 2000 and was sentenced a month later. He served 48 hours of jail time, was ordered to complete the restoration work, and was required to pay court fees. This shows the contractor removing fill material



from the site. Because the vegetative layer was well preserved (under saturated conditions), the fill material separated or slid along this surface. The stake is the line determined to be the approximate edge of the wetland fill. The excavator is about on the legal property line.



This view, north along the peninsula, gives a good perspective of the size of the area filled.

This picture (looking southwest toward the home) shows the haul road from the site. Note the flags along the river's edge. The area between the flags and river was



also removed. An area immediately behind the house, which was parallel to the retaining wall, was also determined to be a wetland. The landowner was given the option of restoration or replace. He chose replacement.

BRIEFS

Under the direction of the Board, the Land and Water Section has hired an intern to evaluate the Special Projects Program. Michele DiGirolamo comes to us with a geology background from the University of Minnesota. She has extensive field data gathering experience, including a stint with the MPCA.

Michele's primary task will be to study and evaluate BWSR's Special Projects funded from fiscal year 1997 to the present, with a final product for the Board next summer.

Michele is located in the Central Office. Her phone number is (651) 215-1596. Welcome, Michele!

EASEMENTS

Melissa Remick is the new staff person in the Conservation Easement Section. She will work with us through December 2001 and will take over the duties that Vanassa Lundheim was responsible for before her departure to the private sector.

Melissa has completed two years of her college education at St. Scholastica and decided to transfer to Hamline University to complete her major in psychology. She'll begin there in winter semester 2002.

Melissa is located in the same cube and has the same phone number that Vanassa was previously assigned. That number is (651) 284-4151. Welcome, Melissa!

ENGINEERING

Several of the shoreline stabilization projects along the North Shore for which Gene Clark is providing engineering assistance are being completed this month. Completion before Sept. 30 is critical due to permit restrictions for fish habitat protection and a deadline for an EPA Section 319 grant that is helping to cost-share some of the projects.

Gene recently assisted the NonPoint Engineering Assistance (NPEA) Program staff in Duluth with oversight and sign-off for a shoreline stabilization project on a lake near Eveleth. The NPEA engineer is not yet licensed and, therefore, cannot yet sign off on the practice of engineering. Gene periodically provides lakeshore engineering assistance to the NPEA program staff.

The DNR recently announced the availability of \$1,938,000 of Great Lakes Coastal Restoration Grants. This is the Minnesota share of a one-time \$30 million federal appropriation for coastal restoration and water quality projects within eight Great Lakes states. These grants are being administered in conjunction with the federal Coastal Zone Management (CZM) program and associated state programs. A 25 percent match is required. Applications are due in late October. BWSR and North Shore

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SWCD staff have been considering conservation easements or other options that would enable work on private lands to be eligible for this funding.

Another current grant application opportunity is EPA Section 319. BWSR and North Shore SWCDs have been successful in receiving a number of these grants in past years for education, shoreline stabilization, and various other Lake Superior water quality protection projects.

- Submitted by Al Kean and Gene Clark

BWSR engineering staff members are finalizing several standard drawings that will accelerate the preparation of construction plans for wetland restorations. These standard drawings will enable more technicians and engineers to prepare plans faster and will also accelerate review and approval. Substantial input from users was gathered in conjunction with the three wetland restoration training sessions led by Tom Wenzel in July and August. Engineering technicians Jim Luniewski and Karen Bonde have provided lead computer-aided-design assistance for these standard drawings.

Engineering staff will substantially increase our surveying capability and productivity soon, with the acquisition of survey grade Geodetic Positioning System (GPS) equipment. This equipment will greatly accelerate topographic surveys for wetland restoration projects. This capability will be particularly beneficial for the many large wetland restoration projects that continue to come in via the Minnesota River CREP. As crops come off enrolled lands in the coming weeks, BWSR and partner technicians and engineers will be conducting many topographic surveys to enable wetland restoration applications and designs.

- Submitted by Al Kean and Tom Wenzel

The draft of the Generic Environmental Impact Statement (GEIS) on Animal Agriculture was published in August. A number of public hearings to receive comments were held around the state, ending on Sept. 10. EQB staff report the receipt of about 300 comment submittals. (It includes comments from BWSR.) The draft GEIS is about 200 pages long and includes 76 policy recommendations of the GEIS Citizens Advisory Committee (CAC). The GEIS includes a few thousand pages of literature search summaries and technical working papers organized by topic areas. It appears to be a fairly comprehensive compilation of what is and isn't known at this time and should help to provide a more common base of understanding. EQB staff indicate that the CAC will review the comments on the draft GEIS and help steer development of the final report by December 2001. This may include some consolidation of its recommendations.

The Feedlot and Manure Management Advisory Committee (FMMAC) met recently, after about a six month recess. University of Minnesota professors involved in the Animal Ag GEIS presented informative and challenging information from the Water Quality and Soils and Manure technical working papers about management of nutrients from manure and commercial fertilizer. The FMMAC expects to have a role in helping to define how to follow up on GEIS recommendations. This will include recommendations for feedlot and manure management research priorities, which is a charge of the committee.

- Submitted by Al Kean

State Water Program Reorganization Project

Project Overview:

The Omnibus Agriculture and Environment funding bill (Laws of Minnesota 2001 First Special Session, Chapter 2, Section 155) required the Director of Office of Strategic and Long Range Planning to develop a plan for the reorganization of state water programs and functions. Work on the project began in early July, and is being conducted by staff of the Minnesota Environmental Quality Board, with advice from their Water Resources Committee.

The law provides that three goals are to be met in the plan:

1. All specific plans and implementation projects should be coordinated with and relate to an overall water management plan;
2. Similar programs and functions should be assigned to a single agency when feasible; and
3. Inherent conflicts of interest should be avoided.

The reorganization plan is to be designed to ensure regulatory efficiency and program effectiveness. The plan provides an opportunity for state agencies to re-evaluate the water-related work they do and then focus on the water work most in line with their agency missions.

Three work products are to be submitted to the Legislature in this project:

Due August 15, 2001 – a chart listing all the current water programs and functions of state government, giving

- A description of the program,
- The full-time equivalents of staff (FTEs) assigned to the program, and
- A summary of outcomes of the program.

In this chart, the programs are to be allocated to categories. Five categories were listed in the law:

1. Overall water management planning;
2. Establishment of standards and indicators;
3. Monitoring and assessment;
4. Technical and financial assistance; and
5. Enforcement.

The planning director was given latitude to come up with different categories, as long as the plan met the three goals.

Due November 15, 2001 – a preliminary plan for reorganizing the state water programs and functions, to include a chart similar to the first chart, showing proposed reallocation of programs, functions and FTEs to agencies and a summary of outcomes expected from each program.

Due February 15, 2002 – a final plan with chart and draft legislative language to accomplish the reorganization. The reorganization may be staged over a number of years.

First Submittal: The chart attached to this memo constitutes the first work product. It is a simple listing of state water programs sorted by agency. The information in the table was provided by each agency, and accumulated in this table by EQB staff with little editorial control save formatting.

The following criteria were used to determine whether a program should be listed in the table:

1. Programs relating specifically to water (basin planning, wastewater permits, water monitoring, etc)
2. Programs relating to practices or activities that affect water (best management practices for animal manure, measurement of contaminants in fish, etc)

Areas of effort where state agencies are acting as regulated parties were not considered separate state programs and are not included in the chart.

Using the flexibility allowed in the law, the program categories were changed as follows:

Category in Chart	Category in Law
Planning	Overall water management planning
Standards and Indicators	Establishment of water quantity and quality standards, including biological and chemical indicators
Monitoring and Assessment	Monitoring and assessment
Training and Assistance (includes technical assistance)	Technical and financial assistance, education and training, and implementation
Regulation and Enforcement (includes permitting)	Enforcement
Financial Assistance	(new category, broken out separately from above category provided in legislation)
Acquisition and Development	(new category, not in legislation)
Infrastructure Maintenance	(new category, not in legislation)

Where several categories applied to a program, the primary category was listed first. In addition, three extra columns were added to the chart of state water programs to enhance the information. Columns for "Agency Role" and "Customer" were added for a better understanding of the function of the programs listed. The funding sources for each program were also listed on the chart.

Current State Water Programs:

It is important to note that several studies similar to this one have been requested by the Legislature. "Crosscurrents: Managing Water Resources", also prepared by the Office of Strategic and Long Range Planning, provides good background information that will help provide a context for understanding the information in the chart. A highlighted copy is attached to this report.

Programs in the following agencies were included in the attached chart of state water programs:

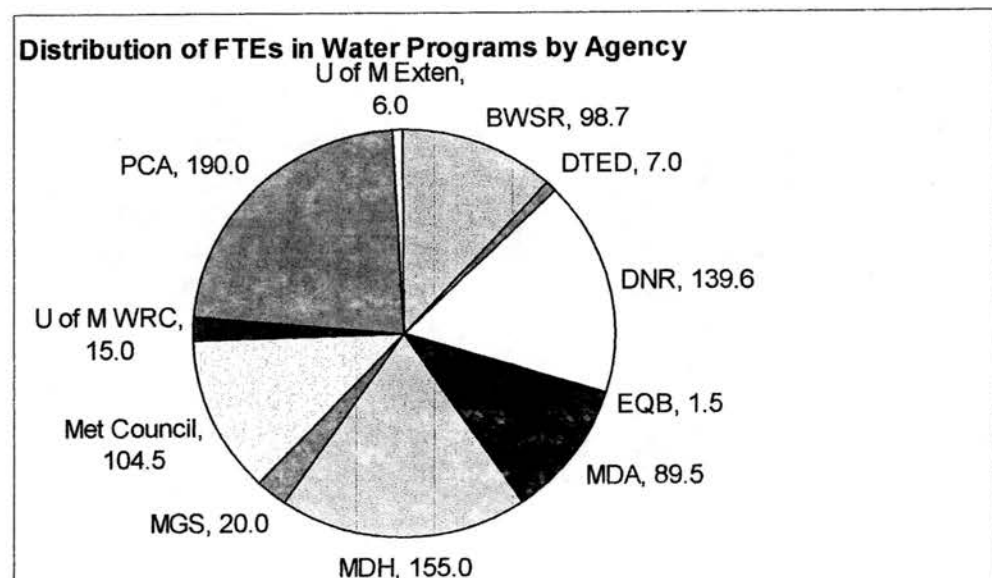
Department of Natural Resources (DNR),
Pollution Control Agency (PCA),
Department of Health (MDH),
Department of Agriculture (MDA),
Board of Water and Soil Resources (BWSR),
Office of Strategic and Long Range Planning/ Environmental Quality Board (EQB),
University of Minnesota Extension Service (U of MN Extension),
University of Minnesota Water Resources Center (U of MN WRC),
Minnesota Geological Survey (MGS),
Public Facilities Authority/ Department of Trade and Economic Development (DTED), and
Metropolitan Council.

Metropolitan Council was included because they have significant water-related responsibilities that are at a scale greater than any local government. While the Metropolitan Council is clearly not State government, it is larger than local government, and plays several important roles in water management in the Twin Cities.

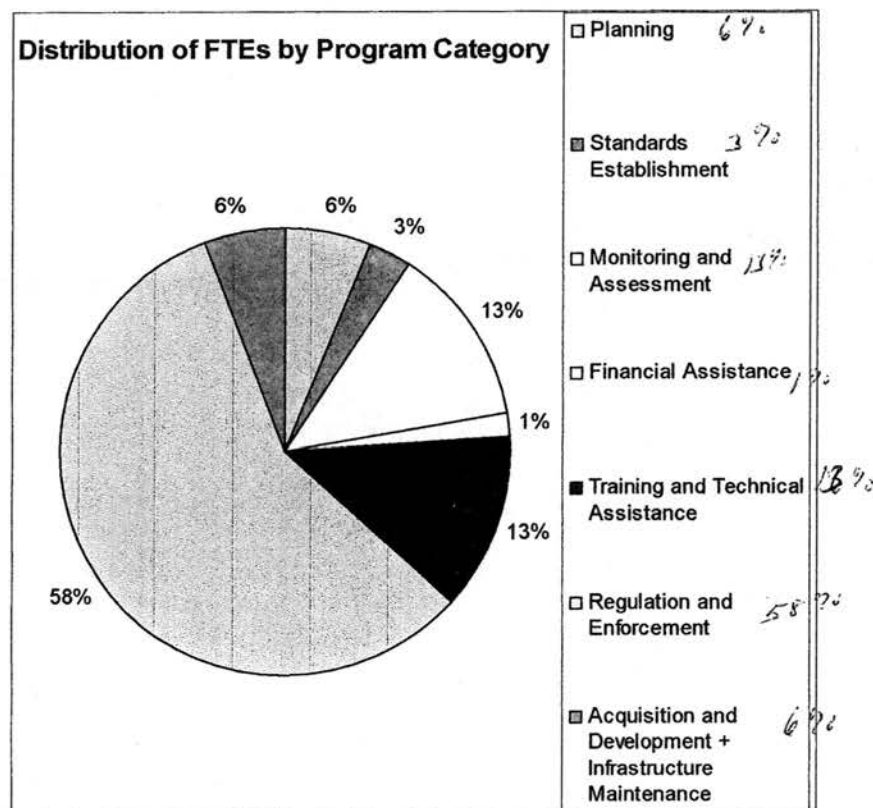
The FTEs shown in the chart are those employed this fiscal year in water work. It includes full-time permanent employees, temporary and seasonal employees, and student workers. This number will change with each new fiscal year.

The chart shows that there are significant state resources going into water-related work. There are approximately 827 full-time equivalents (FTEs) employed in the 101 programs submitted by the agencies. This diagram shows the breakdown of the 827 FTEs, by agency.

Does not count SWCD or County people involved.



The work that is being done in the agencies was divided into the established categories. More than half of the state's water effort is in the regulation and enforcement category. Training and technical assistance, and monitoring and assessment are the next two largest categories. These three categories account for more than 80% of the state's water effort. This diagram shows the percentage of state effort that falls into each category.



Next Steps:

Work on this project will now focus on preparation of the draft plan for reorganization, due to the Legislature on November 15, 2001. EQB staff will seek information and advice from the EQB's Water Resources Committee, in addition to conducting independent research.

Acronyms Found in the Water Reorganization Table

BMPs – Best Management Practices
BWSR – Board of Water and Soil Resources
CREP – Conservation Reserve Enhancement Program
DNR – Department of Natural Resources
DTED – Department of Trade and Economic Development
DWRF – Drinking Water Revolving Fund
EPA – Environmental Protection Agency
EQB – Environmental Quality Board
FEMA – Federal Emergency Management Agency
FIFRA – Federal Insecticide, Fungicide and Rodenticide Act
GIS – Geographic Information System
GPS – Global Positioning System
HREP – Habitat Restoration and Protection Programs
HW – Headwaters
ISTS – Individual Sewage Treatment System
LCMR – Legislative Commission on Minnesota Resources
LGU – Local Government Units
LIDs – Lake Improvement Districts
MCES – Met Council Environmental Services
MDA – Minnesota Department of Agriculture
MDH – Minnesota Department of Health
MERLA – Minnesota Environmental Response and Liability Act
MGS – Minnesota Geological Survey
MNRRRA – Mississippi National River and Recreation Area
MWBAC – Minnesota/Wisconsin Boundary Area Commission
NPDES – National Pollutant Discharge Elimination System

NRCS – Natural Resources Conservation Service
NWS – National Weather Service
OHW – Ordinary High-water Levels
OMB – DNR Office of Management and Budget
PCA – Pollution Control Agency
PCBs – Polychlorinated Biphenyls
PFA – Public Facilities Authority
PWP – Permanent Wetlands Preserves
RIM – Reinvest in Minnesota
SEMNRB – Southeastern Minnesota Water Resource Board
SL – Shoreland
SRF – State Revolving Loan Fund
SWCD – Soil and Water Conservation District
UMRBA – Upper Mississippi River Basin Association
USGS – United States Geologic Survey
WRC – Water Resource Center
WRP – Wetlands Reserve Program
WSR – Wild and Scenic Rivers

Chart of State Water Programs-August 14, 2001

Program	Agency (Division)	Brief Description	Program Category	Agency Role in Program	Program Customer	FTEs	Outcomes	Funding Source
Wetland Conservation Act	BWSR	Protects wetlands that are not protected by other state or federal programs. Requires replacement of most impacted acres. Public roads projects are mitigated through a wetlands bank consisting of agency and privately restored/created wetland acreage.	Regulation and enforcement Planning Training and assistance Financial assistance Acquisition and development Monitoring and assessment	Technical assistance	Local government	13.2	Local governments perform the regulatory functions related to exemptions, noticing, alternative analysis, and mitigation. Goal is no <u>net</u> loss of wetland. Reported results show 2,900 acres avoided, and 380 acres replaced each year. Training of 800 people per year occurs. Public road projects require 180 acres per year to be mitigated by the state.	General fund, Bonding for wetland road replacement and bank
Watershed District and Soil and Water Conservation District Oversight	BWSR	Coordinate resource planning activities of counties, watershed districts, soil and water conservation districts, watershed management organizations, and other local units. MS103B.101, subd. 9	Training and assistance Planning Financial assistance Regulatory	Oversight of activities of regulatory partners Technical assistance Financial assistance	Local government	8.8	Efficient delivery of conservation and resource management activities at the local level with an emphasis on private lands. There are 178 organizations working w/ annual budget of \$53 million to undertake local projects and plans.	General fund
Comprehensive Water Planning	BWSR	Engage local units to facilitate completion of county water plans, watershed management plans, and groundwater protection plans.	Planning Training and assistance Financial assistance	Financial assistance Technical assistance	Local government	8	Guidance and review of plans for conformance with requirements and approval of plans. There are 147 organizations who conduct periodic planning (rotating basis) every 5 - 10 years.	General fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Soil Conservation	BWSR	Programs to conserve soil resources including soil surveys, grazing lands, tillage management, and forestry (windbreaks). Includes office of state soil scientist.	Training and assistance Financial assistance Monitoring and assessment	Technical assistance Financial assistance	Local government Citizens Other state agencies Federal agencies	4.9	Antiquated and incomplete soils information replaced with GIS compatible data available for community planners and scientists. Four counties are underway and will result in 1.65 million acres of soils data being catalogued and compatible.	General fund, LCMR for soil surveys
Erosion Control and Water Quality Cost-share	BWSR	Assistance to landowners through local units of government for installation of erosion, sediment, and water quality control projects. Also includes cost-share on feedlots for water quality improvements.	Standards and indicators Training and assistance Financial assistance Monitoring and assessment	Technical assistance Financial assistance Standards establishment	Local government Citizens	9.2	Landowner, local government, and federal government monies leverage state money and provide over half of total project costs. 6,000 projects were completed in 98-99. Projects reduce 777,000 tons/yr of soil loss, 166,000 tons/yr of sedimentation, and 436,000 lbs/yr of total phosphorus.	General fund, PCA pass through (feedlot)
Education	BWSR	Joint positions with U of M Extension lead staff efforts to increase citizen involvement, improve outreach, enhance technology transfer, and co-sponsor the state Envirothon and Children's Water Festival.	Training and assistance Financial assistance	Technical assistance	Local government	4.5	Reinforces the local and collaborative approach by highlighting benefits of wise management. Envirothon involved 1,200 students on 261 teams around the state.	General fund, University Extension

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Conservation Easements	BWSR	Primarily perpetual easements established over areas with a cropping history. Drained or altered wetlands are restored and native vegetation is established in upland areas. Programs include CREP, RIM, WRP, and PWP.	Acquisition and development Training and assistance Financial assistance Regulation and enforcement Monitoring and assessment	Financial assistance Technical assistance	Local government Citizens Nonprofit organizations	44.8	Program has enrolled 140,000 acres of marginal farmland primarily by concentrating restoration efforts in riparian areas to maximize water quality benefits. Each acre reduces soil loss by 9.6 tons/yr, sedimentation by 4.7 tons/yr, and total phosphorus by 5.8 lbs/yr.	Bonding, Federal match
Nonpoint Engineering Assistance	BWSR	Provides engineering assistance for implementation of a variety of nonpoint water quality practices on private lands.	Training and assistance Financial assistance	Technical assistance	Local government	2.7	Builds capacity on sub-regional level to design and implement projects by sharing of resources. Projects include construction of 430 erosion control, 300 feedlot abatement, and 210 wetland restorations per biennium.	General fund
Coastal Engineering Erosion Control	BWSR	Engineering design, technical assistance, and financial assistance to north shore communities.	Training and assistance Financial assistance Planning	Technical assistance Financial assistance	Local government Citizens	2.1	Encourages proper development and constructs shoreline stabilization measures. Since 1994 the program has attracted over \$700,000 of federal and state funding, conducted 140 site inspection/designs, and constructed 24 Lake Superior stabilization projects addressing over 7,000 feet of shoreline.	General fund, Federal grants
Area II Minnesota River Basin Projects, Inc.	BWSR	Technical and financial assistance to local government in study area II for engineering, land acquisition, and construction of floodwater retarding/retention structures.	Acquisition and development Planning Financial assistance	Financial assistance	Local government	0.5	Flood retention structures constructed by downsizing road culverts and creating small, short duration reservoirs behind road embankments and small dams. An average of 18 flood control projects per year are either designed or constructed.	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Harmful Exotic Species Management Program	DNR (Ecological Services) (Fisheries) (Enforcement)	The program includes the inventory, monitoring, and control of infestations of purple loosestrife, milfoil, zebra mussels, and other harmful exotic species. It provides general information to help educate the public and commercial fishing and aquatic farm operators in how to reduce the spread of exotics. We also make rules, do boat access inspections, and enforce laws that regulate the possession or transportation of certain species, provide grants for control efforts, and fund research. MS Chapter 84D & 86B.415, MR Chapter 6216	Monitoring and assessment Regulation and enforcement Training and assistance Financial assistance	Technical assistance Ambient monitoring Training Financial assistance Regulation and enforcement Compliance monitoring	Citizens Local government Other state agencies Federal agencies Nonprofit organizations (Lake Associations, Sports groups, etc.) Schools and educators Legislators Regulated parties	8	The introduction of new harmful exotic species into Minnesota is prevented. The spread of harmful exotic species within Minnesota is reduced. The effects of harmful exotic species on Minnesota's ecology, society, and economy are minimized.	Water Recreation Account (License Surcharge Fees), Federal Cost share, Game and Fish
Fish Contaminant Monitoring Program	DNR (Ecological Services) (Fisheries)	Fish are collected from lakes and streams throughout the state and then sent to a lab to be analyzed for levels of PCBs and mercury. The data is used by the Minnesota Department of Health to issue fish consumption advisories and the Minnesota Pollution Control Agency to track trends in contaminant levels. MS 97A.045	Monitoring and Assessment	Ambient monitoring	Other state agencies Federal agencies Schools and educators Citizens	1	Data is collected that allows public health to be protected and the success of efforts to reduce the contamination of environment with mercury, PCBs, and other persistent chemicals to be tracked.	RIM Funds

