



Minnesota Board of Water and Soil Resources.
Minutes.

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, DECEMBER 19, 2001**

AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of October 25, 2001

Open Mike (10-minute agenda time, two-minute limit/person)

Reports

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

Agency Reports

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

Consent Agenda

1. Becker County Request for Comprehensive Local Water Plan Extension – DECISION

Committee Recommendations

Northern Subcommittee

1. Benton County Comprehensive Water Plan Update – DECISION
2. Kanabec County Comprehensive Water Plan Update – DECISION

3. Sherburne County Comprehensive Water Plan Update -
DECISION

Joint Water Planning Committee

1. Water Plan Unification – John Jaschke – DISCUSSION

Administrative Advisory Committee

1. NPEA Grants – DECISION
2. WCA Rule – DECISION
3. SWCD Law Change – DECISION

Information and Discussion

1. Budget – Ron Harnack
2. Electronic Reporting – Tim Ogg
3. Farm Bill Update – Doug Thomas
4. SWCD Capacity Project Update – Jim Birkholz
5. CREP Update – Ron Harnack
6. CREP Tour Video – Doug Thomas

Advisory Comments

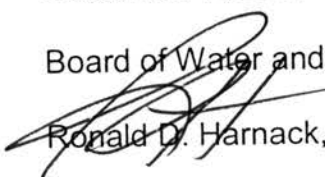
- Minnesota Association of Conservation District Employees (MACDE)
- Minnesota Association of Soil and Water Conservation Districts (MASWCD)
- Minnesota Association of Townships (MAT)
- Minnesota Association of Watershed Districts (MAWD)
- Natural Resources Conservation Service (NRCS)

Upcoming Meetings

- BWSR Meeting, January 23, 2002

Adjourn



DATE: December 7, 2001
TO: Board of Water and Soil Resources Members, Advisors, Staff
FROM:  Ronald D. Harnack, Executive Director
SUBJECT: December 19th BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 19, 2001, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

Consent Agenda

1. Becker County Request for Comprehensive Local Water Plan Extension
– see attached. DECISION

Committee Recommendations

Northern Subcommittee

1. Benton County Comprehensive Water Plan Update: Benton County has completed the update of their third generation water plan. On December 6, 2001, the Benton County Water Plan Coordinator, Mark Hauck, met with the BWSR Northern Subcommittee to review the plan and provide a recommendation - see attached. DECISION
2. Kanabec County Comprehensive Water Plan Update: Kanabec County has completed the update of their third generation water plan. On December 6, 2001, Kanabec Water Plan Coordinator Greg Nikodym, Environmental Services Director Teresa Bearce, County Commissioner Kathi Ellis, SWCD Manager Kelly Osterdyk, and Snake River Watershed Coordinator Jayson Neuman met with the BWSR Northern Subcommittee to review the plan and provide a recommendation – see attached. DECISION
3. Sherburne County Comprehensive Water Plan Update: Sherburne County has completed the update of the third generation water plan. On December 6, 2001, Sherburne Water Resource Specialist Mark Basiletti and Terry Polsfuss, Chair of the Local Water Plan Advisory Committee met with the BWSR Northern Subcommittee to review the plan and provide a recommendation – see attached. DECISION

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Saint Paul
One West Water Street
Suite 250
Saint Paul, MN 55107
phone (651) 282-9969
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Administrative Advisory Committee

1. NPEA Grants: Wayne Zellmer explained to the Administrative Advisory Committee that the formula for FY01 and FY02 really had not changed except that FY01 had some additional revenues that were included in the distribution. Wayne also explained that the unspent funds do not actually come back to BWSR, they stay with the Joint Powers Board and are a factor in the amount that is allocated for the JPB for the following year. The base is equalized and the balance is reconciled within the JPB with each new grant period. With the two year timeframe for the grants BWSR would lose the dollars if we actually had the districts return the balances. The Committee believes that the criteria and allocation is fair and equitable and no change is warranted. The Committee voted unanimously to keep the current allocation formula previously approved by the Board in February 2001. DECISION
2. WCA Rule: Johnn Jaschke explained to the Administrative Advisory Committee that there is a need to finalize the Rule in the next few weeks so that the notification to the Governor's office and the publication of proposed rules can occur. Ron explained that the Legislative session this year will be short and very focused and there will be little interest in addressing wetland or waters legislation that is controversial. The extended session, the shutdown planning, and the strike have significantly limited the development time for the rules and the time for input by interest groups and organizations. John explained the concerns from the AMC and the MAWD contingencies as well as the environmental group coalition about the lack of time to contribute ideas to the process due to the short time line for Rule development. John explained the meetings that occurred the previous week with these organizations that resulted in a commitment on their part to identify items that were unacceptable from their point of view and the agencies committed to pushing forward a rule that had no significant controversies. Therefore, the Committee voted unanimously to remove the significantly controversial parts of the rule (for example, the filling of the "SWANCC void") as identified by the MAWD/AMC coalition and the environmental groups coalition; publish said rules according to the predetermined schedule; and seek legislation needed to enact non-controversial parts of the rule if consensus can be achieved. Lacking consensus seek a one-year extension of the exempt rule. DECISION
3. SWCD Law Change: Jim Birkholz presented to the Committee two points which both have arisen recently out of the Hennepin Soil Conservation District: 1) The request to have supervisors appointed rather than election; and 2) A petition for dissolution of the Soil Conservation District. Ron Harnack explained that the request to make the Hennepin SCD supervisors appointed rather than elected may be forwarded by Hennepin County during the legislative session. They have considered seeking this in Hennepin County session law rather than in Section 103C and therefore not setting a precedent that could have statewide consequences. The Committee acknowledged the risk and believes that waiting and addressing the

dissolution issue as part of the modernization of the SWCD law is preferred and appropriate. The Committee decided unanimously, to not seek legislation to update the law this session. See attached. DECISION

Joint Water Planning Committee

1. Water Plan Unification – see attached. DECISION

Information and Discussion

1. Budget – Ron Harnack
2. Electronic Reporting – Tim Ogg
3. Farm Bill Update – Doug Thomas
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5. CREP Update – attached – Ron Harnack
6. CREP Tour Video – Doug Thomas

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. You are invited to attend a potluck *Holiday Luncheon* with BWSR staff immediately following the meeting. I look forward to seeing you on December 19!

RDH:mja
Enclosures

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

- BWSR Meeting, January 23, 2002

Adjourn

Consent Agenda

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

(