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Mississippi River Management	DNR (Ecological Services)	Collect and interpret long-term information on the water quality, fisheries, plant communities, etc. of the Upper Mississippi River including Lake Pepin and various backwater lakes. Coordinate with Corps of Engineers on navigation activities, including HREP projects. MS 97A.045	Monitoring and assessment Training and assistance	Ambient monitoring Chemical and biological indicator establishment Technical assistance Acquisition and development Infrastructure maintenance	Local government Other state agencies Federal agencies Nonprofit organizations Schools and educators Citizens Legislators	7	Management decisions which impact the Upper Mississippi River will be made based on a better understanding of the river's biological status.	Federal/USGS, Game & Fish
Wetlands Review and Conservation Program	DNR (Ecological Services)	In accordance with the state Wetlands Conservation Act the following activities are done: coordinates review of wetland replacement plans; provides technical guidance to DNR, local governments and landowners on wetland mitigation; promotes wetland conservation by providing science-based recommendations in the development of state wetland regulations, programs, and policies; and coordinates development of the Minnesota Wetlands Conservation Plan.	Monitoring and assessment Regulation and enforcement	Technical assistance Training Regulation and enforcement	Regulated parties Local government Other state agencies Federal agencies Nonprofit organizations Legislators	1	No net loss of wetland resources.	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Ground Water level Monitoring and Trend Reporting	DNR (Waters)	Measure and record water levels in observation wells in major aquifers across the state; periodically interpret the trends in water level change.	Monitoring and assessment Planning	Ambient monitoring Compliance monitoring Technical assistance	Regulated parties Local government Citizens Other state agencies Federal agencies Nonprofit organizations Schools and educators Legislators	3	Data are compiled and interpreted in biennial reports; longer range trends analysis under way. Data available on DNR web page.	General Fund
Ground Water Technical Analysis	DNR (Waters)	Gather and compile data related to specific well interference or water supply conflicts; evaluate proposed new water supply wells; investigate impacts of resource development on surface and ground waters and make recommendations to water appropriations staff and field staff relative to regulatory decision.	Training and assistance Planning Regulation and enforcement	Technical assistance Regulation and enforcement	Regulated parties Local government Other state agencies	6	Regulatory decisions are based on sound scientific information; conflicts are avoided or addressed expeditiously. The body of knowledge about aquifers is increased.	General Fund
Geophysics	DNR (Waters)	Apply seismic reflection and refraction, electrical resistivity, electromagnetic induction techniques to determine subsurface characteristics significant to water resources issues.	Training and assistance Monitoring and assessment	Technical assistance Planning	Local government Other state agencies	2	Information provided to decision makers on depth to water, location of subsurface boundaries or voids, location of buried wastes or plumes.	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
County and regional Geologic and Hydrologic Mapping	DNR (Waters) Minnesota Geological Survey with Counties	Gather existing and generate new data, locate and log water wells, make extensive field observations, obtain water samples for general chemistry and age analysis, and finally compile and interpret data to produce map reports.	Technical assistance Planning Monitoring and assessment	Technical assistance Planning Training	Local government Other state agencies Citizens	6	Develop map reports on a county or regional basis describing geology and water resources and sensitivity of aquifers to pollution.	General Fund, Small Contributions From Each County
Locate, Inventory and Seal Wells on State Land	DNR (Waters)	Physically locate wells using magnetometer, GPS, historical records etc.; examine the condition of each well found; seal all unused or unusable wells to comply with state regulations.	Infrastructure maintenance	Infrastructure maintenance	Other state agencies Citizens Local government	1.5	Wells sealed and no longer a concern for water quality into future.	Bonding
Ground Water Exploration	DNR (Waters in cooperation with various communities)	Identify locations for exploratory drilling, oversee drilling by contractor, interpret and present results to describe the nature of the subsurface in areas where little information is available.	Planning Monitoring and assessment	Technical assistance Planning	Local government Citizens Legislators Other state agencies Federal agencies	.5	Aquifers located and described (or ruled out).	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Precipitation Monitoring, Data Compilation and Interpretation and Climate Studies	DNR (Waters in cooperation with NWS, SWCDs and others)	Collect and compile precipitation reports from observers across the state; archive the data; produce statistical summaries and interpretive maps on trends. Evaluation of the significance and likelihood of occurrence of a particular set of circumstances.	Monitoring and assessment Planning	Technical assistance Ambient monitoring Training	Citizens Regulated parties Local government Federal agencies Nonprofit organizations Schools and educators Legislators	3	Information about magnitude and direction of precipitation/water resources made available in a timely fashion. Climate trends and water resources implications described for users and public.	General Fund
Dam Safety Program	DNR (Waters)	Requires permits for dam construction and performs periodic dam inspections. Provides matching grants to local governments for dam projects. MS 103G.505-531	Regulation and enforcement Financial assistance Training and assistance	Regulation and enforcement Financial assistance Infrastructure Technical assistance	Regulated parties Local government	3	Safe dams. Removal of unsafe or obsolete dams.	General Fund, Capital Bonding, FEMA Grants
Surface Water Technical Analysis Program	DNR (Waters)	Provides hydrologic and hydraulic engineering services to support public waters permit program decisions and assist local governments and landowners. MS 103G.111	Training and assistance Regulation and enforcement	Technical assistance Training	Regulated parties Local government Citizens	3	Technically sound information to support permit decisions. Improved understanding of the causes and impact of flooding, lake level fluctuations, drought etc. GIS layers for major and minor watersheds and lakesheds.	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Lake Hydrology Program	DNR (Waters)	Collect and provide information on lake levels and other lake attributes in a consolidated, web accessible database. Relies on 500+ volunteer network. MS 103G.121, Subd. 1	Monitoring and assessment Training and assistance	Ambient monitoring Technical assistance	Citizens Local government Other state agencies	2	Web accessible information on lake levels and other lake attributes. Information needed to perform technical analyses.	General Fund
Hydrographic Services Programs	DNR (Waters)	Conducts topographic surveys on land alteration activities impacting public waters. Determines OHW levels of public waters. Performs maintenance work at 300+ state owned lake outlet dams. MS 103G.121, Subd. 1	Training and assistance Regulation and enforcement Infrastructure maintenance	Technical assistance Infrastructure maintenance	Regulated parties Local government Citizens	6	Ordinary high water level determinations for public waters basins. Detailed topographic maps and survey drawings, graphics. Functional lake outlet dams and stabilized lake levels.	General Fund
Public Water Emergency Conservation Planning	DNR (Waters)	Once every 10 years, public water suppliers serving greater than 1,000 people must prepare and implement plans to conserve water, implement emergency drought procedures and reduce future demand. MS 103G.291	Regulation and enforcement Planning	Technical assistance Planning Oversight of activities of regulatory partners	Regulated parties Local government	1	311 local plans implemented. Per capita water use rate increase is reduced.	General Fund
Lake Improvement District	DNR (Waters)	The purpose is to allow for establishment of a lake improvement district with taxing/regulatory powers to protect lakes and to increase and enhance the use and enjoyment of lakes. MS 103F.801	Planning	Technical assistance Planning Oversight of activities of regulatory partners	Local government Citizens	.1	14 LIDS exist in MN.	Local Government, General Fund
Project Wet	DNR (Waters)	The program provides water education training (WET) for MN K-12 teachers including workshop and curriculum for classroom use.	Training and assistance	Training	Schools and educators Nonprofit organizations	1	100 teachers trained as facilitators annually. Schools using curriculum.	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Stream Maintenance Grants	DNR (Waters)	The program provides cost-share grants for removal of debris, trees, brush etc. MS 103G.701	Financial assistance	Financial assistance	Local government	0 at present	Program funding has been erratic. Clearing of debris from MN streams.	General Fund
Public Waters Work Permits	DNR (Waters) (Ecological Services) (Fisheries) (Wildlife) (Enforcement)	Regulates alterations of the course, current and cross-sections of public waters by direct permit from DNR Waters to avoid or minimize damage to public waters and allow reasonable riparian uses.	Regulation and enforcement	Regulation and enforcement Compliance monitoring Technical assistance Standards establishment	Regulated parties Local government Other state agencies Federal Citizens	34	Avoided damages to lakes, streams and public waters.	General Fund, Game and Fish Account
Protected Waters and Wetland Inventory	DNR (Waters)	DNR has created an inventory of waters and wetlands for which permits are required. DNR is in the process of digitizing the protected water inventory on the computerized National Wetlands Inventory map base. MS 103G.201	Training and assistance Planning Regulation and enforcement	Planning Technical assistance Regulation and enforcement	Regulated parties Local government Other state agencies Federal Citizens	1	22,000 Public waters mapped. Better tools provided for program implementation.	LCMR, General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Aquatic Plant Management Program	DNR (Ecological Services) (Fisheries) (Enforcement)	The program issues permits to lake property owners to control vegetation adjacent to their property using herbicides or mechanical removal, evaluates the impacts of those control efforts, and ensures that pesticides are used appropriately. Assists in pesticide applicator training for staff, cooperators, and some operators. Assistance is also given to property owners or associations in producing long term vegetation plans. MS 103G.615, MS 84.091 and MR Chapter 6280	Regulation and enforcement Monitoring and assessment Training and assistance	Standards establishment Compliance monitoring Technical assistance Training Regulation and enforcement	Citizens Regulated parties Local government Other state agencies Federal agencies Nonprofit organizations (Lake associations, sport groups) Legislators	11	Riparian owners obtain access and use of lake while important habitat for fish and wildlife, or rare species are protected.	Game and Fish Funds, Water Recreation Account, General Funds, Federal Cost Share \$826,273
Stream Hydrology Program	DNR (Waters)	Collects and analyzes information on river and stream flow. Provides financial support for about one-third of the cooperative federal stream gauging network in Minnesota. Provides technical assistance to others. MS 103G.285, Subd.2	Monitoring and assessment Training and assistance	Ambient monitoring Technical assistance Training	Local government Other state agencies Citizens	3	Statistical information on flows and flood and drought frequency needed to perform technical analyses. Time of travel and stream temperature studies. Community flood warning system. Hydro-power compliance monitoring. Information on surface water availability.	General Fund, Income Contracts

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Water Appropriation Permit Program	DNR (Waters)	Permits are required for appropriations of surface or ground water exceeding 10,000 gallons per day or 1 million gallons per year. MS 103G.271	Regulation and enforcement Training and assistance	Regulation and enforcement Compliance monitoring Technical assistance Standards establishment	Regulated parties Local government Other state agencies Citizens	8	6,800 permits statewide. \$2.8 million in revenues. Non-interference of government water supplies. Prioritization of users in event of drought.	General Fund, Permit Fees
Flood Plain Management Program	DNR (Waters)	Standards provide for identifying floodplains, floodways, and flood fringe areas. Standards describe flood protection measures for new construction in the flood fringe. Standards require that only open space uses are to be allowed in floodway areas. MS 103F.101	Regulation and enforcement Standards and indicators Planning	Oversight Technical assistance Regulation and enforcement Standards establishment Training	Local government Other state agencies Federal Citizens	7	Averted future flood damages. Number of communities participating in NFIP. Number of flood insurance policies.	General Fund, FEMA Funds

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Shoreland Management and Wild and Scenic Rivers Program	DNR (Waters)	Standards have been established for development of shoreland areas; land within 300 ft. of a stream or 1000 ft. of a lake or wetland or the extent of a floodplain. Standards address subdivision of land, structure setbacks, vegetative management, land alterations, agricultural activities and sewage treatment. MS 103F.201 (SL) MS 103F.301 (WSR) MS 103F.351 (Lower St. Croix) MS 103F.361 (Miss HW Board)	Standards and indicators Planning	Oversight Technical assistance Regulation and enforcement Standards establishment Training	Local government Other state agencies Citizens Nonprofit organizations (MLA)	10	Number of communities with local ordinances New development and redevelopment conforms to standards.	General Fund, Water Recreation Fund-WSR
Flood Damage Reduction Program	DNR (Waters)	The program provides matching grants to Local Units of Government to implement flood damage reduction projects. Some projects have created or enhanced wetlands for flood water storage areas. MS 103F.161	Training and assistance	Financial assistance Technical assistance Infrastructure maintenance Planning	Local government Other state agencies Federal Legislators	2	Reduced flood damages. Communities protected. Flood fighting costs reduced.	General Funds, State Bonding
DNR River Management Program	DNR (Waters)	The program assists other federal/state/local river management efforts such as MWBAC, UMRBA, Mississippi Headwaters Board.	Training and assistance Planning	Technical assistance Financial assistance Oversight Planning	Other state agencies Federal	.5	Comprehensive plans established and monitored on rivers.	Water Recreation Fund, General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Hydropower Licensing	DNR (OMB)	To conduct reviews for hydropower proposals.	Regulation and enforcement Training and assistance	Technical assistance Regulation and enforcement	Regulated parties Other state agencies Federal agencies	.5	Hydropower relicensing is accomplished.	Water Recreation Fund
Coastal Resource Management	DNR (Waters)	Provide for the consistent administration of the federal coastal program in Minnesota.	Training and assistance Planning	Financial assistance Planning Technical assistance Regulation and enforcement	Citizens Regulated parties Local government Federal agencies Nonprofit organizations Schools and educators Legislators	2	Implementation of the coastal plan, distribution of federal funds to local project sponsors, and improved resource management.	Federal
Water Planning	DNR (Waters)	Review and input into the local water planning process.	Planning	Technical assistance	Local government	4.5	Local water plans are consistent with the state rule and policy. Local governments have better resource information for their plans.	General Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Overall state water policy coordination – includes State Water Plan, Groundwater Policy and biennial Water Priority Reports	Mnplan (EQB)	The EQB works through its Water Resources Committee to coordinate state-level water programs and develop the decennial State Water Plan. The 2000 plan, Minnesota Watermarks, includes statewide goals and objectives for water management, as well as goals and objectives for each of the individual basins. Water priorities, including those for groundwater, for each biennium are developed in conjunction with the EQB's Water Resources Committee. MS 103B.151 MS 103A.204 MS 103A.43	Planning	Planning	Legislators Other state agencies Citizens	1	State policies and priorities for water management are documented	General Fund
Water Unification Initiative	Mnplan (EQB)	This Governor's initiative builds upon the 2000 State Water plan. Basin teams were set up to provide basin-specific information and to measure progress toward the basins' stated goals. MS 103A.43 Executive Order 99-15	Planning	Planning	Legislators Other state agencies Citizens	0.5	Local priorities are built into the State Water Plan and common goals established.	General Fund
Statewide water research needs	Mnplan (EQB)	The EQB is to develop a water research needs and priorities report for the Legislature. MS 103A.43	Planning	Planning	Legislators Other state agencies	0	Water research is coordinated. NOTE: this work is conducted through the Water Unification Initiative.	No specific funding

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Water quality and quantity trends assessment	Mnplan (EQB)	EQB is to work with PCA, MDA and DNR to coordinate a biennial assessment and analysis of water quality and quantity, groundwater degradation trends, and efforts to reduce, prevent, minimize and eliminate degradation of water. This assessment must include an analysis of relevant monitoring data. MS 103A.43	Planning	Planning	Legislators Other state agencies	0	Water trends and activities are documented. NOTE: this work is conducted through the Water Unification Initiative.	No specific funding
Regulation of Fertilizers, Soil and Plant Amendments	MDA (Agronomy and Plant Protection)	This program regulates the registration, use, handling and storage of fertilizers. This is accomplished by traditional product assurance, regulations on handling and storage, promotion of voluntary BMPs, regulation of product use, emergency spill response and long term remediation and reimbursement of cleanup costs. MS 18.C MS 18.D MS 18 E MS 103.4 MS 115.B	Regulation and enforcement Monitoring and assessment Training and assistance Financial assistance	Regulation and enforcement Ambient monitoring Compliance monitoring Technical assistance Training Financial assistance	Regulated parties Citizens	16	Registers products to ensure label compliance; permits bulk storage and containment; promotes Bumps for water quality protection; responds to emergencies; licenses commercial applicators; remediates contamination; oversees remediation and reimbursement; monitors and assesses water and practices, licenses commercial animal waste applicators, certifies soil and manure testing laboratories.	General fund, MERLA, Federal and State grants.

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
MN Pesticide Control Act	MDA (Agronomy and Plant Protection)	This program regulates the registration, use, handling and storage of pesticides. This is accomplished by traditional product assurance, regulations on handling and storage, licensing of applicators. MS 18.B MS 18.D MS 18 E MS 103.4 MS 115.B	Regulation and enforcement Monitoring and assessment Training and assistance Financial assistance	Regulation and enforcement Ambient monitoring Compliance monitoring Technical assistance Training Financial assistance	Regulated parties Citizens Federal agencies	71	Registers products; permits storage; promotes BMPs for water quality protection; monitors and assesses water and practices; licenses and certifies applicators; responds to emergencies; remediates contamination; oversees remediation and reimbursement; and collects and disposes of waste pesticides.	Pesticide fees, general fund, federal FIFRA grant, MERLA, and State and Federal grants
Agriculture Best Management Practices Loan Program	MDA (Agricultural Finance Division) (Agricultural Development Division)	This environmental quality program provides zero interest loans to local units of government who in turn provide low interest loans to individuals for agricultural Best Management Practices that help implement agricultural non-point source pollution priorities in local water plans. The Agricultural Finance Division administers the funding. The Agricultural Development Division works with counties, county Soil and Water Conservation Districts (SWCDs) and local water planners to develop applications, and convenes an advisory committee (comprised of water quality agencies and local units of government) to review and rank the applications and advise the commissioner on allocation decisions. (Minnesota Statutes, 2000, Section 17.117, as amended by Laws of Minnesota 2001, First Special Session, Chapter 2, Section 25.)	Financial assistance	Financial assistance Technical assistance	Citizens Local government Regulated parties	2.5	Provides low interest loans to agricultural producers, agricultural supply businesses and rural landowners to adopt agricultural best management practices (BMPs) that reduce environmental pollution. Agricultural producers receive low interest loans to help offset costs of environmental improvements. Improvements in environmental quality in agricultural areas. Implementation of agricultural environmental goals in local water plans. Increased compliance with agricultural environmental standards and regulations.	Annual Allocations from PFA or General Fund and Revolving Funds

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
MN Well Construction Code and Program	MDH (Environmental Health)	The program protects the health of those who drink well water, approx. 70 percent of state's population. It also protects groundwater resources through compliance with proper construction techniques for new wells and borings, and through the timely and proper sealing of old wells and borings. MS Chapter 103I	Regulation and enforcement	Regulation and enforcement Oversight of activities of regulatory partners	Local government Citizens Other state agencies	35	Licensure and training for well related professions. Inspection of new wells and borings. Follow-up on property transfers to ensure unused wells are sealed. Maintain data on the location of wells and borings. Establish "special well construction areas" for those parts of Minnesota known to have groundwater contamination or other special conditions. Provide information and technical assistance to public and professions, including water clinics with MDA.	Regulatory Fees
Public Water Supply Program	MDH (Environmental Health)	The MDH ensures that public water supplies provide a safe and adequate supply of drinking water to protect the health of residents and visitors. MDH sets maximum contaminant levels and monitoring frequencies for over 10,000 public water systems in the state. MS 144.381 to 144.385 - General MS 115.741 - Operator cert. MS 144.145 - Fluoride MS 446A.081- DWRF	Regulation and enforcement Infrastructure maintenance	Regulation and enforcement Infrastructure maintenance Compliance monitoring	Local government Citizens Other state agencies	90	Compliance assistance to ensure water suppliers meet standards. Monitor drinking water quality and perform on-site inspections of water system facilities and operations. Establish construction standards and review and approve plans for construction of drinking water facilities. Train and certify operators in conjunction with PCA wastewater operator program. Award loans to public water suppliers for infrastructure improvements in conjunction with DTED. Provide information, education, and assistance. Fluoridation of public water supplies.	Regulatory Fees, Service Connection Fees, Federal Funds and Revolving Fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Wellhead/Source Water Protection Program	MDH (Environmental Health)	The program is designed to protect public wellhead and source water areas from contaminants that may adversely affect human health. Public water suppliers are required to delineate protection areas, investigate potential contaminant sources and develop a program for managing these sources. MS 144.381 to 144.385	Training and assistance Regulation and enforcement	Regulation and enforcement Technical assistance Training Planning	Local government Citizens Other state agencies	25	Work with public water suppliers to develop and implement source water/wellhead protection plans that safeguard their water sources from contamination.	General Fund, Service Connection Fees, Federal Funds (Clean Water Act 106 and 319) and Revolving Fund
Health Based Standard Setting	MDH (Environmental Health)	The program established and maintains health risk limits and health based values for groundwater and water contaminants. MS 103H.201 MS 144.0751	Standards and indicators	Standards establishment Technical assistance	Other state agencies Nonprofit organizations (Environmental and health advocacy groups) Citizens Legislators	5	Conducts research, analyzes results, and communicates to local, regional and state programs (PCA, DNR, MDA), results of water exposure conditions. Review and revise as necessary health risk levels (HRLs) for groundwater contaminants and health based values (HBVs) for water. Safe drinking water standards must be based on scientifically acceptable, peer-reviewed information and include a reasonable margin of safety to adequately protect the health of infants, children, and adults.	General Fund
Monitoring Data Coordination and Reporting	PCA	Preparation of reports, compiling of data, and presentation of monitoring results.	Monitoring and assessment	Technical assistance Ambient monitoring	Local government	8	Reports, data runs, and other information compiled in useful formats.	Federal and state funding

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Biological Monitoring	PCA	Development of stream indices of biological integrity (IBI).	Standards and indicators Monitoring and assessment	Ambient monitoring Chemical and biological indicator establishment	Federal Agencies Citizens Legislators Nonprofit organizations	3	Criteria by which stream health can be assessed via health of biological communities.	General Fund
Mercury in Fish Tissue	PCA	Determine the concentrations of mercury in fish tissue for a set of Minnesota lakes.	Monitoring and assessment	Ambient monitoring	Citizens	1	Information on the concentration and trends of mercury in fish tissues.	Federal and state funding
Toxics Monitoring	PCA	Determine the concentration of metals in streams and sources of sediment contamination.	Monitoring and assessment	Ambient monitoring	Federal Agencies	2	Information on water body contamination by toxic substances.	Federal and state funding
Project-specific monitoring	PCA	Intensive monitoring of specific lakes and streams.	Monitoring and assessment	Ambient monitoring	Local government Citizens	6	More detailed information on the water quality of specific water bodies.	State funding
Stormwater	PCA	Minimum requirements for controlling storm water runoff from industrial and construction sites.	Regulation and enforcement	Technical assistance Training Regulation and enforcement	Local government Federal agencies	14	Reduced water pollution from storm water leaving commercial sites.	Section 319 funds, legislative appropriation

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Total maximum Daily Loads (TMDLs)	PCA	Identification of impaired waters and development of implementation plans for returning water bodies to a healthy state.	Regulation and enforcement	Technical assistance Financial assistance Oversight of activities of regulatory partners Regulation and enforcement	Federal agencies Local government Nonprofit organizations Citizens	5	Implementation plans for returning water bodies to a healthy state, and eventually water bodies that meet water quality standards.	Legislative appropriation, Section 319
Ambient Stream Water Quality Monitoring	PCA	Routine monitoring provides background water quality data necessary for several Agency water programs and for responses to requests from individuals and groups interested in water quality. Water samples are analyzed for a variety of chemical parameters.	Monitoring and assessment	Ambient monitoring	Federal agencies Citizens Nonprofit organizations Legislators	1	Information on stream water quality, including trends of pollutant levels.	General Fund, Federal 100
Citizens Lake and Streams Monitoring Programs	PCA	Volunteers assist in the assessment of water quality by measuring clarity of lakes using Secchi discs and streams using transparency tubes.	Monitoring and assessment	Technical assistance	Citizens Federal agencies Nonprofit organizations Legislators	2	Improved quantity of data on our water resources through use of citizen volunteers.	General Fund, SRF Loan Program
Lake Assessments Program	PCA	The program is a cooperative study of a lake involving PCA staff and local citizens. The studies characterize a lakes condition and provide some basic information regarding the interaction of the lake and it watershed.	Monitoring and assessment	Ambient monitoring Technical assistance	Citizens Local government Nonprofit organizations	1	Information on the water quality of specific lakes.	EPA Lake Assessment Grants

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Lake Studies Program	PCA	The program inventories the physical, chemical and biological characteristics of Minnesota's lakes for informed decision making of state fisheries and lake management programs.	Monitoring and assessment	Ambient monitoring	Other state agencies Citizens	1	Information on the water quality of specific lakes.	General Fund
Wetlands Biological Assessment	PCA	Development of practical criteria for making decisions about impacts to high quality wetlands.	Standards and indicators	Chemical and biological indicators establishment Ambient monitoring	Federal agencies Local government Citizens	2	Criteria for assessing wetland health and condition.	Federal Funding
Basin Planning and Coastal Zone Management	PCA	Plans are created to address water quality issues on a basin-wide scale.	Planning	Planning	Local government Other state agencies Federal agencies Citizens Nonprofit organizations	7	Basin Information Documents, Basin Plans, local input to state water planning efforts such as Watermarks.	Federal Funding, Legislative Appropriation
Water Program Development and Planning	PCA	Aggregate staff time dedicated to planning and other water program development and coordination not specified by listed programs.	Planning Training and assistance Regulation and enforcement	Planning	Federal agencies Local government	4	Plans, initiatives, tracking of progress, support of programs, etc.	Various – section 319, General fund

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Feedlot Program	PCA	Any facility that meets the definition of feedlot with greater than 1000 animal units (au) needs an NPDES permit. Any new facility greater than 300 AU needs an NPDES permit. In addition, any facility that is creating a pollution hazard may be required to get a permit.	Regulation and enforcement	Regulation and enforcement Oversight of activities of regulatory partners Technical assistance	Regulated parties Local government	31.5	Inventory of feedlots and control of pollution from them.	Federal 106, Federal 319, General Fund
Individual Sewage Treatment Systems	PCA	PCA has minimum standards and criteria for the design, location, installation and the use and maintenance of Individual Sewage Treatment Systems. ISTS professionals are registered and <u>licensed</u> by PCA in accordance with state standards.	Regulation and enforcement	Technical assistance Oversight of activities of regulatory partners	Local government Regulated parties	4.5	Information provided to ISTS owners and professionals to encourage better management of ISTS. Moving program to more local implementation.	General Fund
NPDES and SDS Permit Programs	PCA	The NPDES program regulates discharges of industrial and municipal wastes into waters of the state. Permits are granted that include standards for the discharge and monitoring requirements. Some municipal sewage, sewage sludge and industrial wastes are disposed of by land application such as spray irrigation. SDS permits generally require permit holders to monitor ground water at sites where the waste is applied and to submit quarterly or annual reports.	Regulation and enforcement	Regulation and enforcement	Regulated parties Federal agencies Nonprofit organizations Citizens	77	Controlled discharges of waste to surface water and land.	General Fund, Permit Fees, Federal 106
Water Quality Standards Establishment	PCA	This program establishes in-stream and discharge standards for waters of the state.	Standards and indicators Regulation and enforcement	Standards and indicators	Regulated parties Federal agencies	5	In-stream water quality standards and facility specific effluent limits to protect water quality.	General Fund, Federal Funding

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Clean Water Partnership and CWA Section 319 Financial Assistance Programs	PCA	These programs provide financial assistance through matching grants and loans and technical assistance to local governments to lead water resource restoration and protection projects with an emphasis on watersheds.	Training and assistance	Financial assistance Technical assistance	Local government Other state agencies Nonprofit organizations	14	Diagnosis of water quality problems and causes of specific water bodies and implementation of corrective measures to improve and protect water quality.	Federal 319 Grants, General Fund
Individual Sewage Treatment System Grant Program	PCA	Provides a 50% match grant to low income communities for the installation of ISTS and small cluster systems.	Financial assistance	Financial assistance	Local government	1	Specific small communities' wastewater treatment needs are addressed.	General Fund
Water Pollution Control Revolving Fund/Wastewater Infrastructure Funding Program	Minnesota Public Facilities Authority/DTED in conjunction with PCA	Provides loans and grants to municipalities for wastewater infrastructure improvements and provides funding to state agencies for nonpoint source loan programs.	Financial assistance	Financial assistance Infrastructure maintenance	Local government	4.5	40 wastewater projects estimated \$120 million, reduce local taxes and fees by \$35million annually.	Loans: 6% state match, 30% Federal, 14% investment earnings, and 50% revenue bonds
Drinking water Revolving Fund	Minnesota Public Facilities Authority/DTED in conjunction with MDH	Provides loans to eligible water suppliers to make drinking water infrastructure improvements and provides funding to address several mandated state functions undertaken by MDH.	Financial assistance	Financial assistance Infrastructure maintenance	Local government	2.5	Fund 20-25 projects per year for \$15 - \$30 million annually reduce local taxes and fees by \$5 million annually.	State matching funds 10%, Federal 50%, revenue bonds 35% and investment earnings 5%
County Geologic Atlas and Regional Hydrogeologic Assessments	Minnesota Geological Survey DNR (Waters)	Geologic mapping and hydrologic characterization to identify sensitive ground water resources and to support local government planning.	Training and assistance Planning	Technical assistance Training	Local government Other state agencies Citizens Schools and educators	10	Geologic maps (and GIS files), derivative maps, databases for land use decision-making, training of local government users.	DNR

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Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
County Well Index Database	Minnesota Geological Survey	On-going program to maintain, populate, and distribute a state-wide database of well records.	Training and assistance Planning Monitoring Regulation and enforcement	Technical assistance	Local government Other state agencies Citizens	3	Database of 325,000+ well records to support geologic mapping, water use investigations, spill response, regional and site-specific hydrologic investigations, code enforcement, well abandonment programs.	Minnesota Geological Survey state special appropriation, supplemental support from some DNR and MDH funded projects
Borehole Geophysical Logging Program	Minnesota Geological Survey	On-going program to collect, interpret, and store geophysical logs of wells and boreholes to determine geologic units present, hydrologic properties, well construction.	Training and assistance Planning Monitoring Regulation and enforcement	Technical assistance	Other state agencies Local government Citizens	1	Supports many other programs by establishing aquifer(s) being used, monitored, contaminated, sampled, etc. by a particular well; used to support code enforcement by MDH; measures hydrologic properties for new hydro framework units.	Minnesota Geological Survey state special appropriation, some support from LCMR, Minnesota Department of Health
Hydro-stratigraphic Framework Studies	Minnesota Geological Survey	On-going, long-term program to develop a framework of rock units based on water-bearing characteristics.	Training and assistance Planning Regulation and enforcement	Technical assistance	Other state agencies Federal agencies	1+	Framework of rock units specifically for water management and code enforcement; understanding of flow paths; use in ground water flow models.	MGS State Special Appropriation, LCMR, others
Geologic Mapping and Database Development to Support Wellhead Protection	Minnesota Geological Survey MDH Southeast Minnesota Water Resources Board	Mapping at various scales to support ground water modeling and wellhead protection.	Training and assistance Planning	Technical assistance	Other state agencies Federal agencies Local government	2	Geologic information to delineate wellhead protection areas and to design wellhead protection plans.	MDH, SEMNWRB, others

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Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Karst Database Development	Minnesota Geological Survey MDH	Design, construction, and population of a statewide database of karst features.	Training and assistance Planning	Technical assistance	Other state agencies Local government Citizens	1	Database of features to consider in ground water management including facility siting and non-point source management.	PCA 319
Geologic Mapping to Support Lake Management	Minnesota Geological Survey U of MN	Geologic and hydrologic mapping to identify lake-water/ground water interaction and its effects on water quality.	Training and assistance Planning	Technical assistance Training	Local government Citizens Nonprofit organizations	1	Maps suitable for land use planning, of geologic units and hydrologic conditions; derivative maps of areas contributing runoff and ground water to lakes.	Carnelian-Marine Watershed District, others
Quantitative Mapping of Recharge, Twin Cities Metro Area, and others	Minnesota Geological Survey	Identification of recharge areas, recharge rates, and sustainable yields.	Training and assistance Planning Standards and indicators	Technical assistance	Local government Other state agencies Federal agencies	1	Maps of recharge areas and estimates of sustainable yield for water supply management.	MGS State Special Appropriation and U.S. Geological Survey (presently unfunded)
Manure Management and Utilization Education	U of MN WRC U of MN Extension	Education on manure application for producers and private applicators.	Training and assistance	Training	Citizens Nonprofit organizations	2	Have producers use manure effectively as a part of a comprehensive manure management plan.	MDA, Section 319
Environmental Quality Incentives Program Education	U of MN WRC U of MN Extension	Education on Conservation Incentives.	Training and assistance	Training	Citizens Nonprofit organizations	2	Educate producers about farm bill conservation incentives to obtain adoption of conservation practices.	USDA/NRCS

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Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
On-site Sewage Treatment Education Program	U of MN WRC U of MN Extension	Education, research and monitoring of standard and alternative individual sewage treatment systems.	Training and assistance Monitoring and assessment	Training	Citizens Nonprofit organizations Schools and educators	3	Work with a variety of audiences to change behavior in the operation and maintenance of individual sewage treatment systems.	U of MN Extension, Section 319, PCA
Shoreland and Water Quality Education	U of MN WRC U of MN Extension	Educating shoreland property owners and LGU staff about shoreland issues.	Training and assistance Monitoring and assessment	Training	Citizens	2	Work with shoreland owners to revegetate shoreland.	U of MN Extension, Counties, Section 319, PCA
Water Resources Education	U of MN Extension BWSR	Variety of educational programs.	Training and assistance	Training	Citizens Local government	4	Provide leadership for water quality programs and stewardship including water festivals, watershed activities, facilitation of mediation.	U of MN Extension, BWSR
MinnAqua Program	U of MN Extension DNR	Teach youth and citizens about lake and stream ecology.	Training and assistance	Training	Citizens	1	Conduct fishing clinics and seminars to teach people about water resources concerns and concepts	DNR, U of MN Extension
Volunteer Stream Monitoring Program	U of MN WRC U of MN Extension Metropolitan Council	In metro area conduct stream monitoring clinics for teachers and students.	Monitoring and assessment Training and assistance	Training Ambient monitoring	Schools and educators	2	Set up monitoring program through use of student volunteers.	Met Council, U of MN WRC
Lower MN River Assessment	U of MN Extension Friends of the MN River Boonestroo and Associates Metropolitan Council	Facilitate planning and implementation around cleaning up the MN River.	Planning Monitoring and assessment Training and assistance	Planning Training Ambient monitoring	Citizens Nonprofit organizations Local government	1	Facilitate planning and implementation programs.	Met Council, U of MN Extension

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Lake Quality Assessment	U of MN WRC DNR	Monitor trophic status of lakes using GIS.	Monitoring and assessment	Ambient monitoring	Other state agencies	1	Monitor water quality and clarity remotely.	Met Council
Drainage Practices in the Minnesota River Basin	U of MN WRC MDA	Programs on drainage and water management issues.	Training and assistance Monitoring and assessment	Training Ambient monitoring	Citizens	3	Evaluate and demonstrate drainage practices.	MDA, U of MN Extension, U of MN WRC
Natural Resources Parks Program	Metropolitan Council (Community Development)	This program provides funding to the regional park agencies for the operation, maintenance, development and acquisition for the parks in the metropolitan area.	Acquisition and development	Acquisition and development	Citizens Schools and educators	2	Most regional parks are water-based or provide recreational opportunities related to water.	Appropriations from the State Legislature
Lake Sampling Program	Metropolitan Council (Environmental Services)	The Metropolitan Council has undertaken a lake sampling program since 1980 in the Metro area. This program is used to assess the quality of over 150 metro area lakes. This assessment is used to establish trends in regional lake water quality. Includes a Citizens' Assisted Monitoring Program (CAMP) element.	Monitoring and assessment	Ambient monitoring technical assistance	Citizens Local government	1	Assist water managers within the region to formalize water quality objectives.	Wastewater fees, small charge for CAMP cooperators
Stream Water Quality Sampling	Metropolitan Council (Environmental Services)	The Metropolitan Council samples ambient river and stream water quality, conducts special studies (Hg, PCB, endocrine disrupters, phosphorus), and does routine sampling of water and sediment occurs for nutrients, solids, toxics and biological contaminants for wastewater treatment compliance. Water quality modeling and data management are included in this category.	Monitoring and assessment	Ambient monitoring Compliance monitoring Technical assistance	Citizens Local government Other state agencies Federal agencies	14	Monitor water quality trends within the metro area; explore pollutants of special interest or emerging importance.	Wastewater fees, special Legislative appropriation (1997, 1999)

Chart of State Water Programs-August 14, 2001

Program	Agency	Brief Description	Program Category	Agency Role	Program Customer	FTEs	Outcomes	Funding Source
Research and Development	Metropolitan Council (Environmental Services)	The Council conducts research on various wastewater treatment functions and water quality management measures.	Regulation and enforcement Training and assistance	Regulation and enforcement Technical assistance	Local government Citizens	7	Improved water quality through better treatment of wastewater and understanding of pollution occurrence and management.	Wastewater fees
River Corridor Planning	Metropolitan Council (Environmental Services) (Community Development)	The Council participates in several planning programs on major river corridors (ex, American Heritage Rivers Initiative). The Council also reviews plans for communities adjacent to the Mississippi River (MNRRA, Critical Area).	Planning	Planning	Citizens Local government Federal agencies	1	Improved coordination among corridor stakeholders and incorporation of regional perspective in land use planning along rivers.	Ad Valorem Tax Levy, wastewater fees
Regional Environmental Planning Program	Metropolitan Council (Environmental Services) (Community Development)	The Metropolitan Council has been charged by the Legislature to prepare regional plans and policy documents that include an environmental component. This provides the basis for Council environmental project and permit review through numerous agencies. The Council reviews and comments on local government Comprehensive Plans. If the Council determines that the local Comprehensive Plan will impact on the metropolitan systems, the Council can require the local plan be modified to be consistent with Council planning.	Planning	Planning	Citizens Other state agencies Regulated parties Local government	13	Review of natural resources component of local comprehensive plans; compile a GIS-based natural resources inventory program to help establish standards and guidelines for preservation and protection of natural features; prepare regional policy plans to assure the orderly and economic growth of the region.	Ad Valorem Tax Levy, Charge-backs to Regional Agencies, wastewater fees
Industrial Waste and Pollution Prevention (Pre-treatment)	Metropolitan Council (Environmental Services)	MCES administers this EPA/PCA delegated program for the metro area, including permitting, monitoring and enforcement; program required under Federal NPDES system.	Regulation and enforcement	Regulation and enforcement	Citizens Regulated parties Local government	20	Compliance with Federal regulations, and safe and efficient operation of industrial wastewater collection and treatment; beneficial reuse of residual industrial wastes.	Wastewater and permit fees



TO: BWSR Board Members
BWSR Senior Management Team

FROM: Doug Thomas, Assistant Director

DATE: September 18, 2001

SUBJECT: MASWCD 2001 Resolution Packet

For your information I am sending you a copy of the MASWCD 2001 Resolution Packet. The packet includes the proposed resolutions that have made there way through the district and area process and will be voted on at this years Annual Meeting at the MAWSCD State Convention. I thought it would be both informative and provide some insight into what are emerging issues and initiatives being looked at by SWCD's in the state this year.

cc: BWSR Field Offices

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fax (507) 280-2875

Saint Paul
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Suite 250
Saint Paul, MN 55107
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fax (651) 284-0000



MASWCD

Minnesota Association of Soil and Water Conservation Districts

790 Cleveland Avenue South, Suite 216, St. Paul, MN 55116 651-690-9028

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St. Paul, MN 55116
1-651-690-9028

Date: September 11, 2001

To: Minnesota SWCDs and District Chairs
From: Scott Hoese, Resolution Committee Chair
Subj.: 2001 Resolutions Packet

RECEIVED
SEP 14 2001
Bd. of Water & Soil Resources
St. Paul

PLEASE READ THE ENCLOSED RESOLUTIONS INFORMATION.

RESOLUTIONS PACKET:

1. Two packets are mailed to each district office.
2. Each district should make copies and give one set to each Supervisor
3. Supervisors MUST bring their resolution packets to the Annual Meeting at the State Convention. Packets will be available at the convention for a nominal fee of \$3.00.

PRE-CONVENTION VOTING PROCESS:

1. One ballot is enclosed.
2. Each Supervisor is entitled to one vote.
3. All ballots must be mailed to the Association's office and postmarked by **November 1.**

CONVENTION RESOLUTIONS PROCESS:

1. Resolutions and results of the pre-convention voting will be introduced during the first general session at the convention.
2. Resolutions still needing action will be brought before the membership for action during the second general session of the convention.
3. District submitting a resolution is responsible for speaking up for that resolution during debate at the convention.
4. Emergency resolutions (if necessary) must be submitted to the MASWCD President as soon as possible.
5. NO resolutions will be accepted from the convention floor.

RESOLUTIONS PRE-CONVENTION VOTING PROCESS:

Each current District Supervisor is entitled to one vote on each resolution. Mark the vote of each supervisor with an X in one category only (Approve, Disapprove, Bring to floor for discussion or amendment) for each resolution. No resolution may have more than five votes. THE VOTES OF ALL THE SUPERVISORS FROM YOUR DISTRICT MUST BE RECORDED ON THE SAME BALLOT. DO NOT SEND A SEPARATE BALLOT FOR EACH SUPERVISOR.

If you have questions about a particular resolution, you can obtain more information by the Soil and Water Conservation District that submitted the resolution.

*** If 66 percent of all supervisors whose ballots are received vote to APPROVE a resolution, it will automatically be adopted with no further action at the annual meeting.

*** If 66 percent of all supervisors whose ballots are received vote to DISAPPROVE a resolution, it will automatically be rejected with no further action at the annual meeting.

*** If 30 percent of all supervisors whose ballots are received vote to BRING THE RESOLUTION TO THE CONVENTION FLOOR FOR FURTHER DISCUSSION OR AMENDMENT, it will be brought to the MASWCD Annual Meeting for further action. This provision overrides the first two, in the event that this condition and one of the above conditions are both met.

*** Failure to vote on a resolution is essentially the same as voting to bring it to the convention floor for further discussion or amendment.

*** If a resolution does not receive the required number of votes in any category, it will be brought to the MASWCD Annual Meeting for further action.

*** The ballot must be signed by each voting Supervisor. The total vote for each resolution can not exceed the number of supervisors signing the ballot.

*** Only districts that have paid their 2000-01 MASWCD dues in full are eligible to vote.

Mail ballots to: LeAnn Buck
 Executive Director
 MASWCD
 790 Cleveland Ave. S. #216
 ST. Paul, Minnesota 55116

For further information please contact MASWCD Resolution Committee
Members: (Please note that advisors to the committee are *non-voting*
members)

RESOLUTION/POLICY COMMITTEE

Chair	Scott Hoes, Carver SWCD Supervisor, Area 4 Ruth Trask, Beltrami SWCD Supervisor, Area 1 Dennis Torkelson, Wilkin SWCD Supervisor, Area 2 Roland Cleveland, Chisago SWCD Supervisor Area 3 Steve Sunderland, Chippewa SWCD Supervisor, Area 5 Duane Petrowiak, Martin SWCD Supervisor, Area 6 Bob Dubane, Rice SWCD Supervisor, Area 7
Advisors	Kerry Saxton, Wright SWCD Employee, Area 4 Bev Nordby, Mower SWCD Employee, Area 7 LeAnn Buck, MASWCD Staff Sheila Vanney, MASWCD Staff Doug Thomas BWSR Roger Mussetter NRCS

****2001 Resolution Ballot****

NOTE: Only Districts that have paid their 2000-01 MASWCD dues in **FULL** are eligible to vote. Ballots must be mailed and postmarked by **November 1, 2001** to be eligible.

**** 2001 RESOLUTIONS BALLOT****

Print name of District _____

Signatures of Voting Supervisors: 3) _____

1) _____ 4) _____

2) _____ 5) _____

RESOLUTION	APPROVE					DISAPPROVE					DISCUSSION OR AMENDMENT				
SUPERVISOR	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
1. FUNDING RESOURCE MGMT SPECIALIST															
2. FOREST LAND USE SPECIALIST STAFF															
3. MANURE STORAGE AREA CLOSURE															
4. ENGINEERING PLANS WASTE STORAGE															
5. LOCAL CONTROL FEEDLOT COST-SHARE															
6. SUPPORT FUNDING FOR RC&D COUNCILS															
7. FEDERAL CONSERVATION SECURITY ACT															
8. FED COST SHARE SINGLE PRACTICES															
9. NACD LOBBYING															
10. ENGINEERING DESIGN DETAIL															

[illegible]



MINNESOTA
ASSOCIATION
OF SOIL AND
WATER
CONSERVATION
DISTRICTS

2001
Resolution Packet

FUNDING FOR RESOURCE MANAGEMENT SPECIALIST

WHEREAS, the purchase of smaller tracts (20 acres or less) of mixed agricultural and forest land is occurring in the rural counties of the state in great numbers; and

WHEREAS, many of the persons purchasing the land are not acquainted with the best management practices needed to be good stewards of their property in a manner consistent with achieving their goals on the property; and

WHEREAS, many of these parcels have wetlands or other water contained or adjacent to them; and

WHEREAS, many of these landowners in an effort to return the property to a natural state decide to do nothing to achieve this end which results in extreme weed growth much to the dismay of surrounding landowners; and

WHEREAS, traditional SWCD programs are neither well targeted nor well funded to meet the needs of these new rural residents.

THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources (BWSR) provide direction and funding immediately for a pilot program to address the above concerns by adding the needed staff and amending the cost share rules, if needed, to address these concerns in a minimum of four or more districts, and

BE IT FURTHER RESOLVED, that BWSR begin to seek funding partnerships to provide the appropriate level of conservation service to Soil and Water Conservation Districts in all areas of the state seeing this increase in smaller tract ownership by individuals.

Submitted by: Wadena SWCD
Renville SWCD

Area Association: II, July 12, 2001
VI, June 18, 2001

Reviewed by MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention
Action:
Date

For Further Information Contact:

Tom Schulz, Wadena SWCD Supervisor, Telephone (218)837-5728

Jim Schafer, Renville SWCD Supervisor, Telephone (320) 833-2083

Resolutions Committee Recommendation: 5 approve
0 disapprove
1 neutral

Resolutions Committee Recommendation: 3 approve
0 disapprove
3 neutral

MANURE STORAGE AREA CLOSURE

WHEREAS, the State of Minnesota via the Soil and Water Conservation Districts, has historically provided funding for construction of manure management storage structures and animal holding areas to protect surface and ground water; and

WHEREAS, on many farms where these manure management storage structures were installed livestock production and/or land ownership has changed and these structures are no longer in use; and

WHEREAS, within 60 days after final closure, the owner is required to submit a certified letter to the commissioner or county feedlot pollution control officer stating that the animal feedlot or the manure storage area has been closed according to the requirements of the Minnesota Pollution Control Agency,

WHEREAS, construction standards have changed considerably since these systems were installed and many of these old systems present potential for ground water contamination; and

WHEREAS, the owner may incur considerable cost in properly abandoning such areas, and the cost of proper abandonment of such areas may be cost-prohibitive for the owner.

THEREFORE, BE IT RESOLVED; that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) work with the Minnesota Department of Agriculture, Minnesota Pollution Control Agency and the Board of Water and Soil Resources to secure cost share funds to be specifically used for the proper closure of animal waste storage facilities.

Submitted By: Todd SWCD
Mille Lacs SWCD

Area Association: II, July 12, 2001
III, June 1, 2001

Reviewed by MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention
Action:
Date:

For Further Information Contact:
Kurt Beckstrom, Chair
Mille Lacs SWCD
900 5th Street SW
Milaca MN 56353
Telephone (320) 983-2160

Leland Buchholz, Supervisor
Todd SWCD
Telephone (320) 285-5401

Resolutions Committee Recommendation:

2 approve
3 disapprove
1 neutral

ENGINEERING PLANS FOR LIVESTOCK WASTE STORAGE FACILITIES

WHEREAS, with the change of livestock operations occurring throughout the state there are a significant number of abandoned livestock waste storage facilities; and

WHEREAS, a large number of new manure storage facilities continue to be developed each year including those promoted by Soil and Water Conservation District cost share and low interest loan programs; and

WHEREAS, it is reasonable to believe that at least a portion of these facilities will be abandoned in the future for economic or other reasons.

THEREFORE BE IT RESOLVED, that all districts and joint powers agreement boards that provide technical or financial assistance for the construction of animal waste storage facilities be required to include a plan for closure of the facility in an environmentally sound manner when the facility is no longer used; and

BE IT FURTHER RESOLVED, that the Board of Water and Soil Resources amend the cost share rules to require that each animal waste storage facility where cost share monies are used for construction include a plan for closure in a like manner.

Submitted By: Wadena SWCD

Area Association: II

Date Adopted: July 12, 2001

Reviewed by MASWCD Board of Directors

Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:

Tom Schulz, Wadena SWCD Supervisor

Telephone (218) 837-5728

Resolutions Committee Recommendation:

1 approve

5 disapprove

0 neutral

LOCAL CONTROL OF A PORTION OF FEEDLOT COST SHARE DOLLARS

WHEREAS, the Board of Water and Soil Resources (BWSR) accepts, processes and awards legislative appropriated dollars as cost share to build manure abatement structures; and

WHEREAS, historically, many applications for feedlot cost share have not been funded; and

WHEREAS, BWSR uses the unfunded applications to illustrate to the legislature the "need" for additional feedlot cost-share dollars; and

WHEREAS, Soil and Water Conservation Districts (SWCDs) can document the dollars needed locally to fix feedlots with pollution potentials and pass that information on to BWSR; and

WHEREAS, the application process often takes longer than six months; and

WHEREAS, unsuccessful applicants become discouraged with the process and may not wish to participate in the future; and

WHEREAS, Soil and Water Conservation Districts (SWCDs) involved with the feedlot program have the capabilities of prioritizing pollution potentials; and

WHEREAS, Soil and Water Conservation Districts (SWCDs) already participate efficiently and effectively in the allocation of base cost share dollars for local cost-shared practices.

THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources (BWSR) allocate a base dollar amount to local Soil and Water Conservation Districts (SWCDs) participating with the feedlot program for local distribution.

Submitted By: Pipestone SWCD

Area Association: V

Date Adopted: June 21, 2001

Reviewed by MASWCD Board of Directors

MASWCD Annual Convention

Date: August 28, 2001

Action

For Further Information Contact:

Ian Cunningham, Pipestone SWCD Supervisor

Telephone: (507) 825-2296

Resolutions Committee Recommendation:

1 Approve

5 Disapprove

0 Neutral

Points of reason pertaining to this resolution

WHEREAS The Board of Water and Soil Resources (BWSR) accepts, processes and awards legislative appropriated dollars as cost share to build manure abatement structures.

WHEREAS Historically, many applications for feedlot cost-share have not been funded.

- For the fiscal year 2001 1.5 million dollars is available. (\$150,000 is used to help fund JPO's)
- The Pipestone SWCD has had 9 high priority feedlots apply over the course of 3 application periods without success.
- As much as 40 hours can be spent gather information by surveys and design work to arrive at actual cost estimates for fixing the feedlots. These estimates are needed for the application.

WHEREAS BWSR uses the un-funded applications to illustrate to the legislature the "need" for additional feedlot cost-share dollars.

WHEREAS SWCD's can document the dollars needed locally to fix pollution potentials of feedlots and pass that information on to BWSR.

- All of the applications in Pipestone County were located in a riparian area, and have the strong potential of impacting a river or stream.
- Through feedlot inventories or by documenting the actual feedlot runoff potential by conducting FLEVAL ratings, the local SWCD can provide documentation to BWSR or the Legislature illustrating the need for cost share dollars.

WHEREAS The application process often takes longer than six months.

WHEREAS Unsuccessful applicants become discouraged with the process and may not wish to participate in the future.

- Presently, the successful applications of the feedlot cost share dollars may lose valuable time and cause the project to lose a construction season.
- Because many feedlot owners are not being funded after going through the process, the image of the SWCD suffers, and the producer may lose interest in the project.
- Many dollars are spent on engineering projects that never happen.

WHEREAS Soil and Water Conservation Districts involved with the feedlot program have the capabilities of prioritizing pollution potentials of feedlots.

- Many SWCD have in house capabilities to provide engineering services. Other engineering services affiliated with SWCD's include JPO's and NRCS.

WHEREAS SWCD's already participate efficiently and effectively in allocation of base cost-share dollar amounts to local cost-shared practices.

- The feedlot cost share program could be patterned similarly to the existing state cost share base grant allocation fprocess presently being used by BWSR.

THEREFORE Be it resolved that BWSR allocate a base dollar amount to local SWCDs participating with the feedlot program for local distribution.

SUPPORT FUNDING FOR RC&D COUNCIL PROJECTS

WHEREAS, Resource Conservation and Development (RC&D) Councils are composed of Soil and Water Conservation District (SWCD) Supervisors, County Commissioners, and other locally appointed leaders, and

WHEREAS, many RC&D projects provide funding for resource projects, tours, workshops and educational activities directly benefiting both SWCDs and County Commissioner sponsored activities; and

WHEREAS, the Natural Resources Conservation Service only currently provides funding for RC&D program staff, office space, vehicle and equipment; and

WHEREAS, Councils have little or no funding to directly contribute to projects, and

WHEREAS, most projects require cost share or project funding from funding sources such as grants, foundations and other partners, and

WHEREAS, RC&D Councils vote directly on which projects are adopted and therefore SWCDs have representation and accountability on where funding is spent, and

WHEREAS, it would greatly increase project success, visibility of the RC&D program and partnerships for RC&D Councils to provide partial funding directly to projects, and

WHEREAS considerable RC&D staff time is spent writing grants, seeking fund and partners and then sometimes not getting needed funding which then delays or stops projects; and

WHEREAS, MASWCD and BWSR have been organized to assist SWCDs and County Commissioners with soil and water conservation projects, including lobbying the State Legislature for programs that assist with funding resource conservation projects.

THEREFORE, BE IT RESOLVED, that the Minnesota Soil and Water Conservation Districts request the MASWCD and BWSR to assist and support the Minnesota Association of RC&D Councils with legislative bills in the Minnesota House and Minnesota Senate that would provide funding directly to Minnesota RC&D's for funding locally approved RC&D projects.

Submitted By: Crow Wing SWCD
Aitkin SWCD

Area Association: II July 12, 2001
III June 1, 2001

Reviewed By MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention
Action:
Date:

For Further Information Contact:

Keith Pohl, Crow Wing SWCD District Manager (218) 828-6197
Russ Ruud, Aitkin SWCD Supervisor (218) 768-4300

Resolutions Committee Recommendation: 3 approve, 3 disapprove, 0 neutral

FEDERAL CONSERVATION SECURITY ACT

WHEREAS, the proposed federal Conservation Security Act creates a Conservation Security Program which provides a comprehensive, flexible and voluntary approach to farm conservation policy by providing incentives payments to all farmers for maintaining or adopting conservation practices on productive land; and

WHEREAS, farmers enter conservation security contracts with the U.S. Secretary of Agriculture to define conservation practices they will use. There are three tiers of practices, with Tier III being the most extensive; and

WHEREAS, Tier I practices include nutrient management, pest management and cover cropping. The Tier I annual payment cap is \$20,000; and

WHEREAS, Tier II practices are system practices, including rotational grazing, buffers and borders and wetland restoration, in addition to Tier I practices. The payment cap is \$35,000; and

WHEREAS, Tier III requires implementation of practices that addresses all resources, in addition to Tier I and II practices. The payment cap is \$50,000; and

WHEREAS, the proposed Conservation Security Act payments are conservation based, they are not trade distorting; and

WHEREAS, the Conservation Security Act would be a conservation based, incentive driven federal farm program.

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil & Water Conservation Districts actively support the passage and implementation of the proposed federal Conservation Security Act to include the Tier I, II and III concept.

Submitted by: Dakota SWCD

Area Association: IV

Date Adopted: June 25, 2001

Reviewed by MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:
Rick Hansen, Chair, Dakota SWCD, 651-480-7777

Resolutions Committee Recommendation:

6 Approve
0 Disapprove
0 Neutral

FEDERAL COST SHARE FOR SINGLE CONSERVATION PRACTICES

WHEREAS, Soil and Water Conservation Assistance (SWCA) is a voluntary federal program for farmers and ranchers which provide cost-share and incentive payments to address threats to soil, water and related natural resources, including grazing land, wetland and wildlife habitat; and

WHEREAS, such assistance shall comply with federal and state environmental laws and make beneficial, cost-effective changes to the management of cropping systems, grazing land, manure and other nutrients, pest control and irrigation systems as well as overall land uses and other measures needed to conserve and improve soil, water and related natural resources; and

WHEREAS, Soil and Water Conservation Assistance is a locally led program that expires September 30, 2001.

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts supports the inclusion of programs which provide funding for continuing cost-share for single conservation practices in the new Farm Bill.

Submitted By: MASWCD Area VII

Area Association: VII

Date Adopted: June 21, 2001

Reviewed By MASWCD Board

Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:

Bob Dubane, Rice SWCD Supervisor

Telephone (507) 645-8024

Vern Wilker, Steele SWCD Supervisor

Telephone (507) 451-3655

Resolutions Committee Recommendation:

6 Approve

0 Disapprove

0 Neutral

NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS LOBBYING

WHEREAS, the National Association of Conservation Districts (NACD) is currently updating its strategic plan; and

WHEREAS, included in the strategic planning will be a prioritization of the organization's resource allocations; and

WHEREAS, the Minnesota Association of Soil and Water Conservation Districts (MASWCD) has had great success with lobbying efforts during the legislative process and the success of Soil and Water Conservation Districts initiatives shows the importance and value of lobbying; and

WHEREAS, with combination of local support and contracting for lobbying services, many new dollars for programs as well as an increase in general services grants has been the outcome in Minnesota; and

WHEREAS, out of a budget of \$4.5 million, the NACD budgeted \$105,000.00 in the year 2000 to contract for lobbying services and decreased their lobbying budget by 30% in 2001.

THEREFORE BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts encourage the National Association of Conservation Districts (NACD) to look at reorganization during their strategic planning process to reallocate funds to enable the national association to increase its lobbying efforts; and

BE IT FURTHER RESOLVED, that NACD inform local districts regarding budget decisions that are made for contracting lobbying services.

Submitted By: Mower SWCD

Area Association: VII

Date Adopted: June 21, 2001

Reviewed By MASWCD Board of Directors

MASWCD Annual Convention

Date: August 28, 2001

Action:

Date:

For Further Information Contact:

Mower SWCD

101 21st St. SE

Austin, MN 55912

Telephone: (507) 434-2603

Resolutions Committee Recommendation:

6 Approve

0 Disapprove

0 Neutral

**ENGINEERING DESIGN DETAIL REQUIRED ON
GRASS WATERWAYS WITH SMALL WATERSHEDS**

WHEREAS, the Continuous Conservation Reserve Program (CCRP) for grass waterway establishment is very popular with local landowners; and

WHEREAS, this popularity has generated a huge workload in many counties for the Natural Resources Conservation Service (NRCS) and Soil and Water Conservation Districts (SWCD) field staff to design and implement these waterways according to current USDA/NRCS design procedures for all waterways having a watershed greater than 7 acres; and

WHEREAS, after completing detailed design procedures on numerous waterways with watersheds from 7 to 30 acres, it appears a standard design width and depth could be used to significantly reduce design time on those that have small watersheds.

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts submit a request to the Natural Resources Conservation Service asking that their state engineer consider simplifying the design process, possibly by creating a standard design depth and bottom width, or by eliminating some of the design process on waterways with small watersheds as mentioned above.

Submitted By Freeborn SWCD

Area Association: VII

Date Adopted: June 21, 2001

Reviewed By MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:

Freeborn SWCD

1400 West Main

Albert Lea, MN 56007

Telephone: (507)373-5607 ext. 3

Resolutions Committee Recommendation:

6 Approve

0 Disapprove

0 Neutral

**CONTINUOUS CRP CONTOUR BUFFER STRIPS ELIGIBLE
FOR INCENTIVE PAYMENT**

WHEREAS, buffers are an important and effective practice for improving and maintaining water quality and reducing soil erosion; and

WHEREAS, the Continuous Conservation Reserve Program (CCRP) allows landowners to implement buffers in areas that provide for the greatest environmental benefit while providing the landowners with an annual rental payment; and

WHEREAS, the contour buffer strip practice (CP-15A) is an especially effective practice for decreasing soil loss due to erosion; and

WHEREAS, the contour buffer strip practice is more difficult to promote due to the fact that it does not have the same incentive payment associated with it, as do the other Continuous CRP practices.

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) work with the USDA Farm Service Agency and the Natural Resources Conservation Service to allow the CP-15A contour buffer strip practice to be eligible for the incentive payments similar to those for other practices.

BE IT FURTHER RESOLVED, that the MASWCD also seek to increase the eligible width of the headland component of the CP-15A from 15 feet to a more practical 60 feet.

Submitted By: Fillmore SWCD

Area Association: VII

Date Adopted: June 21, 2001

Reviewed by the MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:
Kevin Scheidecker, Fillmore SWCD District Manager
Telephone (507) 765-3878

Resolutions Committee Recommendation:

4 Approve

0 Disapprove

2 Neutral

CULTURAL RESOURCES POLICY

WHEREAS, cultural resources are of value to the public and need to be considered when certain "undertakings" (defined as ground disturbing activities) occur. Most undertakings or projects affected are erosion control in nature, which also have public value; and

WHEREAS, effective April 1, 2001 MN Natural Resources Conservation Service (NRCS) revised its policy and process for completion of the cultural resources review portion of an environmental assessment. Whenever federal financial or technical assistance is provided to a project with an "undertaking", it must undergo a more detailed cultural resources review; and

WHEREAS, this new review procedure requires the landowner to sign an initial review request, which is then sent with supporting documentation to the State Historical Preservation Office (SHPO). SHPO then has 30 days to respond to the request; and

WHEREAS, SHPO may require a field investigation by a qualified professional archaeologist, which the landowners must arrange and pay for (the Wetland Reserve Program is the only exception). NRCS will not provide assistance until SHPO recommends that the project can proceed; and

WHEREAS, these requirements can significantly delay projects (30 days minimum) and the archaeologist cost to the landowners will likely doom such projects.

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) encourage the MN Natural Resources Conservation Services to seek federal and state policy changes that will remove the landowners' financial obligations for this cultural resources review; and

BE IT FURTHER RESOLVED, that MASWCD seek needed changes so that the cultural resources review process be streamlined to allow local field office staff to exempt sites that clearly do not impact cultural resources based on previously used indicator maps, thus eliminating the 30 day minimum review from SHPO.

Submitted By: Goodhue SWCD

Area Association: Area VII
Date Adopted: June 21, 2001

Reviewed by MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention
Action:
Date:

For Further Information Contact:
Glen Roberson, Goodhue SWCD District Manager
Telephone (651) 923-5286

Resolutions Committee Recommendation:

6 Approve
0 Disapprove
0 Neutral

STRENGTHING THE RESOLUTION PROCESS

WHEREAS, it is extremely important for the resolutions passed each year to be a true reflection of the viewpoint of most Soil and Water Conservation Districts (SWCDs) because they guide the Minnesota Association of Soil and Water Conservation Districts (MASWCD) policies and activities for the upcoming year; and

WHEREAS, on average two-thirds of all the resolutions introduced by SWCDs end up going to the MASWCD convention for further discussion and voting; and

WHEREAS, the average number of SWCDs supervisors attending the MASWCD convention is 241 or 53% of the 455 total - with even less than the 241 attending the business meeting to vote on resolutions; and

WHEREAS, this creates an inequitable situation whereby the fate of the majority of the resolutions is decided by a minority of supervisors - favoring the viewpoint of SWCDs able to send the most representatives.

THEREFORE BE IT RESOLVED, that a concerted effort be made by MASWCD to determine the reasons why so many votes cast for discussion at the convention and to develop a course of action to increase the number of resolutions that are either passed or failed at the local level; and

THEREFORE, BE IT FURTHER RESOLVED, that Soil and Water Conservation Districts (SWCDs) submitting resolutions assist in this process by providing additional information regarding their resolutions to all SWCDs via e-mail as soon as the resolutions are sent out by the MASWCD for pre-convention balloting.

Submitted By: Clearwater SWCD

Area Association: I

Date Adopted: June 13, 2001

Reviewed By MASWCD Board of Directors:
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:
Milayne Lundmark, District Manager
Clearwater SWCD
Telephone and FAX: (218)694-6845
E-mail: milayne.lundmark@mn.usda.gov

Resolutions Committee Recommendation:

0 approve
0 disapprove
6 neutral

ORGANIZING RESOLUTIONS

WHEREAS, the Minnesota Association of Soil and Water Conservation Districts has passed a large number of resolutions over many years; and

WHEREAS, many of the resolutions dealt with issues of great concern at the time they were adopted; and

WHEREAS, we recognized that newly adopted resolutions may be in conflict with older previously adopted resolutions passed years earlier; and

WHEREAS, Soil and Water Conservation District's proposing new resolutions don't have a convenient way of determining what existing resolutions are on the books; and

WHEREAS, most attention and effort is focused on the "current" Resolutions.

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts direct its Policy Committee to review, compile and publish an up-to-date summary of all existing adopted resolutions.

BE IT FURTHER RESOLVED, that the Policy Committee develop recommendations for dealing with outdated or conflicting resolutions.

Submitted By: Goodhue SWCD

Area Association: VII

Date Adopted: June 21, 2001

Reviewed by the MASWCD Board of Directors

Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:

Glen Roberson, Goodhue SWCD District Manager

Telephone (651)923-5286

Resolutions Committee Recommendation:

4 Approve

1 Disapprove

1 Neutral

OUTSTANDING CONSERVATIONIST AND DISTRICT CAPACITY AWARDS

WHEREAS, Soil and Water Conservation District's (SWCD's) protect and conserve natural resources by working with landowners and local government units (LGU's) in a variety of ways suited to local resources and their management needs; and

WHEREAS, local resource conservation and management needs vary greatly between different regions due to differences in predominant land use, land cover, resource demands and institutional/regulatory structure; and

WHEREAS, the current format and content of the Outstanding Conservationist and District Capacity Awards programs is agriculturally focused and so does not allow all SWCD's equal opportunity to showcase their most successful and valued programs,

THEREFORE, BE IT RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) will modify the Outstanding Conservationist and District Capacity Awards programs to better enable all SWCD's to showcase their natural resource management and conservation activities.

BE IT FURTHER RESOLVED, that the MASWCD will consider seeking other partners in addition to the Farmer Magazine to allow for more categories for Outstanding Conservationist that might be specific to land use such as Farmer Conservationist, Urban Conservationist, Forestry Conservationist, Water Resource Conservationist, or Wildlife Conservationist.

Submitted By: Anoka SWCD

Association: IV

Date Adopted: June 25, 2001

Reviewed By: MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For More Information Contact:
Chris Lord, District Manager, Anoka SWCD
Telephone: (763) 434-2030

Resolutions Committee Recommendation:

5 Approve
1 Disapprove
0 Neutral

MASWCD COMMITTEE APPOINTMENTS

WHEREAS, the Minnesota Association of Soil and Water Conservation (MASWCD) committees often should meet early in the spring to conduct MASWCD business; and

WHEREAS, important deadlines may need action by MASWCD committees in an expedient manner; and

WHEREAS, committee meetings in the past have sometimes been canceled because of lack of membership assignments and;

THEREFORE, BE IT RESOLVED; that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) Board of Directors complete assignments of individuals to committees by March 15 of each year to facilitate the business of the MASWCD.

THEREFORE, BE IT FURTHER RESOLVED; that the MASWCD amend the by-laws of the Association to require committee assignments by March 15 of each year.

Submitted By: Mille Lacs SWCD

Area Association: III

Date Adopted: June 1, 2001

Reviewed by MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:

Kurt Beckstrom, Chair

Mille Lacs SWCD

900 5th Street SW

Milaca MN 56353

Telephone: (320) 983-2160

Resolutions Committee Recommendations:

1 Approve

5 Disapprove

0 Neutral

TIMELINESS OF NATURAL RESOURCES BLOCK GRANT DISTRIBUTION

WHEREAS, the Minnesota Board of Water and Soil Resources (BWSR), Minnesota Pollution Control Agency (MPCA), and Department of Natural Resources (DNR), provides grants to Local Government Units (LGU's) for the administration and implementation of Local Water Planning, Wetland Conservation Act, Feedlot, and Shoreland programs; and

WHEREAS, to received these grants, LGU's must submit various reports, workplans and financial summaries to the BWSR; and

WHEREAS, the LGU's must submit the above mentioned reports, workplans and statements to the BWSR by specific deadline dates; and

WHEREAS, the LGU's rely on the timely distribution of these grants to insure smooth delivery of programs at the local level.

THEREFORE, BE IT RESOLVED, that the Minnesota Board of Water and Soil Resources establish an actual date by which these funds will be distributed to Local Government Units (LGU's).

Submitted by: Sibley SWCD

Area Association: VI

Date Adopted: June 18, 2001

Reviewed by the MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:

Dave Treblehorn, Supervisor, Sibley SWCD

Telephone: (507) 237-5435

Resolutions Committee Recommendation:

1 Approve

1 Disapprove

4 Neutral

TIMELINESS OF BWSR SERVICE GRANT DISTRIBUTION

WHEREAS, the Minnesota Board of Water and Soil Resources (BWSR) provides grants to Soil and Water Conservation Districts (SWCDs) for the administration and implementation of its programs; and

WHEREAS, to receive these grants, SWCDs must submit comprehensive and annual plans, annual reports and financial statements to the BWSR; and

WHEREAS, the SWCDs must submit the above mentioned plans, reports and statements to the BWSR by specific deadline dates or are subject to a five percent reduction per day in grant funds.

THEREFORE, BE IT RESOLVED; that the Board of Water and Soil Resources be timely in the distribution of grant funds; and

THEREFORE, BE IT FURTHER RESOLVED; that the Board of Water and Soil Resources also be subject to a five percent per day increase in grant fund amounts, for each day after July 1st that the grant payments to Soil and Water Conservation Districts are delayed.

Submitted By: Sibley SWCD

Area Association: VI

Date Adopted: June 18, 2001

Reviewed By the MASWCD Board of Directors
Date: August 28, 2001

MASWCD Annual Convention

Action:

Date:

For Further Information Contact:
Dave Trebelhorn, Supervisor, Sibley SWCD
Telephone: (507)237-5435

Resolutions Committee Recommendation:

0 Approve
6 Disapprove
0 Neutral

DNR PERMIT APPLICATION FEE

WHEREAS, a permit is required under Minnesota Statutes 2000, Chapter 103G, section 103G.245, subdivision 1, from the Minnesota Department of Natural Resources (DNR) for any work which alters the course, current, or cross section of protected waters; and

WHEREAS, the Minnesota DNR Division of Waters administers the state's Public Waters Work Permit Program according to Minnesota Rules, Chapter 6115; and

WHEREAS, a permit application fee can range from a minimum of \$75.00 to a maximum of \$500.00 for the processing of a public waters work permit; and

WHEREAS, a DNR permit application cannot be processed or accepted unless the appropriate fee is submitted with the application; and

WHEREAS, the permit application fee is not refundable whether the DNR permit application is permitted, modified, denied, or withdrawn, even after the maximum permit application fee has been paid by the applicant.

THEREFORE, BE IT RESOLVED, that when the permit application is denied or withdrawn by either the Department of Natural Resources (DNR) or the applicant, that only the minimum permit application fee be retained by the DNR and that any application fees paid above the minimum permit fee be refunded back to the applicant.

BE IT FURTHER RESOLVED, that the Minnesota Association of Soil and Water Conservation Districts (MASWCD) seek legislative changes to Minnesota Rules, Chapter 6115, section 6115.006, subdivision 5. "Nonrefundable", which would allow for a refund of a Public Water Work Permit fee from the DNR.

Submitted By: Murray SWCD

Area Association: V

Date Adopted: June 21, 2001

Reviewed By MASWCD Board of Directors

MASWCD Annual Convention

Date: August 28, 2001

Action:

Date:

For Further Information Contact:

Murray SWCD

Telephone (507) 836-6990 Ext. 3

Resolutions Committee Recommendation:

0 Approve

6 Disapprove

0 Neutral

Minnesota Association of Soil and Water Conservation Districts
790 Cleveland Avenue South, Suite 216
St. Paul, MN 55116
Phone (651) 690-9028 Fax (651) 690-9065
<http://www.maswcd.org>



September 4, 2001

TO: Commissioner, Minnesota Department of Agriculture (MDA)
Commissioner, Minnesota Department of Health (MDH)
Commissioner, Minnesota Department of Natural Resources (DNR)
Commissioner, Minnesota Pollution Control Agency (PCA)
Chair, Minnesota Environmental Quality Board (EQB)
Director, Minnesota Geological Survey (MSG)

FROM: Ronald Harnack, Executive Director

Ron Harnack by mb

RE: *Nicollet County Comprehensive Local Water Management Plan*

On Tuesday, September 04, 2001, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated *Nicollet Comprehensive Local Water Management Plan*. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is forwarding the county water plan for your agency's review and comment. You have 45 days from receipt of this letter to submit comments, in writing, to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with the state law.

The *Nicollet County Comprehensive Local Water Management Plan* is being sent to your agency's 103B Technical Review Committee Member under separate cover. The 103B Technical Review Committee Members are:

- MDA, Mark Zabel
- MDH, Art Persons
- DNR, John Fax
- PCA, Glenn Skuta
- EQB, Gretchen Sabel
- MGS, Barb Palen

Thank you for helping local resource managers protect and conserve their water resources through comprehensive local water management plans.

c: BWSR Board Members
BWSR Executive Team
Tom Fisher, BWSR Board Conservationist
Pam Rivers, Nicollet County Water Plan Coordinator

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3217 Bemidji Avenue N.
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fax (507) 280-2875

Saint Paul
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Suite 250
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phone (651) 282-9969
fax (651) 284-0000



RAN

September 4, 2001

TO: Commissioner, Minnesota Department of Agriculture (MDA)
Commissioner, Minnesota Department of Health (MDH)
Commissioner, Minnesota Department of Natural Resources (DNR)
Commissioner, Minnesota Pollution Control Agency (PCA)
Chair, Minnesota Environmental Quality Board (EQB)
Director, Minnesota Geological Survey (MSG)

FROM: Ronald Harnack, Executive Director

Ron Harnack by mt

RE: *Sherburne County Comprehensive Local Water Management Plan*

On Tuesday, September 04, 2001, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated *Sherburne Comprehensive Local Water Management Plan*. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is forwarding the county water plan for your agency's review and comment. You have 45 days from receipt of this letter to submit comments, in writing, to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with the state law.

The *Sherburne County Comprehensive Local Water Management Plan* is being sent to your agency's 103B Technical Review Committee Member under separate cover. The 103B Technical Review Committee Members are:

- MDA, Mark Zabel
- MDH, Art Persons
- DNR, John Fax
- PCA, Glenn Skuta
- EQB, Gretchen Sabel
- MGS, Barb Palen

Thank you for helping local resource managers protect and conserve their water resources through comprehensive local water management plans.

c: BWSR Board Members

BWSR Executive Team

Keith Grow, BWSR Board Conservationist

Mark Basiletti, Sherburne County Water Plan Coordinator

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phone (651) 282-9969
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October 2001

**BOARD OF WATER AND SOIL RESOURCES
AMERICINN
STATE HWYS. 44 & 76
CALEDONIA, MINNESOTA
THURSDAY, OCTOBER 25, 2001**

AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Minutes of September 26, 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. *Wetland Committee* – Proposed WCA Rules – John Jaschke –
DECISION
2. *Metro Subcommittee* – Comfort Lake-Forest Lake Watershed District
Revised Watershed Management Plan – DECISION
3. *Metro Subcommittee* – Order Enlargement of Carnelian-Marine
Watershed District – DECISION

Old Business

1. Water Plan Unification – John Jaschke – DISCUSSION

New Business

1. 2002 - 2003 Natural Resources Block Grants – Wayne Zellmer -
DECISION

Advisory Comments

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

Upcoming Meetings

- Next BWSR Meeting – date to be determined
- MAT Annual Meeting, November 16 -17, St. Cloud
- MAWD Annual Meeting, November 29 - December 1, Alexandria
- MASWCD Annual Meeting, December 2 - 4, Bloomington
- AMC Annual Meeting, December 3 - 5, St. Paul

Adjourn



DATE: October 12, 2001
TO: Board of Water and Soil Resources Members, Advisors, and Staff
FROM: Ronald D. Harnack, Executive Director
SUBJECT: October 24-25 BWSR Tour and Meeting

The Board of Water and Soil Resources (BWSR) will tour Houston County on Wednesday, October 24, 2001. See attached tour itinerary. We will gather in the lobby of the AmericInn in Caledonia (State Hwy. 44 & 76) at 8:30 a.m. on Wednesday. Welcome and introductions will begin at 8:45 a.m. The coach bus will promptly depart from the AmericInn at 9:00 a.m. for the tour of Houston County. The coach bus will return to the AmericInn at 3:00 p.m. for a roundtable discussion. An informal social hour will begin at 6:00 p.m. at the "Good Times" Restaurant, with dinner served at 7:00 p.m.

A block of sleeping rooms have been reserved for the nights of Tuesday, October 23 and Wednesday, October 24, at the AmericInn in Caledonia. 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 Root River SWCD is holding their Annual Conservation Banquet on Tuesday evening, October 23, 2001. See the attached letter regarding details. If you are interested in attending, please call Ralph Tuck (507-724-5261, ext. 3) by October 18.

The Board of Water and Soil Resources will meet on Thursday, October 25, at 9:00 a.m. at the AmericInn in Caledonia.

The following information pertains to the agenda items:

Committee Recommendations

1. *Wetland Committee* – Proposed WCA Rules – The Board will be asked for a decision to publish the proposed WCA rules which begins the formal part of the rule adoption process. The draft proposed rules will be reviewed in detail by the Wetland Committee on October 12th. The schedule/process is attached as is a list of some highlights for your review. A complete package of the draft proposed rule (a 100+ page document) will be mailed under separate cover by the end of next week. **DECISION**

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fax (507) 280-2875

Saint Paul
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phone (651) 282-9969
fax (651) 284-0000

2. *Metro Subcommittee* - Comfort Lake-Forest Lake Watershed District (CLFLWD) Revised Watershed Management Plan – At the September 11, 2001, watershed management public hearing, the BWSR Metro Water Planning Subcommittee heard testimony from CLFLWD Board of Managers and BWSR staff in support of the Plan approval. After receiving the testimony, the Subcommittee recommended approval of the Comfort Lake-Forest Lake Watershed District Overall Plan to the BWSR, contingent on the positive review from any future plan comment letters received before the comment deadline of September 18, 2001. See attached. DECISION
3. *Metro Subcommittee* – Order Enlargement of Carnelian-Marine Watershed District – Washington County filed a petition dated November 28, 2000, to enlarge and increase the number of managers of the Carnelian-Marine Watershed District. A public hearing was held on February 26, 2001, presided over by the Metro Water Planning Subcommittee. In arriving at a decision on the petition, the subcommittee noted the recent Court of Appeals decision regarding the Lower and Middle St. Croix WMO's, Brown's Creek Watershed District and Valley Branch Watershed District, where the court ruled that a watershed district could not be enlarged into a JPA WMO. There were three petitioned areas of enlargement. One area was the Marine on St. Croix WMO. The subcommittee decided that the watershed district could not be enlarged into the Marine on St. Croix WMO. Another petitioned area lies north of Marine on St. Croix WMO but is not contiguous with the watershed district, so the subcommittee decided the watershed district could not be enlarged into that area. The remaining petitioned area is around German Lake and the subcommittee decided to recommend to the Board that the watershed district be enlarged into the German Lake area and the number of managers remain at five, per the attached draft Order. DECISION

Old Business

1. Water Plan Unification – Integration of the water planning statutes. See attached. DISCUSSION

New Business

1. 2002 - 2003 Natural Resources Block Grants – The Natural Resources Block Grant (NRBG) is an annual grant formulated to assist LGUs in implementing state mandated programs. These programs are: Comprehensive Local Water Planning, the Wetland Conservation Act, DNR Shoreland Management, the MPCA County Feedlot, and the MPCA County Individual Sewage Treatment Systems (ISTS). BWSR allocates this grant to counties. The staff of BWSR, MPCA, and DNR, request that the Board authorize staff to implement the 2002 – 2003 biennial NRBG Program. DECISION

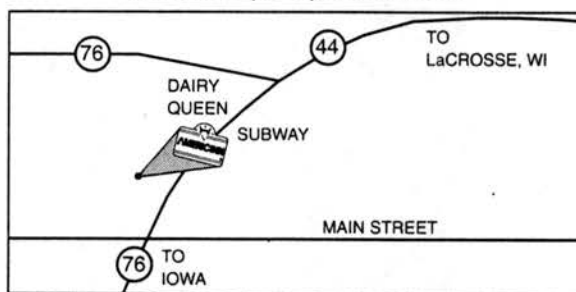
If you have any questions regarding the agenda, please feel free to give me a call. If you have any questions regarding accommodations for the Board tour and meeting, please contact Mary Jo Anderson at 651-297-4290. I look forward to seeing you in Caledonia!



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Tuesday, October 23

1. Jim Anderson ***
2. Mary Jo Anderson
3. Sharon Clark ***
4. Lee Coe
5. Jerome Deal (smoking room)
6. Wayne Edgerton ***
7. Jack Frost
8. Karen Harder
9. Ron Harnack
10. Ginny Imholte
11. Char Kahler
12. Mary Kells
13. Paul Krabbenhoft
14. Rod Massey ***
15. Clair Nelson
16. Jeff Nielsen
17. Victor Ormsby
18. Dwain Otte
19. Dan Wilson ***

Wednesday, October 24

1. Jim Anderson ***
2. Mary Jo Anderson
3. Sharon Clark ***
4. Lee Coe
5. Jerome Deal (smoking room)
6. Wayne Edgerton ***
7. Jack Frost
8. Karen Harder
9. Ron Harnack
10. Ginny Imholte
11. Char Kahler
12. Mary Kells
13. Paul Krabbenhoft
14. Rod Massey ***
15. Clair Nelson
16. Jeff Nielsen
17. Victor Ormsby
18. Dwain Otte
19. Dan Wilson ***
20. JoAnn Coover
21. John Jaschke
22. Wayne Zellmer (smoking room)

***** will pay for room upon arrival**

TOUR ITINERARY
BWSR and Root River SWCD Tour
Wednesday, October 24, 2001

8:30 a.m.	Gather in the Lobby of the AmericInn, Caledonia
8:45 a.m.	Welcome and Introductions
9:00 a.m.	Bus Departs
9:02 a.m.	Harley Doering Farm – Grass Waterways (drive-by)
9:05 a.m.	EQIP Planning Joe Sullivan, Lee McEvilly, Brent Drenckhahn
9:15 a.m.	Badger Spring
9:30 a.m.	Ron Conway – RIM (drive-by)
9:40 a.m.	Vix – CCC Structure
10:00 a.m.	Schecks Mill Tour
	<i>Refreshment Break</i>
10:50 a.m.	Load Bus
10:55 a.m.	Lee Denstad – RIM (drive-by)
11:10 a.m.	Pheasants Forever – PWP
11:15 a.m.	Mound Prairie – Native Grassland
11:30 a.m.	Hokah Fire Station – <i>Lunch</i>
12:30 p.m.	Load Bus
	2000 Flood Damage on Root River WCA Wetland Bank Site RIM Sites
1:30 p.m.	Highway Bank Stabilization
1:45 p.m.	Robert Frank – push up pond
1:55 p.m.	David Olafson – push up pond
2:00 p.m.	Crooked Creek Structure
	<i>Refreshment Break</i>
2:45 p.m.	Bernard Pieper Farm – RIM Site
3:00 p.m.	Return to AmericInn
3:00 – 4:00 p.m.	Roundtable Discussion with SWCD Board and Staff



ROOT RIVER SOIL AND WATER CONSERVATION DISTRICT

MINNESOTA SOIL AND WATER CONSERVATION DISTRICTS

603 NORTH SPRAGUE
SUITE 4, AGRICULTURAL SERVICE CENTER
CALEDONIA, MN 55921
(507) 724-5261 EXT. 3

October 8, 2001

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

Ladies and Gentlemen:

The Root River Soil and Water Conservation District will be holding its Annual Conservation Banquet on October 23rd, 2001. Social time is 6:30 p.m. and a banquet style dinner will be served at 7:30 p.m. at the Ma Cal Grove Country Club (located on Highway 44 approximately 1.5 miles south of the Americinn in Caledonia).

Tickets for the Awards Banquet are \$8.00 per person. If you would like to attend let us know by October 18th, we will have your reserved tickets for you at the Banquet that evening.

Sincerely,

A handwritten signature in cursive script that reads "Ralph Tuck" followed by a smiley face ":)".

Ralph Tuck, District Manager
Root River SWCD

**BOARD OF WATER AND SOIL RESOURCES
AMERICINN
STATE HWYS. 44 & 76
CALEDONIA, MINNESOTA
THURSDAY, OCTOBER 25, 2001**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Adopt Agenda

Minutes of September 26, 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. *Wetland Committee* – Proposed WCA Rules – John Jaschke –
DECISION
2. *Metro Subcommittee* – Comfort Lake-Forest Lake Watershed District
Revised Watershed Management Plan – DECISION
3. *Metro Subcommittee* – Order Enlargement of Carnelian-Marine
Watershed District – DECISION

Old Business

1. Water Plan Unification – John Jaschke – DISCUSSION

New Business

1. 2002 - 2003 Natural Resources Block Grants – Wayne Zellmer -
DECISION

Advisory Comments

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

Upcoming Meetings

- Next BWSR Meeting – date to be determined
- MAT Annual Meeting, November 16 -17, St. Cloud
- MAWD Annual Meeting, November 29 - December 1, Alexandria
- MASWCD Annual Meeting, December 2 - 4, Bloomington
- AMC Annual Meeting, December 3 - 5, St. Paul

Adjourn

Committee Recommendations

1. Wetland Committee
Proposed WCA Rules
DECISION

DRAFT TIMELINE FOR ADOPTION OF AMENDMENTS TO WCA & PW RULES

Reviewed by: John Jaschke, John Linc Stine, Bruce Gerbig, and Kathy Lewis on 5-02-01

Updated by: John Jaschke on 9-28-01

Informal Stage (incomplete)

May 1, 2001: Internal DNR Statewide Interdisciplinary Review Service (SIRS) begins

June 5, 2001: Second DNR Statewide Interdisciplinary Review Service (SIRS) meeting

June 21, 2001: BWSR Board Wetland Committee meeting to establish proposed rulemaking goals and principles and endorse schedule

July 3, 2001: Third DNR Statewide Interdisciplinary Review Service (SIRS) meeting

July 16, 2001: LGU staff meeting to provide input/ideas, Waite Park

July 25, 2001: BWSR Board meeting to discuss rulemaking goals & principles

July 16, 2001: 2nd LGU staff meeting to provide input/ideas, Waite Park

August 22, 2001: Initial Stakeholders Meeting, MNDOT Arden Hills

October 10, 2001: Final Stakeholders meeting to review draft proposed rule and explain formal rulemaking processes.

October 12, 2001: BWSR Wetland Committee meeting to review draft proposed rule and SONAR for WCA.

Formal "Dual Notice" Rulemaking Process

By Monday, June 11, 2000 – memo to Governor's Office announcing rule amendment

By Monday, June 25, 2001 – Publication Order for Request for Comments to State Register

Monday, June 25, 2001 – Request for Comments published in State Register (at least 60 days prior to Dual Notice per Minn Stat 14.101)

Thursday, October 25, 2001 – **WCA Proposed Rules and SONAR approved by Board. PW Proposed Rules and SONAR approved by Commissioner.** Rules sent to Governor's Office. Copies of proposed rules to Commissioner of Agriculture (at least 30 days prior to Dual Notice per Minn Stat 14.111)

Monday, October 29, 2001 – Revisor's certificate approving rules for publication

By Monday, November 26, 2001 – Receive Governor's Office approval

Wednesday, December 19, 2001 – Submit Dual Notice, Rules, SONAR, and Notice Plan to OAH (at least five working days prior to Dual Notice because ALJ has five working days to review per Minn R 1400.2080, subp. 5 and Minn R 1400.2060, subp 3)

Wednesday, December 19, 2001 – BWSR Board Resolution authorizing Executive Director to give Dual Notice

Tuesday, January 8, 2002 – publication order to State Register (by Wednesday noon a week and a half before publication date)

Monday, January 7, 2002 – Dual Notice mailed to all on BWSR and DNR rulemaking mailing lists (at least 30 days prior to end of comment period per Minn.R.1400.2080, subp.6) and notice per notice plan including notice to legislature (chief authors and committee chairs) and web site publication. Rules and SONAR also to legislative reference library.

Tuesday, January 22, 2002 – Dual Notice published in State Register (day after holiday)

Monday, February 25, 2002 – End of comment period (30 days after Dual Notice published)

Anticipate that Hearing will be Requested (otherwise formal process is reduced by about 3 months)

Tuesday - Thursday, March 5-7, 2002 – Hearings if more than 25 request (not sooner than 40 days after Dual Notice per Minn Stat.14.22, subd.2 with at least one hearing in an agricultural area of state (per Minn Stat 14.14, subd.1b)

Wednesday, March 27, 2002 – Agency's and public's comments to the hearing record (comment period lasts five working days, may be extended to 20 calendar days if ordered by ALJ. Minn.Stat.14.15, subd.1: Minn.R.1400,.2300,.2530,.2540)

Wednesday, April 3, 2002 – Agency response to comments and information submitted during comment period (five working days)

Wednesday, May 15, 2002 – Chief ALJ issues hearing report (within 40 days of close of response period but can be extended upon request by ALJ. Minn.Stat.14.15, subd.2).

Friday, June 14, 2002 – Agency decides if changes to proposed rule are needed in three categories: i.) technical only, notice to Governor and ALJ, ii.) recommended by ALJ, notice to Governor only, or iii.) substantive, then must notice to Governor and ALJ which have 30 days to respond.

Wednesday, June 26, 2002 – BWSR Board passes resolution to authorize Executive Director to sign Order Adopting Rules, DNR Commissioner signs order Adopting Rules.

Wednesday, June 26, 2002 – Order Adopting Rules (at least five working days after approval from ALJ or Chief ALJ)

Wednesday, June 26, 2002 – File rules with Secretary of State.Minn.Stat.14.16, subd.3

Wednesday, June 26, 2002 – Give notice of filing (on same day file with Secretary of State)

Wednesday, June 26, 2002 – Secretary of State forwards approved rule to Revisor

Monday, July 1, 2002 – Revisor sends BWSR/DNR Notice of Adoption and BWSR/DNR sends Notice of Adoption of State Register.

Monday, July 15, 2002 – Notice of Adoption published in State Register (Monday, July 22, 2002 would be last possible date for publication)

Monday, July 22, 2002 – rules effective five working days after published in State Register per Minn.Stat.14.27 (Must be effective on or before July 31, 2002)

F:\LanWData\WCA\Rules 2002\WCA and PW rules schedule 2001.doc

Wetland Conservation Act (Ch 8420) Rule Amendments Some Highlights

Overall: incorporate statute changes (2000, 2001), reduce some of the details, re-order the sections to follow the on-the-ground process, link with DNR PW program.

Exemptions: address SWANCC v. USCOE Supreme Court lawsuit (requires statute change).

Local Ordinance (CoWProMP): Provide greater incentive and ease for carrying out WCA via ordinance based on Water/Watershed/Wetland Plans.

LGU capacity: include minimum requirements for staff expertise.

Exemptions: Clarify deminimis, silviculture, ag-land, farm program participation.

No-loss: refine stormwater maintenance and address conversion to non-wetland via excavation.

Notice: eliminate notice for all determinations <10,000 sf impact, require notice of application for all determinations >10,000 sf

Enforcement: add "responsible party" in addition to landowner.

Replacement credit: some additional flexibility by developing a matrix of replacement credit type, amount and method.

Banking: allow some (15%) credit before waiting period ends, allow transfers to an account for future use without land ownership/easement required.

Committee Recommendations

2. Metro Subcommittee
Comfort Lake-Forest Lake
Watershed District Revised
Watershed Management Plan
DECISION

OVERVIEW

Comfort Lake – Forest Lake Watershed District Overall Plan

DRAFT

Background

At the September 11, 2001, watershed management public hearing the BWSR Metro Water Planning Subcommittee heard testimony from CLFLWD Board of Managers and BWSR Staff in support of Plan approval. After receiving the testimony the Subcommittee recommended approval of the Comfort Lake - Forest Lake Watershed District Overall Plan to the BWSR Board contingent on the positive review from any future plan comment letters received before the comment deadline of September 18, 2001.

Summary of Plan Review Process and Plan Strengths

In a letter dated June 20, 2001, the BWSR commented on the draft CLFLWD Overall Plan. The BWSR staff commented that the District Plan should focus on two primary issues that have surfaced in the planning process: 1) addressing the concerns along the abandoned Judicial Ditch 1, and 2) a inter-governmental jurisdiction strategy to manage water resources in this heavily urbanizing area. It was recommended that an intergovernmental work team be assembled to assist in the planning, design and funding of the comprehensive strategy to address the issues related to the abandoned JD1. The BWSR also warned the District of the revenue limitation defined in Statute 103D and the need to further consider establishment of a water management district to finance projects.

In response to the BWSR comments, the CLFLWD has started to implement assembly of an intergovernmental workteam to develop a comprehensive strategy to address the issues related to abandoned JD1. The Board of Managers has also drafted a position paper that recognizes their leadership role in addressing the issues related to the Upper Sunrise River (abandon JD1) system. The Plan incorporated many of the concepts defined at our previous presentations to the Board of Managers and does comply with the fundamental planning expectations articulated by BWSR.

The Plan does define a framework to allow the CLFLWD to implement the Plan towards the goals of water management, lakes, streams, wetlands, natural resources, biotic diversity and interagency and public coordination. The District is planning capital improvements to address the water management issues associated with abandoned JD1 in 2003. The other high priority issues in the District include properly managing storm water runoff from Forest Lake, minimizing flood damage to land along the abandoned waterway, and improving the water quality of Big Comfort Lake by reducing nutrient loads. The District's mission is also to use sound scientific water management approaches, technologies and methods to develop a uniform, integrated approach to water management within a rapidly changing and urbanizing area.

Watershed Description

The Comfort Lake - Forest Lake Watershed District (CLFLWD) is approximately 47 square miles in size and is located in southwestern Chisago County and northwestern Washington County. The CLFLWD has five major lake systems including Bone, Comfort, Forest, Shields and Sylvan Lakes. The outlet is to the Sunrise River, which flows northeasterly through Chisago County before flowing into the St. Croix River.

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

In the Matter of prescribing a Revised Watershed
Management Plan for the **Comfort Lake- Forest Lake**
Watershed District pursuant to
Minnesota Statutes Section 103D.401

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Board of Managers of the Comfort Lake - Forest Lake Watershed District (CLFLWD) filed a proposed Watershed Management Plan (Plan) dated April 10, 2001 with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103D.401, 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 CLFLWD was established by the Minnesota Board of Water and Soil Resources on September 23, 1999.
2. **Requirement to Plan.** The Plan does define a framework to allow the CLFLWD to implement the Plan towards the goals of water management, lakes, streams, wetlands, natural resources, biotic diversity, and interagency and public coordination. The District is planning capital improvements to address the water management issues associated with abandoned JD1 in 2003. The other high priority issues in the District include properly managing storm water runoff from Forest Lake, minimizing flood damage to land along the abandoned waterway, and improving the water quality of Big Comfort Lake by reducing nutrient loads. The District's mission is also to use sound scientific water management approaches, technologies and methods to develop a uniform, integrated approach to water management within a rapidly changing and urbanizing area.
3. **Nature of the Watershed.** The Comfort Lake - Forest Lake Watershed District (CLFLWD) is approximately 47 square miles in size and is located in southwestern Chisago County and northwestern Washington County. The CLFLWD has five major lake systems including Bone, Comfort, Forest, Shields and Sylvan Lakes. The outlet is to the Sunrise River, which flows northeasterly through Chisago County before flowing into the St. Croix River.

4. **Local Review.** The CLFLWD 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.** The DNR did not provide comments on the draft CLFLWD Plan.
6. **Metropolitan Council Review.** In a letter dated June 14, 2001, the MCES noted that the Plan will need to be amended as the District develops specific work plans to address the issues presented in the Plan by implementing the appropriate goals/objectives and action items. The Council also advised against the use of natural wetlands for stormwater treatment, for a policy on on-site stormwater treatment, and on the need to coordinate with the Washington County Groundwater Plan.
7. **Washington County Review.** Washington County's comments focused on the land use, groundwater and capitol improvement sections of the Plan. The major comment noted that the Plan lacked information relating to future land use of the communities in the watershed and policies that would mitigate for the development impact on the surface and groundwater. The District response stated that permitting and inter-governmental jurisdiction issues would be addressed in the implementation phase as specific work plans are developed.
8. **Minnesota Pollution Control Agency Review.** In a letter dated September 14, 2001, the MPCA encouraged the CLFLWD to implement and enforce an ordinance that will help local governments deal with stormwater and construction site erosion. The MPCA recommended the District adopt the newly updated "Protecting Water Quality in Urban Areas BMP" manual in lieu of a locally developed BMP manual. Lastly, the MPCA recommended that the Plan clarify that the National Pollutant Discharge Elimination System (NPDES) Construction Permit requires runoff to be treated prior to entering waters of the State.
9. **Board Review.** In a letter dated June 20, 2001, the BWSR commented on the draft CLFLWD Overall Plan. The BWSR staff commented that the District Plan should focus on two primary issues that have surfaced in the planning process: 1) addressing the concerns along the abandoned Judicial Ditch 1, and 2) an inter-governmental jurisdiction strategy to manage water resources in this heavily urbanizing area. It was recommended that an intergovernmental work team be assembled to assist in the planning, design and funding of the comprehensive strategy to address the issues related to the abandoned JD1. The BWSR also warned the District of the revenue limitation defined in Statute 103D and the need to further consider establishment of a water management district to finance projects.

In response to the BWSR comments, the CLFLWD has started to implement assembly of an intergovernmental workteam to develop a comprehensive strategy to address the issues related to abandoned JD1. The Board of Managers has also drafted a position paper that recognizes their leadership role in addressing the issues related to the Upper Sunrise River (abandoned JD1) system. The Plan incorporated many of the concepts defined at BWSR staff's previous presentations to the Board of Managers and 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 Forest Lake Times on August 23, 2001, and August 30, 2001, and in the Chisago County Press on August 23, 2001, and August 30, 2001. Further, a letter containing the legal Notice of Filing was sent from Jim Haertel dated August 16, 2001, to several addressees including the affected county auditors, county SWCD's and cities.
9. **Watershed Management Public Hearing.** On September 11, 2001, the BWSR Metro Water Planning Subcommittee heard testimony from CLFLWD Board of Managers in support of Plan approval. The BWSR Staff also recommends approval of the Comfort Lake - Forest Lake Overall Plan. After receiving the testimony the Subcommittee recommended approval of the Comfort Lake - Forest Lake Watershed District Overall Plan to the BWSR Board contingent on the positive review from any future plan comment letters received before the comment deadline of September 18, 2001.

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 an Overall Watershed Management Plan for the Comfort Lake - Forest Lake Watershed District pursuant to Minnesota Statutes Section 103D.401.

3. The Comfort Lake - Forest Lake Watershed District Plan attached to this Order defines water and water-related problems within the CLFLWD 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 plan.

ORDER

The Board hereby prescribes the attached Plan as the Watershed Management Plan for the Comfort Lake - Forest Lake Watershed District.

Dated at Saint Paul, Minnesota this 25th day of October 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland G. Coe, Chair

Committee Recommendations

3. Metro Subcommittee
Order Enlargement of
Carnelian-Marine 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 Enlargement and Increasing
the Number of Managers of the Carnelian-Marine
Watershed District in Washington County pursuant
to Minnesota Statutes §§ 103D.261 and 103D.305

**ORDER ENLARGEMENT
OF CARNELIAN-MARINE
WATERSHED DISTRICT**

Whereas, Washington County filed a Petition dated November 28, 2000 with the Board of Water and Soil Resources (Board) on December 6, 2000, to enlarge the Carnelian-Marine Watershed District pursuant to Minn. Stat. § 103D.261, and increase the number of managers of the Carnelian-Marine Watershed District pursuant to Minn. Stat. § 103D.305, 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. **Petition.** The Petition (Exhibit 2) to enlarge and increase the number of managers of the Carnelian-Marine Watershed District dated November 28, 2000, was filed by Washington County with the Board on December 6, 2000.
2. **Property Description.** The territory to be included in the watershed district, the Petitioned Area, is located in Washington County entirely within the metropolitan area and is approximately 39 square miles contiguous to the Carnelian-Marine Watershed District, which includes land in the City of Marine on St. Croix and the towns of May, New Scandia and Stillwater, and further depicted on a map attached to the Petition as Exhibit A. The Petitioned Area includes the Marine on St. Croix Watershed Management Organization (WMO) and two other areas in New Scandia Township, one north of the Marine on St. Croix WMO and one around German Lake.

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3. **District Name.** The Petition specifies the name of the enlarged district shall remain the "Carnelian-Marine Watershed District".
4. **Number of Managers.** The Petition specifies the number of managers shall be increased to seven (7) for two years, then return to the present number of five (5).
5. **Petition Service.** The Petition was served on the Board and the Carnelian-Marine Watershed District Board of Managers pursuant to Minn. Stat. § 103D.261, Subd. 1 (b).
6. **Reasons for Change.** The Washington County Board authorized a Water Governance Study to identify and evaluate the best governance structure for water management in the County. The resulting report was adopted by the Washington County Board. The Petition is a direct result of the report and specifies the following:
 - A. Washington County has a relatively large number of watershed management organizations of small size compared to other metropolitan counties.
 - B. The ineffectiveness of some joint powers agreement watershed management organizations in Washington County.
 - C. Insufficient budget due to small size and limited tax capacity of some watershed management organizations.
 - D. Joint Powers Agreement Watershed Management Organizations have not established offices or a clear point of communication.
 - E. Washington County has coordinated issues relating to the enlargement such as financing policies, watershed management plans, and board manager representation.
7. **Hearing Order.** At its regular meeting on January 24, 2001, the Board determined that the Petition met the requirements of Minn. Stat. §§ 103D.261 and 103D.305, and consequently ordered a public hearing to be held on the Petition for the Carnelian-Marine Watershed District Enlargement and Increase Number of Managers. (Exhibit 6)

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8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district enlargement and increase number of managers, pursuant to Minn. Stat. § 103D.261, Subd. 1 (c) and 103D.305, Subd. 4, was published in the St. Croix Valley Press on February 8 and 15, 2001, the White Bear Press on February 7 and 14, 2001, and the Country Messenger on February 7 and 14, 2001. (Exhibits 9, 10 and 11) Further, a copy of the hearing notice was mailed to approximately 25 addressees including the Washington County Auditor, Washington County Attorney, Washington County Administrator, legal counsel for the watershed district, all of the cities in the proposed watershed district, all of the towns in the proposed watershed district, the SWCD, and the DNR. (Exhibit 7)
9. **Public Hearing.** A public hearing was held on the enlargement and increasing the number of managers of the Carnelian-Marine Watershed District on February 26, 2001, at the Marine on St. Croix City Council Chambers, 121 Judd Street, Marine on St. Croix, Minnesota. The proceedings were tape recorded. The hearing panel was the Metro Water Planning Subcommittee which consisted of Board members Dwain Otte, Jack Frost, and Kathleen Roer as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 12 into the record by reading a brief description of each exhibit.

Exhibit 1. Letter dated November 28, 2000, from Linda Krafthefer, Washington County Assistant Attorney, forwarding the Petition, which is Exhibit 2.

Exhibit 2. Petition dated November 28, 2000, from Washington County to enlarge the Carnelian-Marine Watershed District and increase the number of managers.

Exhibit 3. Attachment to Petition labeled "Exhibit A" which is a map of the proposed enlargement.

Exhibit 4. Attachment to Petition labeled "Exhibit B" which is a document entitled "Report for Water Governance Study, Washington County, Minnesota" dated May, 1999.

Exhibit 5. Acceptance of Service of Petition signed by Raymond Marshall, Carnelian-Marine Watershed District Counsel, dated November 30, 2000.

Exhibit 6. Order dated January 24, 2001, from the Board of Water and Soil Resources for a Public Hearing on the Petition.

Exhibit 7. Letter dated February 6, 2001, from Jim Haertel to approximately 25 addressees notifying them of the public hearing, including copies of the legal notice (Exhibit 8) and map (Exhibit 3).

Exhibit 8. Legal Notice of Public Hearing dated January 24, 2001, signed by Jim Haertel.

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Exhibit 9. Affidavit of Publication dated February 15, 2001, of Legal Notice in the St. Croix Valley Press on February 8 and 15, 2001.

Exhibit 10. Affidavit of Publication dated February 14, 2001, of Legal Notice in the White Bear Press on February 7 and 14, 2001.

Exhibit 11. Affidavit of Publication dated February 21, 2001, of Legal Notice in the Country Messenger on February 7 and 14, 2001.

Exhibit 12. Letter dated February 21, 2001 from the Square Lake Association generally opposing the proposed enlargement.

Exhibit 13. Washington County testimony dated February 27, 2001, which was given at the hearing.

Exhibit 14. Washington County Implementation Strategy report for the Water Governance Study dated July, 1999.

Exhibit 15. Washington County Water Management Study tax impact levy table.

Exhibit 16. Washington County supplemental information explaining revised strategy and time line.

Exhibit 17. Table showing area of enlarged watershed district by community.

Exhibit 18. Washington County Water Governance Study table showing number of WMO's affecting LGU's.

Exhibit 19. Watershed District terms of office for Washington County.

Exhibit 20. Washington County Water Governance Study participation process documentation, July, 1998 to December, 2000.

Exhibit 21. Comparative Review of watershed management plans and rules for northern Washington County WMO's, dated September, 2000.

Exhibit 22. Letter dated January 28, 2001, from Jim Shaver to Jim Haertel forwarding minutes of November 16, 2000 Marine on St. Croix WMO meeting.

Exhibit 23. Marine on St. Croix WMO meeting minutes of November 16, 2000.

Exhibit 24. Letter dated February 26, 2001 from John Bower to Jim Haertel and letter dated October 4, 2000 from John Bower to Washington County Commissioners.

Exhibit 25. Mill Stream Natural Resource Inventory Interim Report dated May, 2000.

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Exhibit 26. Twin Lake High Water Study dated August, 1999, by OSM and Associates.

Exhibit 27. Clean Water Partnership Study for Square Lake, Draft Final Report dated October 18, 2000.

Exhibit 28. Letter dated February 26, 2001 from Bill Voedisch to Jim Haertel.

Exhibit 29. Letter dated October 17, 2000 from Bill Voedisch to Washington County Commissioners.

Exhibit 30. Letter dated February 26, 2001 from John Bower to Jim Haertel.

Exhibit 31. Letter dated August 8, 2000 from the Carnelian Marine Watershed District to Washington County Commissioners including two District resolutions dated August 7, 2000.

Exhibit 32. Letter dated October 18, 2000 from Dennis Seefeldt to Washington County Commissioners.

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until 4:30 PM on March 19, 2001, for receipt of written comments. The following exhibits were received while the record was open.

Exhibit 33. Letter dated October 13, 2000 from Jerry Hicks to John Bower.

Exhibit 34. Letter dated March 14, 2001 from Bill Voedisch to Jim Haertel.

Exhibit 35. BWSR Metro Region staff report dated March 19, 2001.

10. **Board Staff Report.** The Board's metro region staff report dated, March 19, 2001 (Exhibit 35) supported the proposed enlargement be approved and the number of managers remain at five.
11. **Hearing Panel.** The hearing panel met on October 11, 2001. The panel discussed the September 11, 2001 Minnesota Court of Appeals decision, File C0-01-322, which regarded two very similar petitions and previous decisions by the Board. The Court of Appeals decision ruled that a watershed district could not be enlarged to include territory already within a joint powers agreement WMO. Based on the oral and written record in this matter,

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and the Court of Appeals decision, the panel decided with a unanimous vote to recommend to the full Board that the Carnelian-Marine Watershed District only be enlarged in the German Lake area and that the number of managers remain at five. The enlargement in the German Lake area would be for the public welfare and public interest and the purpose of Minnesota Statutes Chapters 103B and 103D would be served. The increase in number of managers would not benefit the public welfare, public interest and the purpose of Minnesota Statutes Chapters 103B and 103D. Further, the enlargement is only a small portion of the Petitioned Area and the increase in number of managers is not justified. The enlargement in the Marine on St. Croix WMO cannot be done under the Court of Appeals decision. The other remaining part of the Petitioned Area, which is north of the Marine on St. Croix WMO, is not contiguous to the Carnelian-Marine Watershed District and thus cannot be part of the district enlargement. The hearing panel also recommended that the Watershed Management Plan for the Carnelian-Marine Watershed District be amended within two years to include the enlargement area.

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CONCLUSIONS

1. The Petition for the enlargement and increasing the number of managers of the Carnelian-Marine Watershed District is valid in accordance with Minn. Stat. §§ 103D.261 and 103D.305.
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 enlargement.
5. The enlargement of the Carnelian-Marine Watershed District as proposed in the Petition cannot be ordered in two of the areas, however, enlargement in the Petitioned Area around German Lake would be for the public welfare and public interest and the purpose of Minnesota Statutes Chapters 103B and 103D would be served.
6. The Carnelian-Marine Watershed District cannot be enlarged into the area of the Marine on St. Croix Watershed Management Organization due to the Court of Appeals decision C0-01-322.
7. The Carnelian-Marine Watershed District cannot be enlarged into the Petitioned Area north of the Marine on St. Croix Watershed Management Organization since the area is not contiguous to the Carnelian-Marine Watershed District.
8. The Carnelian-Marine Watershed District Watershed Management Plan should be amended within two years to include the enlargement area.

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ORDER

The Board hereby orders that the Carnelian Marine Watershed District be enlarged only in the German Lake area in New Scandia Township of the Petitioned Area per the Washington County Petition (Exhibit 2) dated November 28, 2000, according to Exhibit A of said Petition (Exhibit 3) attached and made a part of this Order hereof; that the number of managers remain at five; and that the Watershed Management Plan be amended within two years to include the enlargement area.

Dated this 25th day of October, 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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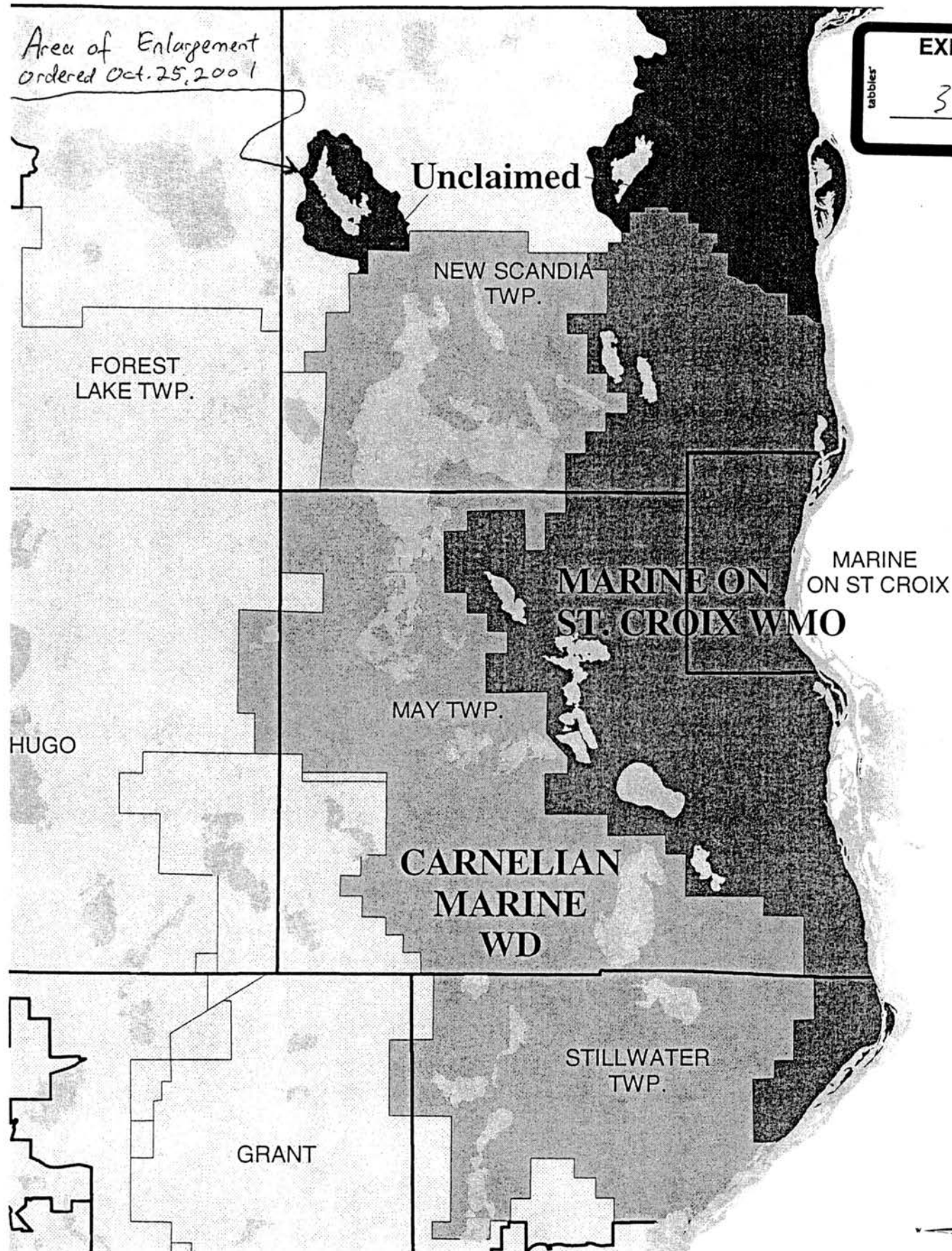
By: _____
Leland G. Coe, Chair

Exhibit A
Washington County
Enlargement of Carnelian Marine Watershed District

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*Area of Enlargement
ordered Oct. 25, 2001*

EXHIBIT
3



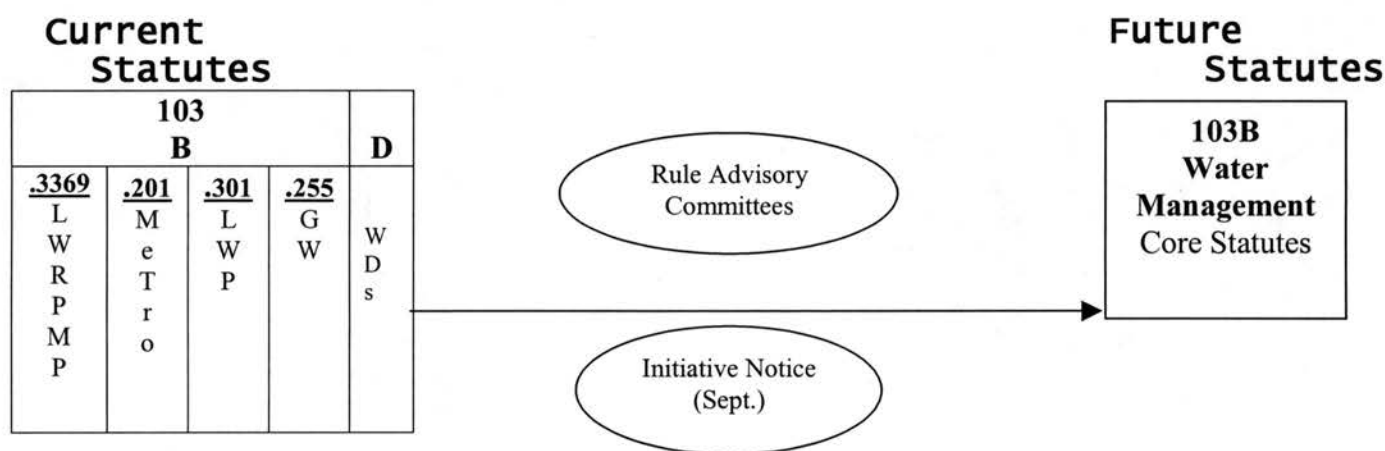
Old Business

1. Water Plan Unification
DISCUSSION

Unification Process

BWSR Local Water Plan/Mgmt Programs

Water Planning Statutes Unification



Goal: Limited, accountable and responsive government

- Plans centered on resource issues/characteristics rather than govt. unit boundaries
- State water plan (Minnesota Frameworks) used as the master water management plan
- Dynamic local water management plans identify what needs to be done and how it will get done

Benefit: streamlined, unified local water planning efforts

- Eliminates duplicative planning requirements (and boundaries)
- Gives local water planning a stronger identity and more influence
- Promotes uniform plans that have reliable access to funds
- Facilitates planning based on resources rather than the government units doing the plan
- Aligns program appropriation with program requirements

Water Planning Adm. Rules Unification

Current Rule

103 B				D
<u>.3369</u>	<u>.201</u>	<u>.301</u>	<u>.255</u>	<u>WDs</u>
Ch.	Ch.	Ch.	N	N
8405	8410	9300	O	O
			N	N
			E	E

Rule Revision
Process

Rule Advisory
Committees

Future Rule

Chapter 8410 Water Management Rules

With sections addressing:

- 7 County Metro
- Out state Counties
- Watershed Districts

Goal: Less Prescriptive BWSR rules, better plans based on performance from LGUs.

- Plans have strong public input and address local resource issues
- Plans are easily understood
- Plans communicate clear goals and measurements of success

Benefit: Effective and efficient local water resource management

- Less costly plans
- Plans are used
- Plans better address boundary issues

New Business

1. 2002 – 2003 Natural Resources
Block Grants
DECISION

2002 - 2003 NATURAL RESOURCES BLOCK GRANT

BACKGROUND

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Planning, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

2000 - 2001 NRBG Schedule

October 25, 2001	BWSR requested to authorize the 2002 - 2003 NRBG
November 12, 2001	NRBG Program announced in the State Register
	NRBG Application sent to all counties
February 1, 2002	NRBG Applications due to Board Conservationists
March 2002	Grant Agreements sent to counties
February 1, 2003	Resolutions and CY 2002 reports due
February 2003	Second payment

Selected Program Highlights of the 2002 - 2003 NRBG:

Comprehensive Local Water Planning - \$2,638,756 Annually

This component is for implementing comprehensive local water plans. A local levy match is required. This levy is determined from a county's equalized taxable net tax capacity. The grant amount is derived from the formula of \$37,500 - local levy, but all counties are eligible for a minimum of \$18,750.

Wetland Conservation Act - \$1,744,790 Annually

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county WCA activity. SWCDs are entitled to receive at least \$5,000 of this grant for performing mandated WCA activities.

DNR Shoreland - \$518,000 - 2002, \$433,000 - 2003

This component is for the administration of state approved shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity. The 2001 legislature did not approve FY 03 funding for the St. Louis River and North Shore Management Boards.

MPCA County Feedlot Program - Up to \$2,341,000 Annually

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. Level 1

amounts are calculated at \$50 per feedlot. Counties that have conducted a Level 2 inventory are eligible to receive an amount calculated at \$80 per feedlot. A local 1:1 cash and/or in-kind match is required. The 2001 legislature increased this appropriation from \$1,841,000.

MPCA County Individual Sewage Treatment Systems Program - \$86,000 Annually

Based on 1997 changes to Minnesota Statutes, all counties are required to pass ordinances regulating ISTS county-wide. All county ordinances were required to be in compliance by January 1, 1999. All counties that have enacted county-wide ordinances are eligible to receive this grant. No local match is required.

Proposed base grants for the 2002 - 2003 NRBG are itemized on the enclosed spreadsheet.

Application Revision

In addition, last summer a staff committee was convened to accomplish a comprehensive revision of the NRBG application under the following Guiding Principles:

- Implement the legislature's and agencies' intent of the Programs.
- Provide standards for flexibility of LGU Program implementation.
- LGU accountability will be incorporated into their implementation activities.
- Provide standards for documentation of compliance and accountability to meet the standards of the Office of the Legislative Auditor and State Auditor.
- Increase the efficiency of the allocation process (simple and consistent, reduction of paperwork and staff time for agencies and LGUs).

The extent of this revision for this grant cycle will depend on the length of the employee strike.

Recommendation

On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to authorize the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

**PROPOSED 2002 AND 2003
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2002 AND APPROX. 2003		2002 AND 2003	2002 AND 2003	2002 AND 2003 (est.#)		2002 AND 2003
	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM		MPCA COUNTY ISTS PROGRAM
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT		MPCA BASE GRANT
					LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY	
AITKIN	\$5,329	\$32,171	\$19,200	\$12,375	\$6,500		\$988
ANOKA	\$85,586	\$18,750	\$40,500	\$3,000	\$2,500		\$988
BECKER	\$7,221	\$30,279	\$24,200	\$12,321	\$15,850		\$988
BELTRAMI	\$5,792	\$31,708	\$36,000	\$6,317	\$9,250		\$988
BENTON	\$6,758	\$30,742	\$36,000	\$3,771	\$16,650		\$988
BIG STONE	\$1,108	\$36,392	\$10,000	\$3,087	\$2,800		\$988
BLUE EARTH	\$14,282	\$23,218	\$19,200	\$3,722	\$9,050	\$38,240	\$988
BROWN	\$5,921	\$31,579	\$10,000	\$3,070	\$14,600	\$45,360	\$988
CARLTON	\$6,579	\$30,921	\$19,200	\$4,506	\$4,950	\$22,720	\$988
CARVER	\$22,422	\$18,750	\$36,000	\$3,000	\$14,850	\$36,160	\$988
CASS	\$13,173	\$24,327	\$51,000	\$12,275	\$10,050		\$988
CHIPPEWA	\$3,030	\$34,470	\$10,000	\$3,012	\$3,250		\$988
CHISAGO	\$11,456	\$26,044	\$26,700	\$5,671	\$5,600		\$988
CLAY	\$8,144	\$29,356	\$16,700	\$3,378	\$5,450		\$988
CLEARWATER	\$2,161	\$35,339	\$19,200	\$3,630	\$8,400		\$988
COOK	\$3,143	\$34,357	\$12,200	\$4,814	\$0		\$988
COTTONWOOD	\$3,115	\$34,385	\$10,000	\$3,181	\$6,400		\$988
CROW WING	\$23,651	\$18,750	\$36,000	\$21,946	\$7,300		\$988
DAKOTA	\$122,980	\$18,750	\$41,000	\$3,000	\$8,450	\$26,800	\$988
DODGE	\$3,948	\$33,552	\$16,700	\$3,069	\$7,500	\$31,520	\$988
DOUGLAS	\$9,524	\$27,976	\$19,200	\$9,803	\$15,550	\$35,520	\$988
FARIBAULT	\$3,796	\$33,704	\$10,000	\$3,138	\$6,850	\$42,000	\$988
FILLMORE	\$4,425	\$33,075	\$10,000	\$3,089	\$60,550		\$988
FREEBORN	\$7,109	\$30,391	\$10,000	\$3,602	\$10,250	\$41,040	\$988
GOODHUE	\$15,650	\$21,850	\$16,700	\$3,181	\$24,500		\$988
GRANT	\$1,589	\$35,911	\$13,980	\$3,507	\$3,350		\$988
HENNEPIN	\$448,429	\$18,750	\$36,000	\$0	\$4,450		\$988
HOUSTON	\$3,451	\$34,049	\$12,200	\$3,127	\$17,750		\$988
HUBBARD	\$6,820	\$30,680	\$26,700	\$9,677	\$3,750		\$988
ISANTI	\$6,804	\$30,696	\$26,700	\$4,595	\$3,600		\$988
ITASCA	\$13,301	\$24,199	\$36,010	\$11,596	\$4,250		\$988
JACKSON	\$3,411	\$34,089	\$10,000	\$3,455	\$7,550	\$40,000	\$988
KANABEC	\$2,588	\$34,912	\$26,700	\$4,693	\$8,100		\$988
KANDIYOHI	\$9,651	\$27,849	\$19,200	\$7,748	\$13,900		\$988
KITSON	\$2,109	\$35,391	\$16,700	\$3,038	\$2,550		\$988
KOOCHICHING	\$2,696	\$34,804	\$19,200	\$3,123	\$2,250		\$988
LAC QUI PARLE	\$1,704	\$35,796	\$10,000	\$3,017	\$4,900		\$988

**PROPOSED 2002 AND 2003
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2002 AND APPROX. 2003		2002 AND 2003		2002 AND 2003		2002 AND 2003 (est.#)		2002 AND 2003	
	LOCAL WATER		WETLAND		DNR		MPCA COUNTY		MPCA COUNTY	
	PLANNING		CONSERVATION ACT		SHORELAND		FEEDLOT PROGRAM		ISTS PROGRAM	
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT		SHORELAND BASE GRANT		MPCA BASE GRANT		MPCA BASE GRANT	
							LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY		
LAKE	\$3,367	\$34,133	\$16,700		\$5,295		\$50		\$988	
LAKE OF THE WOODS	\$881	\$36,619	\$26,700		\$4,007		\$1,250		\$988	
LE SUEUR	\$6,225	\$31,275	\$16,700		\$5,643		\$8,300	\$25,920	\$988	
LINCOLN	\$1,625	\$35,875	\$10,000		\$3,176		\$7,700	\$38,480	\$988	
LYON	\$5,790	\$31,710	\$10,000		\$3,141		\$10,800		\$988	
MCLEOD	\$8,216	\$29,284	\$16,700		\$3,429		\$13,100	\$32,000	\$988	
MAHNOMEN	\$812	\$36,688	\$12,200		\$3,855		\$3,450		\$988	
MARSHALL	\$2,770	\$34,730	\$19,200		\$3,000		\$5,000		\$988	
MARTIN	\$5,773	\$31,727	\$10,000		\$3,470		\$10,750	\$58,880	\$988	
MEEKER	\$5,095	\$32,405	\$19,200		\$5,433		\$11,750		\$988	
MILLE LACS	\$4,233	\$33,267	\$19,200		\$5,517		\$10,700	\$10,700	\$988	
MORRISON	\$5,975	\$31,525	\$26,700		\$4,526		\$39,650		\$988	
MOWER	\$7,278	\$30,222	\$12,200		\$3,746		\$12,200	\$63,040	\$988	
MURRAY	\$2,638	\$34,862	\$10,000		\$3,696		\$11,300		\$988	
NICOLLET	\$7,025	\$30,475	\$16,700		\$3,077		\$10,050	\$33,520	\$988	
NOBLES	\$4,138	\$33,362	\$10,000		\$3,054		\$12,800	\$54,600	\$988	
NORMAN	\$1,502	\$35,998	\$12,200		\$3,011		\$3,150		\$988	
OLMSTED	\$34,284	\$18,750	\$26,700		\$3,614		\$15,650		\$988	
OTTER TAIL	\$14,744	\$22,756	\$33,200		\$20,362		\$43,950		\$988	
PENNINGTON	\$1,965	\$35,535	\$16,700		\$3,251		\$2,900		\$988	
PINE	\$5,408	\$32,092	\$36,700		\$6,768		\$14,050		\$988	
PIPESTONE	\$2,181	\$35,319	\$10,000		\$3,000		\$11,700	\$46,080	\$988	
POLK	\$6,303	\$31,197	\$16,700		\$3,967		\$7,550		\$988	
POPE	\$2,534	\$34,966	\$15,200		\$4,877		\$10,750	\$27,360	\$988	
RAMSEY	\$158,198	\$18,750	\$26,700		\$0		\$250		\$988	
RED LAKE	\$770	\$36,730	\$12,200		\$3,297		\$4,250		\$988	
REDWOOD	\$3,977	\$33,523	\$10,000		\$3,000		\$11,000		\$988	
RENVILLE	\$4,960	\$32,540	\$10,000		\$3,055		\$8,750		\$988	
RICE	\$13,277	\$24,223	\$19,200		\$4,806		\$12,350	\$66,400	\$988	
ROCK	\$2,347	\$35,153	\$10,000		\$3,000		\$11,000	\$57,280	\$988	
ROSEAU	\$2,449	\$35,051	\$26,700		\$3,095		\$7,350		\$988	
ST. LOUIS	\$37,919	\$18,750	\$36,700		\$22,873		\$3,800		\$988	
SCOTT	\$31,065	\$18,750	\$36,000		\$3,000		\$8,450		\$988	
SHERBURNE	\$22,791	\$18,750	\$36,000		\$5,591		\$3,250		\$988	
SIBLEY	\$3,647	\$33,853	\$12,200		\$3,098		\$13,200	\$52,560	\$988	
STEARNS	\$28,231	\$18,750	\$51,500		\$10,330		\$74,800	\$229,280	\$988	
STEELE	\$8,638	\$28,862	\$12,200		\$3,290		\$9,050	\$43,920	\$988	

**PROPOSED 2002 AND 2003
BWSR ANNUAL NATURAL RESOURCES BLOCK GRANT:
BASE GRANT BREAKDOWN BY PROGRAM**

COUNTY	2002 AND APPROX. 2003		2002 AND 2003	2002 AND 2003	2002 AND 2003 (est.#)		2002 AND 2003
	LOCAL WATER PLANNING		WETLAND CONSERVATION ACT	DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM		MPCA COUNTY ISTS PROGRAM
	REQUIRED LOCAL LEVY	CLWP BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	MPCA BASE GRANT		MPCA BASE GRANT
					LEVEL 1 INVENTORY	LEVEL 2 OR 3 INVENTORY	
STEVENS	\$2,047	\$35,453	\$10,000	\$3,130	\$4,400		\$988
SWIFT	\$2,637	\$34,863	\$12,200	\$3,149	\$4,700	\$15,440	\$988
TODD	\$3,504	\$33,996	\$19,200	\$5,660	\$47,200		\$988
TRAVERSE	\$1,398	\$36,102	\$10,000	\$3,218	\$1,950		\$988
WABASHA	\$4,662	\$32,838	\$12,200	\$4,037	\$20,500		\$988
WADENA	\$1,851	\$35,649	\$21,700	\$3,539	\$21,840		\$988
WASECA	\$4,442	\$33,058	\$12,200	\$3,450	\$6,800	\$24,640	\$988
WASHINGTON	\$75,359	\$18,750	\$36,000	\$3,000	\$3,600		\$988
WATONWAN	\$2,502	\$34,998	\$10,000	\$3,136	\$5,300	\$21,600	\$988
WILKIN	\$2,216	\$35,284	\$10,000	\$3,021	\$1,050		\$988
WINONA	\$10,057	\$27,443	\$12,200	\$3,043	\$25,050	\$64,240	\$988
WRIGHT	\$26,315	\$18,750	\$36,000	\$10,716	\$18,400	\$27,760	\$988
YELLOW MEDICINE	\$2,347	\$35,153	\$10,000	\$3,017	\$7,000	\$29,680	\$988
MARSHALL-BELTRAMI SWCD			\$5,000				
ST. LOUIS RIVER BD. *				\$35,000			
NORTH SHORE MGMT. BD. *				\$50,000			
TOTALS	\$1,497,224	\$2,638,756	\$1,744,790	\$518,000	\$967,340	\$1,382,740	\$85,956

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT, DNR SHORELAND, AND MPCA FEEDLOT BASE GRANTS REQUIRE A 1:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

BASED ON APRIL 2001 MPCA DATA. CURRENT DATA NOT AVAILABLE.

* ACCORDING TO THE LEGISLATURE, THIS GRANT WILL OCCUR IN FY 02 ONLY.

H:02NRBG

FOR YOUR INFORMATION

(October 25, 2001)

- ❑ Updated Board Member Listing
(new address for Lee Coe and Clair Nelson)
- ❑ Overview of Stearns County Comprehensive Local Water Plan Update
- ❑ Letter to the Minnesota Congressional Delegation regarding BWSR's position statement on the conservation provisions of the 2002 Farm Bill
- ❑ Court of Appeals decision in the matter of the enlargement and increasing number of managers of the Brown's Creek Watershed District
- ❑ Letter to Minnesota Planning regarding Comments on Draft GEIS on Animal Agriculture
- ❑ Memo to agencies regarding the 90-day state review of the Benton County Comprehensive Local Water Management Plan
- ❑ Letter to Dr. Bryan Zins from Steve Hobbs, District Manager, Hennepin Conservation District, regarding property issue.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, SUITE 200
ST. PAUL, MINNESOTA 55107
Phone: 651-296-3767
Fax: 651-297-5615

<u>Appointed Members</u>	<u>Appointment Designation</u>	<u>Term Expires</u>	<u>Telephone/Fax</u>
Leland Coe, Chair , 3948 Nebish Road NE Tenstrike, 56683 leecoe@paulbunyan.net	Citizen	01-06-03	218-243-2597 <i>Home/Fax</i>
Karen Harder , 4601 Emerson Ave. S. Minneapolis, 55409-2339 ktharder@efg.com	Citizen	01-03-05	612-824-4136 <i>Home</i>
Char Kahler , 1966 50 th St. Fairmont, 56031 chark@kaco.net	Citizen	01-05-04	507-235-9837 <i>Home</i> 507-238-2244 <i>Office</i> 507-235-9619 <i>Fax</i>
Paul Krabbenhoft , 1119 - 25th Avenue South Moorhead, 56560 pkrabbenhoft@yahoo.com	SWCD	01-01-02	218-233-0313 <i>Home</i> 701-281-3033 <i>Office</i> 701-277-1570 <i>Fax</i>
Victor Ormsby , R.R. 3, Box 163 Winona, 55987-9515	SWCD	01-03-05	507-454-7676 <i>Home</i>
Dwain Otte , 606 Zanmiller Drive West Northfield, 55057 dnotte@rconnect.com	SWCD	01-05-04	507-645-4370 <i>Home</i>
Jerome Deal , 1501 Second Ave., So. Wheaton, 56296	Watershed	01-01-02	320-563-8377 <i>Home</i> 320-563-4987 <i>Fax</i>
Jack Frost , 2324 Maple Lane Maplewood, 55109 jfrost@uswest.net	Watershed	01-05-04	651-602-1078 <i>Office</i> 651-602-1130 <i>Fax</i>
Ginny L. Imholte , 720 So. Shore Drive Box 663, Detroit Lakes, 56501 imholte@lakesnet.net	Watershed	01-06-03	218-847-4236 <i>Home</i> 218-847-4433 <i>Office</i> 218-847-5059 <i>Fax</i>
Darrell Bruggman , 45898 State Hwy. 65 McGregor, 55760	Co. Commr.	01-06-03	218-426-3330 <i>Home</i> 218-927-7374 <i>Fax</i>
JoAnn Coover , 3791 - 180 th Ave., N. Minneota, 56264 dicoover@mvtvwireless.com	Co. Commr.	01-03-05	320-669-7173 <i>Home/Fax</i> 507-537-9354 <i>Office</i>
Clair Nelson , Lake County Courthouse, 601 Third Avenue, Two Harbors, 55616	Co. Commr.	01-01-02	218-353-7385 <i>Home</i> 218-834-8320 <i>Office</i> 218-834-8360 <i>Fax</i>
<u>State Agency Members:</u>			
Sharon Clark 90 W. Plato Blvd., St. Paul, MN 55155 Sharon.clark@state.mn.us	Department of Agriculture		651-297-1551 <i>Office</i> 651-297-5522 <i>Fax</i>
Dan Wilson Well Management Section, P.O. Box 64975, St. Paul, MN 55164-0975 Daniel.Wilson@health.state.mn.us	Department of Health		651-215-0812 <i>Office</i> 651-215-0978 <i>Fax</i>
Wayne Edgerton 500 Lafayette Road, St. Paul, MN 55155 Wayne.Edgerton@dnr.state.mn.us	Department of Natural Resources		651-297-8341 <i>Office</i> 651-296-4799 <i>Fax</i>
Jim Anderson 439 Borlaug Hall, 1991 Upper Buford Circle, St. Paul, MN 55108 Ander045@umn.edu	U of M/Dept. of Soil, Water & Climate		612-625-8209 <i>Office</i> 612-625-2208 <i>Fax</i>
Rod Massey 520 Lafayette Road, St. Paul, MN 55155 Rod.massey@pca.state.mn.us	Pollution Control Agency		651-296-7202 <i>Office</i> 651-296-7923 <i>Fax</i>

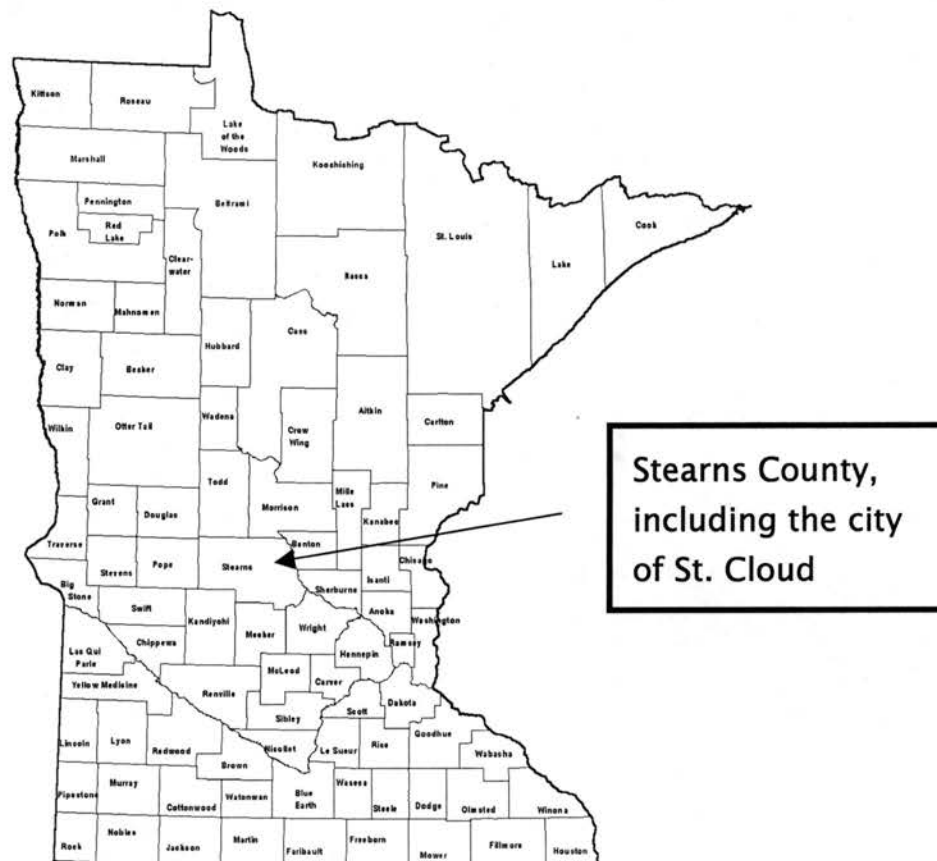
22-Oct-01

To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator



FYI: Stearns County has completed updating their comprehensive local water plan. The final 90-day review period began on October 10, and the board can expect to be asked to approve the plan at the December or January meeting. An overview is attached.



Board Conservationist: Dan Steward, Brainerd

Duration of the proposed plan: Not indicated in the plan

OVERVIEW

STEARNS COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE THIRD GENERATION

Background

Stearns County began development of their original Comprehensive Local Water Plan (Plan) in February 1988. The county board adopted the Plan in July 1991. The St. Cloud State University Geography Department developed the original water plan with coordination provided by the County Surveyor's Office. In 1995, Stearns County completed its first Plan update. Since the original Plan was completed, coordination for the updates and implementation has been the responsibility of the Stearns County Environmental Services Department (ESD).

Comprehensive Local Water Plan Update

The county passed a resolution requesting an extension on their third generation water plan in December 1999. On April 26, 2000, BWSR approved the county's request for an extension. The new effective end-date of the Stearns County Water Plan became December 31, 2001. In August 2000, the Water Plan Advisory Committee began work on the second update of the Plan. The County chose to utilize ESD staff for developing the update. One of the strengths of water planning in Stearns County over the past five years has been their focus on putting the key infrastructure for implementation in place. For example, during the second generation plan, the county put in place a new comprehensive land use plan, a county wide zoning ordinance, a level two feedlot inventory, a feedlot ordinance, revision of the county subdivision ordinance, and the lakeshed approach to protecting lake water quality. With these tools now in place, the county is looking forward to using them to protect water resources. Stearns County chose to update the plan for the next five-year interval. When the updated Plan expires in five years, the County wants to conduct a total rewrite of the Plan.

County Description

Stearns County is located in central Minnesota. The county is very diverse. St. Cloud, the county seat, lies in the eastern edge of the county along the Mississippi River. The St. Cloud area is rapidly urbanizing and serves as a major regional trading center. St. Cloud and the surrounding townships lie at the northwest end of the major development corridor extending northwesterly from the twin cities area. The western half of the county, however, is still predominately rural, with some western townships losing population. Stearns County has a very strong agricultural sector, and ranks number one among Minnesota agricultural counties--and as one of the top ten in the United States.

From a water resources perspective, the county is diverse. The county has a significant network of agricultural ditches in place to support agricultural activities and has 294 lake basins. Generally, surface water drainage is easterly through the Sauk River and the North Fork Crow River, both of which empty into the Mississippi River.



October 1, 2001

The Honorable James Oberstar
United States Representative
Minnesota Congressional Delegation
2365 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Oberstar:

It is with great pride that I submit, on behalf of the Minnesota Board of Water and Soil Resources, the enclosed position statement on the conservation provisions of the 2002 Farm Bill.

Our board consists of 17 voting members representing a broad spectrum of citizens, local government officials and state agency staff. While members come from a variety of backgrounds in natural resources, they share a strong commitment to Minnesota's conservation efforts. How federal conservation programs and initiatives can keep a rural economy vital while protecting and enhancing Minnesota's natural resources is a question about which the board has valuable insight.

The board has worked on this document since February of this year. This position statement reflects a message of which you are well aware: Minnesotans believe now is the critical time to make conservation a centerpiece of the next farm bill. The conservation title can be used to help farmers and forest landowners produce public environmental goods such as clean air, clean water, and fish and wildlife habitat in conjunction with food and fiber.

We present this document as background information that should be useful to you as you are asked to debate and vote on the 2002 Farm Bill. Thank you in advance for your interest.

If you need further information about this position statement or the Minnesota Board of Water and Soil Resources, please contact Doug Thomas, assistant director, at (651) 297-5617 or doug.thomas@bwsr.state.mn.us.

Sincerely,

Ronald D. Harnack
Executive Director

Cc: Ken Hasskamp
Bill Hunt, NRCS
John Monson, FSA
Joe Bagnoli, Governor's Office

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MINNESOTA BOARD OF WATER AND SOIL RESOURCES
POSITION STATEMENT
ON
CONSERVATION PROVISIONS OF THE 2002 FARM BILL
9/28/01

The Minnesota Board of Soil and Water Resources is made up of 17 voting members representing counties, soil and water conservation districts, watershed districts, citizens, the Minnesota Department of Agriculture, the Minnesota Department of Health, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the University of Minnesota Extension Service. We believe this makeup provides a unique forum and mechanism to bring together thoughts and opinions on the farm bill and to formulate a position that is representative of many of the conservation organizations and state agencies within Minnesota.

The conservation title of the federal farm bill now being deliberated by Congress impacts more privately owned lands than any other federal legislation, and will determine how USDA agencies, states and local governments address private lands conservation for the next ten years. This document outlines the various federal conservation programs and initiatives that we feel are important to a vital rural economy while protecting and enhancing the natural resources of Minnesota.

Because privately owned and managed farmland and forestland covers more than three fourths of Minnesota, agriculture and forestry dramatically impact water quality, wildlife habitat and the pace of sprawl. Fortunately, many Minnesota farmers and forest landowners are implementing practices to meet these environmental challenges.

Nationwide, farmers, ranchers and forest landowners seeking federal assistance to improve water quality, enhance or create fish and wildlife habitat, or combat urban sprawl are being turned away at an alarming rate. In Minnesota alone, the estimated backlog this year for the Environmental Quality Incentives Program, Wetlands Reserve Program, and Wildlife Habitat Incentives Program, combined, exceeds \$57 million.

In Minnesota, we believe the opportunity is here to make conservation a centerpiece of the next farm bill and use the conservation title to help farmers and forest landowners produce public environmental goods such as clean air, clean water, and fish and wildlife habitat, in conjunction with food and fiber. To that end we believe that the farm bill should be built around the goals of 1) maintaining the existing successful conservation programs, 2) providing additional program options and incentives for those resources in need of additional protection on private lands, 3) supporting landowners who are maintaining and improving stewardship of their lands, 4) supporting development of alternative sources of sustainable energy on private lands, and 5) discouraging urban sprawl into the rural landscape.

The following positions on the farm bill are organized into two themes: existing USDA programs and new USDA programs.

Existing USDA Programs

Conservation Reserve Program (CRP) – CRP has been a popular program in Minnesota and has had a tremendous impact on the environment by reducing erosion and sedimentation and increasing fish and wildlife habitat. We fully support reauthorization of CRP and would like to see the enrollment cap raised to at least 39.5 million acres.

Specifically we support:

- Giving state Farm Services Agency offices flexibility to raise the 25 percent acreage limitation in counties on a case-by-case basis.
- Ensuring that CRP is targeted to only the most highly erodible, environmentally sensitive, and marginal cropland, by emphasizing the Continuous CRP Signup and continuing to use the Environmental Benefits Index to rank bids in the General CRP Signup.
- Continuing the Conservation Reserve Enhancement Program.
- Allowing the use of short-term rotational grazing of CRP under an approved plan, as a mechanism for managing the vegetation, with a corresponding reduction in the CRP rental rate.
- Allow up to 15% of CRP acres to be used to grow multi-year (perennial) cover crops to be used for renewable energy.

Wetland Reserve Program (WRP) – Reauthorize WRP and increase annual enrollment to at least 150,000 acres per year.

Environmental Quality Incentives Program (EQIP) - Reauthorize EQIP and fund at a level of at least \$1 billion per year. Specific recommendations include:

- Give states greater flexibility in how the program is administered and carried out at the state level.
- Allow for one-year contracts with producers.
- Allow funds to be used to support the development of on-farm energy from animal waste.
- Allow cost-sharing on low-cost conservation practice options.
- Continue the existing mandate that 50 percent of EQIP funds be targeted toward livestock producers.
- Increase the payment limitation from \$10,000/year to \$50,000/year, and from \$50,000 to \$200,000 per multi-year contract.
- Require the Secretary of Agriculture to establish a system for certification of third parties to provide producers with technical assistance in carrying out conservation plans.

Wildlife Habitat Incentives Program (WHIP) – Reauthorize WHIP and fund at a level of at least \$50 million per year.

Farmland Protection Program (FPP) – Reauthorize FPP and fund at a level of at least \$200 million per year. Minnesota has been unable to utilize FPP because this program only supports purchase of development rights (PDRs), whereas Minnesota's Agricultural Land Preservation Program is just beginning to consider PDRs. Specifically we support allowing FPP funds to be used to support lower-cost strategies for farmland preservation such as tax incentives and planning and zoning.

Forest Incentive Program (FIP) - Reauthorize FIP and fund at a level of at least \$25 million per year.

Forest Stewardship Program (FSP) – Reauthorize FSP and fund at a level of at least \$50 million per year.

Stewardship Incentives Program (SIP) – Reauthorize SIP and fund at a level of at least \$50 million per year. Minnesota also supports the US Forest Service request to authorize a new non-industrial private forest cost-share program titled "Sustainable Forestry Assistance Program" as an alternative to SIP.

Sustainable Agricultural Research and Education (SARE) – Reauthorize SARE and fund at a level of at least \$50 million per year. Consideration should be given to expanded research and development assistance programs related to carbon sequestration and biomass energy production.

Swampbuster and Sodbuster Provisions – Minnesota supports reauthorization.

Conservation Technical Assistance (CTA) – With the increasing demand to improve water quality and wildlife habitat from private lands conservation efforts, experts estimate that the current level of federal funding for technical assistance will only be able to meet 30 percent of that demand. Minnesota supports greater availability of CTA through increased funding for USDA agencies and/or third-party contracting with states, local soil and water conservation districts, and the private sector.

New USDA Programs

Conservation/Stewardship Incentives Program – Minnesota supports the establishment of a conservation/stewardship incentives program that rewards farmers and ranchers financially for establishing and/or maintaining soil and water conservation practices that produce the public benefits of clean water, clean air, and high-quality fish and wildlife habitat. Specifically we support a program that:

- Rewards not only producers who establish a conservation practice for the first time, but also those with a history of practicing effective soil and water conservation.
- Does not take funding from existing conservation programs.
- Includes funds for monitoring and evaluation.

Grassland Reserve Program – Minnesota supports the establishment of a federal grassland reserve program that allows for the enrollment of one million acres per year. The western part of Minnesota is similar to certain western states in that we have many areas where grassland that has never been plowed is ineligible for the existing CRP. The program should exclusively focus on grasslands that have never been plowed or inter-seeded.

Upper Mississippi River Blufflands Pilot Project – Minnesota strongly supports the creation of a pilot project for treating hay as a program in a tri-state karst region that includes parts of Minnesota, Iowa, and Wisconsin. Analysis of land use trends in the 31,000 square mile region, indicates that hay and pasture acreage declined by about 20 percent from 1982 to 1997, with the area planted to soybeans increasing by 60 percent, corn declining by 13 percent, and forestland increasing by about 7 percent. This unprecedented change in land use coupled with the highly erodible silt loam soils and steep topography of the region has led to increased water quality impairments of the streams and rivers, sedimentation of fish and wildlife habitat, and increased flooding.

Safe Harbor Program – Minnesota supports a safe harbor program within the farm bill. If farmers follow a conservation plan prepared by the USDA Natural Resources Conservation Service or one of its authorized agents, they should be provided some protection against being held liable in the future, by another government entity, for unexpected or unanticipated environmental problems, resulting from implementation of the conservation plan.

Upper Mississippi River – Minnesota supports federal coordination and targeting of efforts to address non-point source pollution within the upper Mississippi River watershed including, but not limited to, the hay pilot project described above.

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Minnesota Congressional
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The Honorable Collin Peterson
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The attached letter was sent
to the Minnesota
Congressional Delegation
and their staff

Mr. Joe Bagnoli
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St. Paul, MN 55155

Bill Hunt, State Conservationist
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John Monson, Executive Director
Farm Services Agency
375 Jackson Street, Suite 400
St. Paul, MN 55101-1852

**STATE OF MINNESOTA
IN COURT OF APPEALS
C0-01-322**

In the Matter of the Enlargement and Increasing
the Number of Managers of the
Brown's Creek Watershed District
in Washington County
pursuant to Minnesota Statutes 103D.261 and .305.

**Filed September 11, 2001
Reversed
Peterson, Judge**

Minnesota Board of Water and Soil Resources

Mark J. Vierling, Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P., 1835
Northwestern Avenue, Stillwater, MN 55082 (for relator Middle St. Croix River
Water Management Organization)

Mike Hatch, Attorney General, Matthew B. Seltzer, Assistant Attorney General,
445 Minnesota Street, Suite 900, St. Paul, MN 55101-2127 (for Minnesota Board
of Water and Soil Resources)

Doug Johnson, Washington County Attorney, Richard D. Hodsdon, Assistant
County Attorney, Washington County Government Center, 14949 - 62nd Street
North, Stillwater, MN 55082 (for County of Washington)

Considered and decided by Harten, Presiding Judge, Schumacher, Judge,
and Peterson, Judge.

SYLLABUS

Minn. Stat. § 103D.261, subd. 2(a) (2000), does not authorize the Board of Water
and Soil Resources to enlarge a watershed district to include territory already within a
joint powers water management organization.

OPINION

PETERSON, Judge

Respondent Minnesota Board of Water and Soil Resources (BWSR) granted respondent County of Washington's petitions to enlarge two watershed districts, Brown's Creek Watershed District and Valley Branch Watershed District. The enlarged watershed districts include property within the territories of two joint powers water management organizations (JP-WMOs), relator Middle St. Croix Valley Water Management Organization and Lower St. Croix Valley Water Management Organization.^[1] In this certiorari appeal, Middle St. Croix argues that BWSR lacks the authority to assign to a watershed district territory within a JP-WMO. We reverse.

FACTS

There are currently 11 water management organizations in Washington County, including Brown's Creek, Valley Branch, Middle St. Croix, and Lower St. Croix. Brown's Creek and Valley Branch are watershed districts. Middle St. Croix and Lower St. Croix are JP-WMOs. Under the joint-powers agreement that created Middle St. Croix in 1984, eleven communities authorized Middle St. Croix to manage their storm-water drainage and storm-water-regulatory-control systems pursuant to the Metropolitan Surface Water Management Act. Minn. Stat. §§ 473.875-.883 (1982); *see also* Minn. Stat. § 471.59 (1982) (joint-powers agreements).

In 1998, Washington County initiated a study of water governance in the county. The study identified several problems with JP-WMOs and both problems with and advantages of watershed districts. The study recommended that the number of water

management units in the county should be reduced from 11 to six and that local water management units should be watershed districts, not JP-WMOs.

As part of implementing the study's recommendations, Washington County brought the petitions to enlarge Brown's Creek Watershed District and Valley Branch Watershed District. The county alleged that watershed districts would be more effective and efficient in managing water resources than were JP-WMOs. At the hearings on the petitions, Washington County Administrator James Schug and Washington County Planner Jane Harper testified about the reasons why Washington County sought to enlarge the watershed districts. They both testified that growth pressures require a comprehensive solution to water and natural resources management in the county. They explained that watershed districts will be large enough to be professionally staffed and to provide a full range of programs and that a professional staff will facilitate communication with citizens and communities and promote accountability. Schug also addressed how watershed districts can be structured to promote tax equity and uniform costs for watershed districts throughout the county.

Based on its conclusions that enlarging Brown's Creek and Valley Branch would further the public welfare, the public interest, and the purposes of Minn. Stat. chs. 103B and 103D, BWSR granted the county's petitions. The area added to Brown's Creek includes the northern part of Middle St. Croix's territory. The area added to Valley Branch includes the southern part of Middle St. Croix's territory and all of Lower St. Croix's territory.

ISSUE

Did BWSR exceed its authority by enlarging the Brown's Creek and Valley Branch watershed districts to include territory already within the Middle St. Croix and Lower St. Croix water management organizations?

ANALYSIS

Judicial review of a BWSR decision enlarging a watershed district is governed by Minn. Stat. § 14.69 (2000), which governs judicial review of agency decisions. *See In re Sauk River Watershed Dist.*, 400 N.W.2d 416, 418-19 (Minn. App. 1987) (establishment of watershed district). Under Minn. Stat. § 14.69, BWSR's decision will be reversed if it exceeds BWSR's statutory authority.

Statutory construction is a question of law subject to de novo review. *Stroud v. Hennepin County Med. Ctr.*, 556 N.W.2d 552, 555 (Minn. 1996).

When a statute is unambiguous, the court must give effect to the statute's plain meaning. But, when a statute is ambiguous, that is, when it is reasonably susceptible to more than one interpretation, the court must determine the probable legislative intent and construe the statute in a manner consistent with that intent.

Astleford Equipment Co., Inc. v. Navistar Int'l Transp. Corp., 611 N.W.2d 33, 37 (Minn. App. 2000), *aff'd in part, rev'd in part*, ___ N.W.2d ___ (Minn. July 19, 2001) (citations omitted). "While statutory construction focuses on the language of the provision at issue, it is sometimes necessary to analyze that provision in the context of surrounding sections." *American Family Ins. Group v. Schroedl*, 616 N.W.2d 273, 278 (Minn. 2000).

We are to read and construe a statute as a whole and must interpret each section in light of the surrounding sections to avoid conflicting interpretations. Finally, courts should construe a statute to avoid absurd results and unjust consequences.

Id. at 277-78 (citations omitted).

The boundaries of a watershed district located wholly within the metropolitan area can be changed pursuant to chapter 103D. Minn. Stat. § 103B.215, subd. 1 (2000). Minn. Stat. § 103D.261, subd. 2(a) (2000), grants BWSR the following authority to enlarge a watershed district:

After [a public] hearing, if the board determines that the enlargement of the watershed district as asked for in the petition would be for the public welfare and public interest and the purpose of this chapter would be served, the board shall, by making findings and an order, enlarge the watershed district.

The parties dispute whether Minn. Stat. § 103D.261, subd. 2, permits enlargement of a watershed district by adding territory already within a JP-WMO. There is no claim that a JP-WMO ceases to exist if the territory within it is added to a watershed district.

BWSR argues that Minn. Stat. § 103D.261 expressly contains only four requirements for enlargement of a watershed district: a petition by the county or other authorized party; service of the petition on specified parties; notice and a public hearing; and the requisite findings and order by BWSR. BWSR argues that the construction urged by Middle St. Croix would require this court to add language creating a fifth requirement for enlarging a watershed district, that the territory to be added not be within a JP-WMO. This argument has merit if we consider only section 103D.261. But we must consider this section in light of surrounding sections. To address BWSR's argument, we must analyze Minn. Stat. §§ 103B.215, subd. 1, and 103D.261, subd. 2, in light of other provisions in chapters 103B and 103D.^[2] And our analysis must:

be guided by the "fundamental principle" that in interpreting a statute, form should not be exalted over

substance and literal constructions should not override the general policy and objectives of the law.

Krumm v. R.A. Nadeau Co., 276 N.W.2d 641, 643 (Minn. 1979).

The powers that JP-WMOs and watershed districts may exercise overlap. Minn.

Stat. § 103B.211, subd. 1(a) (2000), which applies to JP-WMOs, states:

Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water in a watershed delineated pursuant to subdivision 2, as required by sections 103B.205 to 103B.255, may provide, in addition to other provisions authorized by section 471.59, for a joint board having:

(1) the authority to prepare, adopt, and implement a plan for the watershed meeting the requirements of section 103B.231[.]

In describing the powers that a JP-WMO can exercise to regulate land use and development in a watershed, to maintain and construct new drainage systems, and to conduct financial activities, Minn. Stat. § 103B.211, subd. 1(a)(3)-(7), specifically grants JP-WMOs the same powers granted to watershed districts under Minn. Stat. ch. 103D. Furthermore, Minn. Stat. § 103B.231, subd. 3(a) (2000), provides that, "Where a watershed management organization exists, the plan for the watershed must be prepared and adopted by the organization." The plan is subject to review by BWSR "for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D." Minn. Stat. § 103B.231, subd. 9 (2000). After BWSR determines conformance with those requirements, the watershed management organization shall adopt and implement the plan. *Id.*, subd. 10.

A watershed district can also be authorized to prepare, adopt, and implement surface water management plans in a watershed. *See* Minn. Stat. § 103D.201, subds. 1-2 (2000) (general and specific purposes of watershed districts). When a watershed district

is established for that purpose, its managers must adopt a watershed management plan. Minn. Stat. § 103D.401, subd. 1 (2000). The plan is subject to approval by BWSR. *Id.*, subd. 5. Upon approval, the plan becomes the watershed management plan for the watershed district. *Id.*

Because both JP-WMOs and watershed districts have authority to adopt and implement water management plans, enlarging a watershed district to include territory within a JP-WMO would create a situation where two entities have authority to perform the same water management tasks for the same territory. In light of the general policy and objective of chapters 103B and 103D to provide water management, we conclude that the legislature did not intend to allow two water management organizations to have concurrent authority to perform water management tasks for the same territory. At a minimum, doing so would be inefficient and, at the extreme, it could result in conflicting water management plans that call for different things to be done at a single location. In that situation, it could be impossible to implement the conflicting plans. We, therefore, construe Minn. Stat. § 103D.261, subd. 2(a), as not authorizing BWSR to enlarge a watershed district to include territory already within a JP-WMO when both the watershed district and the JP-WMO would be performing the same water management functions. See Minn. Stat. § 645.17(1) (2000) ("legislature does not intend a result that is absurd, impossible of execution, or unreasonable").

Although BWSR did not make any findings on the functions to be performed by Brown's Creek and Valley Branch, the record shows that Brown's Creek, Valley Branch, Middle St. Croix, and Lower St. Croix are all authorized to manage surface water. We recognize that the county presented evidence that watershed districts would be more

effective and efficient than JP-WMOs in managing water resources, but we, nevertheless, conclude that BWSR erred in granting the petitions to enlarge Brown's Creek and Valley Branch because expanding the watershed districts into territory already within JP-WMOs creates conflicting surface-water-management authorities.

DECISION

BWSR exceeded its statutory authority in granting Washington County's petitions to enlarge Brown's Creek and Valley Branch to include territory already within JP-WMOs.

Reversed.

^[1] The order enlarging Valley Branch also changed its name to Lower St. Croix Valley Watershed District. To avoid confusion between Lower St. Croix Valley Watershed District and Lower St. Croix Valley Water Management Organization, we will refer to Lower St. Croix Valley Watershed District as Valley Branch and Lower St. Croix Valley Water Management Organization as Lower St. Croix.

^[2] Middle St. Croix was created under Minn. Stat. §§ 473.875-.883 (1988). In 1990, the legislature repealed Minn. Stat. §§ 473.875-.883 and recodified water laws in chapter 103B. 1990 Minn. Laws ch. 391, arts. 1-10. The legislature intended the recodification "to be a clarification and reorganization of provisions of laws affecting water" and did not intend the changes that were made "to alter the laws affecting water." 1990 Minn. Laws ch. 391, art. 10, § 1.



September 13, 2001

Minnesota Planning
Animal Agriculture GEIS
658 Cedar St., Room 300
St. Paul, MN 55155

Board
Packet
FYI

Re: Comments on Draft GEIS on Animal Agriculture

The many people involved in this major effort should be commended for helping to complete a valuable study and report. Although the report does not answer all of the questions raised in the scoping document, it appears to achieve the major goals of bringing together and summarizing a wealth of information, identifying information gaps and integrating many perspectives in its recommendations for future actions. Having a more common and comprehensive base of understanding about animal agriculture should be a substantial asset to the many people involved with this industry in Minnesota.

Following are comments on the draft GEIS, organized by chapters.

Role of Government

- 1) This chapter and associated recommendations could speak more clearly about the role of government in promoting and providing information sets that help private and public decision makers make the best decisions. Examples include feedlot inventory data, digital soil survey data, soil nutrient data, demographic data, wind data, sinkhole probability maps, wellhead protection information and information about other special protection areas. Good information and early coordination are keys to avoiding permitting disputes and poor land use decisions for new and expanding livestock operations, as well as for fixing existing feedlot pollution problems. Geographic information systems can be powerful decision aids, if reliable data layers are available. The GEIS advanced this approach to providing data layers that project proposers and responsible government units for environmental review are unable, or unlikely, to develop for individual projects. More could be done in this regard, with priorities based on the value of different data sets for multiple uses, including feedlots.
- 2) Page 75, Organic and Sustainable Production and Direct Marketing: Suggest rewriting the third sentence of the last paragraph on this page to read as follows. "Currently, there are well-developed programs in place to help a farmer build a new manure storage or feedlot runoff project, if the project addresses an existing environmental problem. State and federal cost-share, loan and engineering assistance programs can help design, construct and finance such projects."
- 3) Page 76, Financial Assistance/Incentive Programs: Please revise "Board of Soil and Water Resources" to read "Board of Water and Soil Resources".
- 4) Page 77, State Cost-Share Program: This paragraph should mention the \$50,000 limit per project for state feedlot cost-share. Suggest replacing the second and third to the last sentences of this paragraph with: "To be eligible for funding, feedlot pollution abatement practices must be on an approved conservation practice list. This list is approximately the same as for the federal cost-share program (EQIP)."

BWSR Comments on Draft Animal Ag GEIS.doc

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- 5) Page 77, Observations on Impacts and Effectiveness of State Funding Programs: Although there may not be published "reports" on the effectiveness of the state cost-share program, there is pertinent information available. The LGU Annual Reporting System (LARS) developed by the BWSR, in collaboration with other agencies and the U of M, includes pollution crediting estimates for many conservation practices, including feedlot pollution abatement practices. The BWSR has a number of GIS products and fact sheets summarizing these pollution crediting outcomes for recent years. The BWSR is also leading development of a next generation electronic system for conservation practice planning, implementation and reporting.
- 6) Page 81, Observations on Impacts and Effectiveness: The last sentence of the second paragraph under this heading should be revised to reflect that the EPA and USDA published a unified national strategy for animal feeding operations in March 1999.
- 7) CAC Consensus Policy Recommendation 53: One of the roles of the Feedlot and Manure Management Advisory Committee (FMMAC), which involves many state and federal agencies, local units of government, producer groups and environmental interest groups, is to help develop associated research priorities. This recommendation and chapter do not address the role of government in facilitating communication, coordination, prioritization and consensus building through the FMMAC.

Water Quality

- 1) This chapter appears to provide much useful information for putting current manure storage and application methods in perspective with other nutrient sources and various water quality risks.
- 2) CAC Consensus Policy Recommendation 25: It's not clear if this recommendation is to require use of the P index and P needs for a particular crop or soil type as an across-the-board requirement, or as a recommended tool, for manure and chemical fertilizer application.
- 3) Recommendations 27 and 31: These recommendations seem to conflict in regard to the threshold feedlot size for which a manure management plan would be required (i.e. 100 or 50 animal units).
- 4) Recommendation 35: Is this recommendation intended to apply to only CAFOs, or both AFOs and CAFOs?
- 5) Recommendation 36: although the BWSR developed a more user-friendly version of the FLEval model, the federal Agricultural Research Service developed the model methodology for the MPCA and USDA-NRCS. BWSR staff is of the opinion that the model is accurate for its intended purpose of feedlot water quality management prioritization and can be a useful tool to assist in alternative selection for feedlot pollution abatement. Justin Jeffery, a shared NRCS/BWSR employee until June 30, 2001, prepared additional guidance for using the FLEval model that addresses discharge point selection and a number of other topics. This guidance has been distributed to many users of the model. The most important need of the model is to update it from a DOS-based to Windows-based operating system. A joint team of UMES, NRCS and BWSR staff recently developed new nutrient management software (separate from the FLEval model) for land application of manure and chemical fertilizer.
- 6) Recommendation 38: It's probably most important to update the Feedlot Inventory Guidebook to be compatible with existing data sources and data management methods, electronic feedlot permit forms that are currently being developed and the feedlot inventory database developed for the GEIS.
- 7) Recommendation 40: The definition, or source, of the "historic contribution ratio" is not clear. The intent regarding an ability-to-pay eligibility criterion is not clear. Both state and federal cost-share for feedlots already utilize funding criteria that address environmental benefits (e.g. FLEval rating, riparian location, local water plan priorities and environmental priority areas).

Land Use

- 1) BWSR comment number 1 for the "Role of Government" chapter and associated recommendations also applies to this chapter and recommendations, because good and timely information is key to

effective early coordination that helps avoid land use conflicts. This and other chapters identify the need for good science, as well as land use decisions based on facts and findings, as key to more effective land use planning and feedlot regulation. Good GIS data layers can be great assets to achieve good land use decisions.

Soils and Manure

- 1) This is the only chapter that does not have a corresponding heading in the list of CAC Consensus Policy Recommendations. Because some of the water quality recommendations also relate to soils and manure, it might be appropriate to modify the water quality heading in the list of recommendations to read "Water Quality, Soils and Manure Policy Recommendations Section".
- 2) Page 145, last paragraph: Are you certain that the statement "With liquid or semi-liquid sources (especially if nutrient concentrations are low) the transportation costs become prohibitive at distances greater than about one mile." is accurate for all types of liquid manure application methods?
- 3) It would be good to include information about critical implementation issues and payback potential related to good nutrient management.

If you have questions about these comments, please contact Al Kean at 651-297-2907 or al.kean@bwsr.state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald D. Harnack, Asst. Dir.", followed by a stylized flourish.

Ronald D. Harnack
Executive Director

cc: Senior Management Team
Board Conservationists
Wayne Zellmer, Grants Coordinator
LeAnn Buck, Executive Director, MASWCD



October 10, 2001

TO: Commissioner, Minnesota Department of Agriculture (MDA)
Commissioner, Minnesota Department of Health (MDH)
Commissioner, Minnesota Department of Natural Resources (DNR)
Commissioner, Minnesota Pollution Control Agency (PCA)
Chair, Minnesota Environmental Quality Board (EQB)
Director, Minnesota Geological Survey (MSG)

FROM: Ronald Harnack, Executive Director

RE: *Benton County Comprehensive Local Water Management Plan*

On Wednesday, October 10, 2001, the Minnesota Board of Water and Soil Resources (BWSR) began the official 90-day state review of the updated *Benton County Comprehensive Local Water Management Plan*. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is forwarding the county water plan for your agency's review and comment. You have 45 days from receipt of this letter to submit comments, in writing, to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with the state law.

The *Benton County Comprehensive Local Water Management Plan* is being sent to your agency's 103B Technical Review Committee Member under separate cover. The 103B Technical Review Committee Members are:

- MDA, Mark Zabel
- MDH, Art Persons
- DNR, John Fax
- PCA, Glenn Skuta
- EQB, Gretchen Sabel
- MGS, Barb Palen

Thank you for helping local resource managers protect and conserve their water resources through comprehensive local water management plans.

c: BWSR Board Members
BWSR Senior Management Team
Kieth Grow, BWSR Board Conservationist
Mark Hauck, Benton County Water Plan Coordinator

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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Houston County

Soil and Water Conservation District



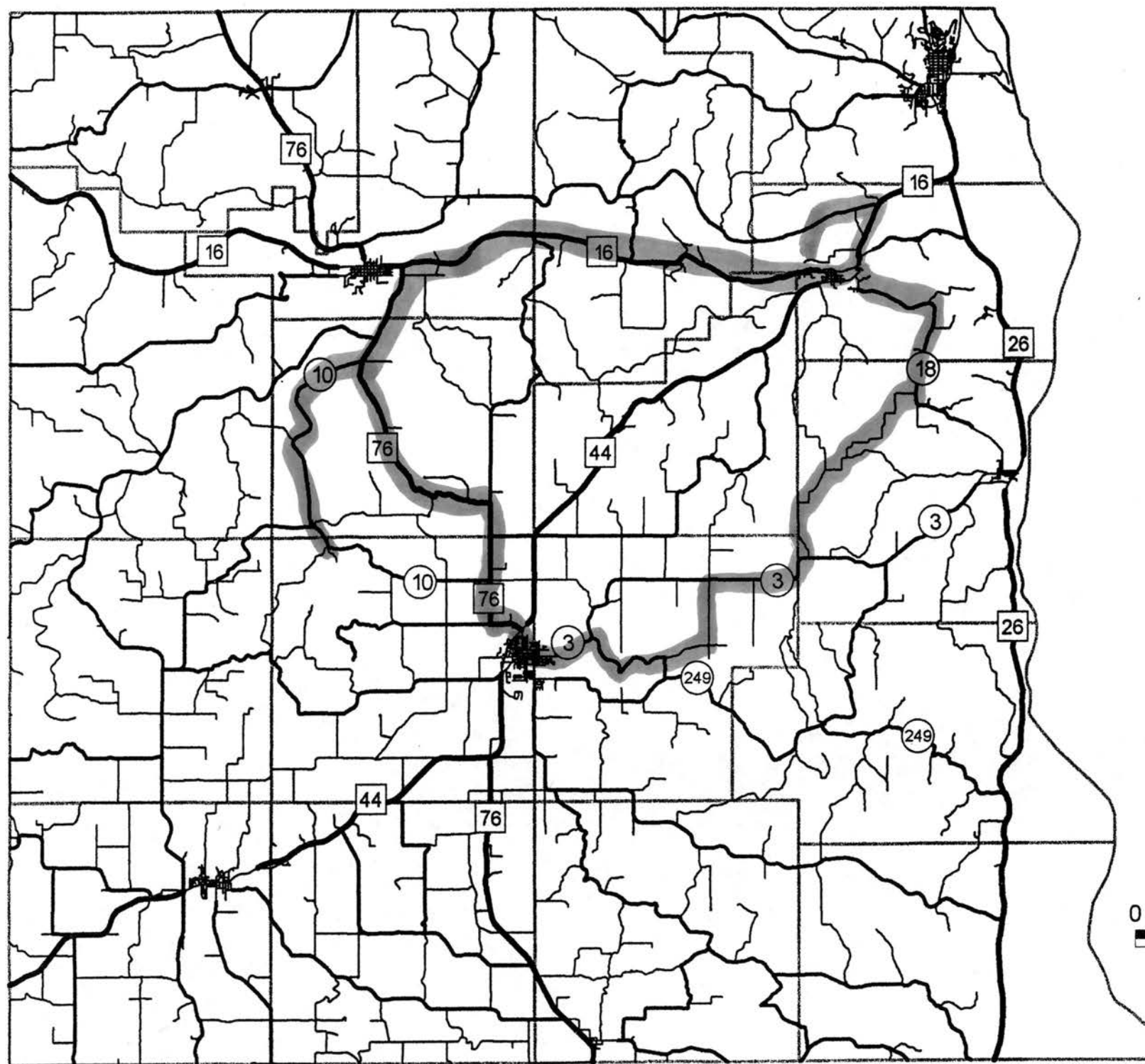
BWSR Fall Tour, 2001

Houston County



Roads
STATE HWY
COUNTY ROAD
OTHER
Townships

0 1 2 3 Miles



TOUR AGENDA OCTOBER 24, 2001

GRASS WATERWAY - Harley Doering Farm

Adequate outlets are an essential component for many of our conservation Practices. Houston County landowners installed over 75,000 feet of grassed waterways this past year.

EQIP PLAN – Joe Sullivan Farm

Gary Larson – NRCS

We will discuss how the EQIP has helped a local producer meet his conservation planning goals, and the extent of the EQIP in Houston County.

BADGER SPRING – DNR Land

Ralph Tuck, Houston County Water Planner

Ground and surface water are intricately connected in Houston County. Our underlying Karst Topography provides unique challenges to water resource management.

RIM RIPARIAN LAND – Tom Conway

RIM continues to be an effective tool in managing our natural resources. Houston County has a very diverse topography that demands responsible land stewardship. The conservation practices on this site will be enjoyed by generations to come.

CONTOUR STRIP CROPPING - (drive by)

This is the most cost-effective erosion control measure in Houston County. This practice can reduce erosion rates up to 50% or more, depending on crop rotation.

SCHECH'S MILL -tour

Enjoy a tour of this historic water powered mill.

REFRESHMENTS

RIPARIAN HILLSIDE PASTURE – Lee Denstad (drive by)

CIVILIAN CONSERVATION CORP (CCC) STRUCTURE – Richard Vix Farm

Erosion control practices were installed throughout the county in the mid 1930s. In 1995-96, the Root River SWCD together with the DNR Minnesota Conservation Corps to restore many of these structures. [Pictures]

PERMANENT WETLAND PRESERVE - (PWP – Pheasants Forever)

This site was enrolled in PWP, subsequently donated to Pheasants Forever.

NATIVE PRAIRIE GRASS – DNR Forestry

Randy Mell (invited)

Referred to locally as “Goat Prairies”, these remnant warm season grass stands were once abundant on the rugged landscapes of Houston County. Steep southerly slopes with shallow soils and low water holding capacity create droughty conditions, despite our abundant rainfall.

LUNCH – Como Falls

This was once the site of an earthen dam which provided water for the first mill in Houston County. Severe sedimentation in the pool area and a breach in the dam left cropland and a baseball diamond where Como Lake once was.

FLOOD DAMAGE – Root River

PUSH-UP PONDS

David Walter

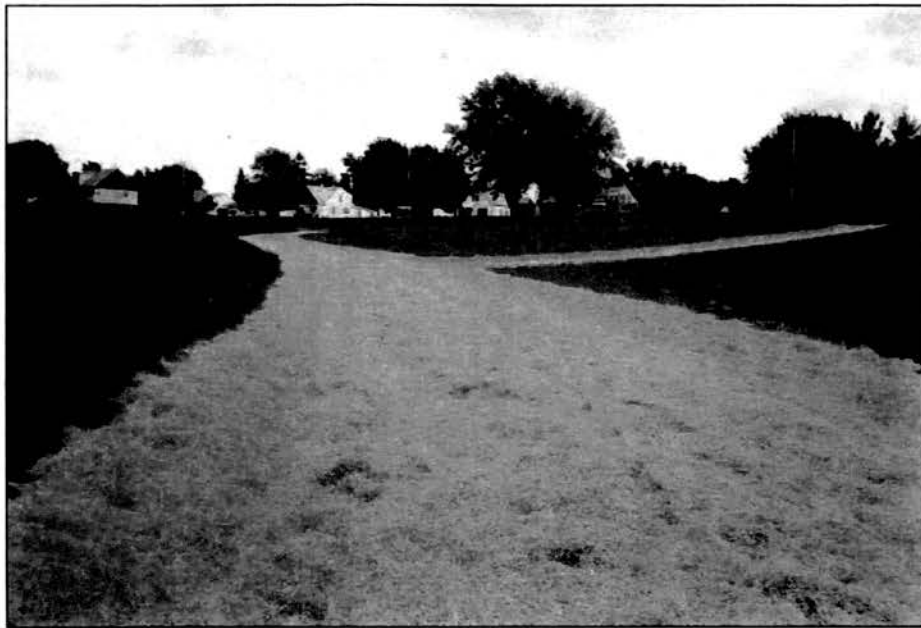
\$44,100 in Push-Up Ponds (spent 1997-Oct. 2001)

Over 100 ponds have been built since 1997. This program continues to be one of the most popular water plan projects to date.

CROOKED CREEK WATERSHED DISTRICT

Structures in the Crooked Creek Watershed District were built in the mid 1960s. The project includes:

RIM/CRP SITE – Bernhard Pieper (drive by)



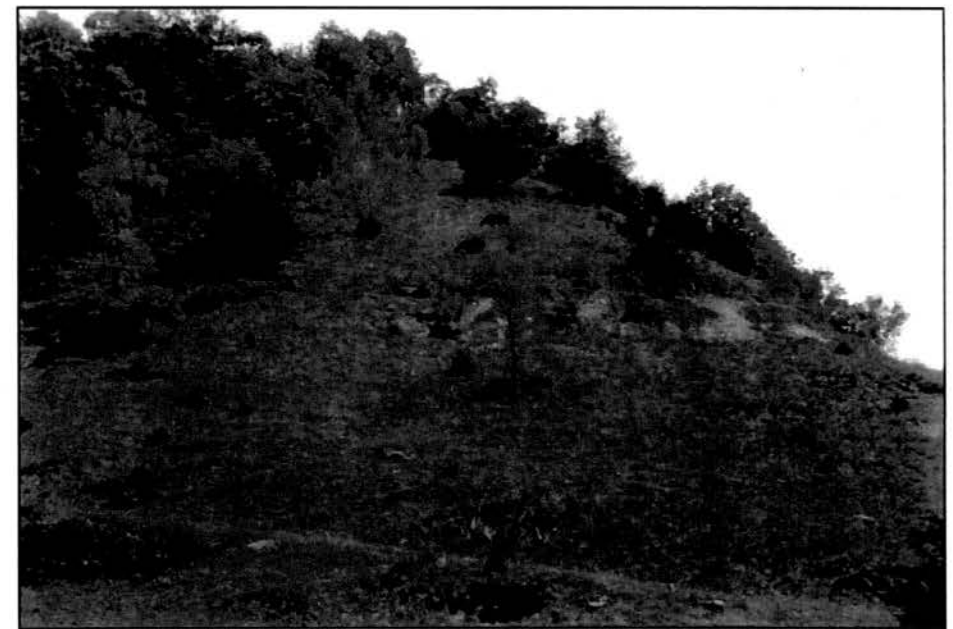
1. Grass Waterway with Excelsior Mulch



2. Grass Growing Through Excelsior Mulch



2. Straw Mulched Waterway



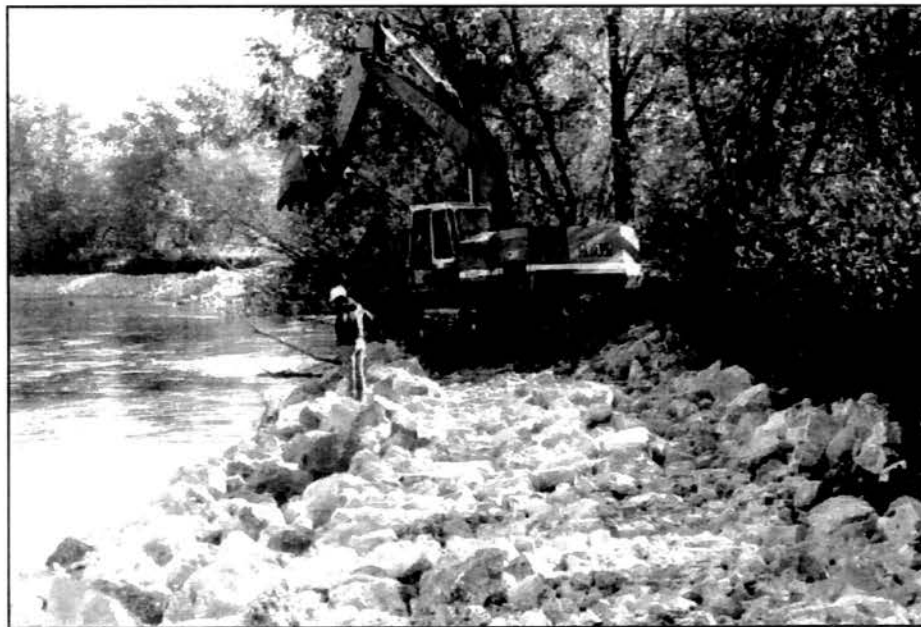
4. Riparian Hillside Practice (RIM application)



1. Contour Strips



2. Contour Strips



3. Rip Rap near Hokah



4. Grade Stabilization Structure



Civilian Conservation Corp (CCC) Structures Repair Project

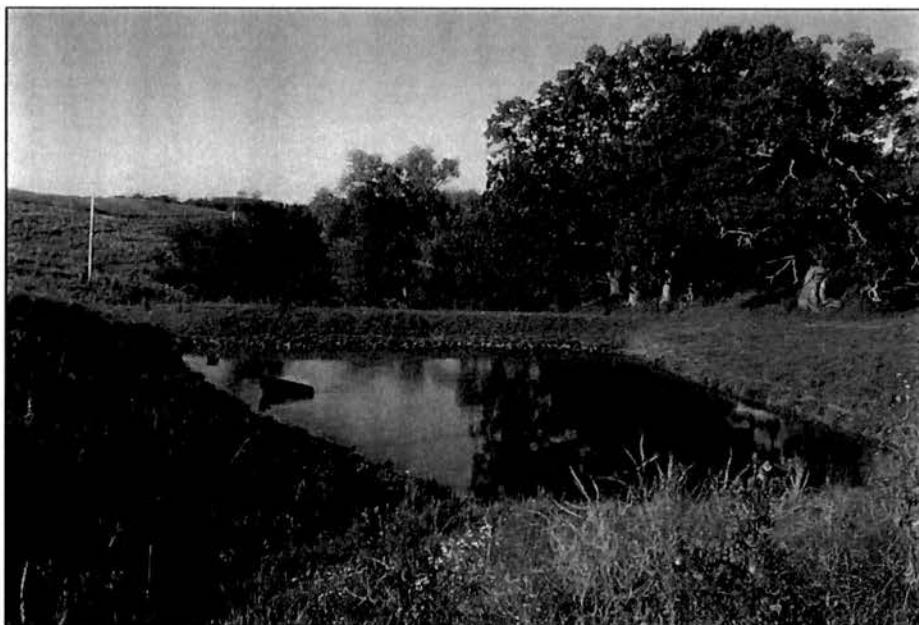




Flooding near Hokah, July 2000



Push-Up Ponds



TOUR ITINERARY
BWSR and Root River SWCD Tour
Wednesday, October 24, 2001

8:30 a.m.	Gather in the Lobby of the AmericInn, Caledonia
8:45 a.m.	Welcome and Introductions
9:00 a.m.	Bus Departs
9:02 a.m.	Harley Doering Farm – Grass Waterways (drive-by)
9:05 a.m.	EQIP Planning Joe Sullivan, Lee McEvilly, Brent Drenckhahn
9:15 a.m.	Badger Spring
9:30 a.m.	Ron Conway – RIM (drive-by)
9:40 a.m.	Vix – CCC Structure
10:00 a.m.	Schecks Mill Tour
	<i>Refreshment Break</i>
10:50 a.m.	Load Bus
10:55 a.m.	Lee Denstad – RIM (drive-by)
11:10 a.m.	Pheasants Forever – PWP
11:15 a.m.	Mound Prairie – Native Grassland
11:30 a.m.	Hokah Fire Station – <i>Lunch</i>
12:30 p.m.	Load Bus
	2000 Flood Damage on Root River WCA Wetland Bank Site RIM Sites
1:30 p.m.	Highway Bank Stabilization
1:45 p.m.	Robert Frank – push up pond
1:55 p.m.	David Olafson – push up pond
2:00 p.m.	Crooked Creek Structure
	<i>Refreshment Break</i>
2:45 p.m.	Bernard Pieper Farm – RIM Site
3:00 p.m.	Return to AmericInn
3:00 – 4:00 p.m.	Roundtable Discussion with SWCD Board and Staff

OPTIONAL FORM 39 (7-90)

FAX TRANSMITTAL

of pages 1

To	MARY Jo Anderson	From	Ralph Tuck
Dept./Agency	MN BWSR	Phone #	507-724-5261 ext 3
Fax #	651 297 5615	Fax #	507-724-5448

NSN 7540-01-317-7361

5099-101

GENERAL SERVICES ADMINISTRATION

Mary Jo Anderson

The following people have been invited to attend the BWSR Tour on October 24th

Crooked Creek Watershed Board of Managers

Wilfred Pohlman, Chairman

Maynard Welscher

Daniel Goetzinger

Timothy McCormick

Richard Stemper (Rich is also a District Employee) needs only one tag

Root River SWCD Board of Supervisors

Adolph Heimerdinger, Chairman

Vernon Fruechte, Vice Chairman

Joe McManimon, Secretary

Douglas W. Meyer, Treasurer

Glenn Kinneberg, Reporter & Public Relations

Root River SWCD Staff

Ralph Tuck, District Manager

Ronald P. Meiners, Soil Conservationist

Richard Stemper, Technician

David Walter, Technician

Joann Olson, Secretary

Natural Resources Conservation Service (NRCS)

Gary Larson, District Conservationist

Chris Papenfuss, Soil Technician

DNR Forestry - Caledonia - Field Office

Randy Mell, District Forester

Mary Jo Anderson

We have a few more people we have invited to the tour on October 24th. You may want to make name tags for them.

Houston County Commissioners

Larry Graf
Kevin Kelleher
Ann Thompson
David Corcoran
Nels Gulbranson

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ▶ 1

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Dept./Agency	MN BWSR	Phone #	507-724-5261 ext 3
Fax #	651 297 5615	Fax #	507-724-5448

NSN 7540-01-217-7568

5099-101

GENERAL SERVICES ADMINISTRATION

TOUR AGENDA

OCTOBER 24, 2001

BWSR & ROOT RIVER SWCD TOUR

8:45 – 9:00 a.m. Load Bus @ Americinn

BUS DEPARTS at 9:00 a.m.

9:02 a.m. Harley Doering Farm – Grass Waterways –drive by

9:05 a.m. EQIP Planning
Joe Sullivan, Lee McEvilly, Brent Drenckhahn

9:15 a.m. Badger Spring

9:30 a.m. Ron Conway – RIM – drive by

9:40 a.m. Vix – CCC structure

10:00 a.m. Schicks Mill Tour

REFRESHMENT BREAK

10:50 a.m. Load Bus

10:55 a.m. Lee Denstad – RIM – drive by

11:10 a.m. Pheasant Forever – PWP

11:15 a.m. Mound Prairie – Native Grassland

Post-it® Fax Note		7671
To	Kathy Blair	
Co./Dept.		
Phone #		
Fax #	225-7562	
Date	10/01	# of pages 2
From	Mary Jo Anderson	
Co.	BdSR	
Phone #	297-4290	
Fax #	297-5615	

11:30 a.m.	Hokah Fire Station – Lunch
12:30 p.m.	Load Bus
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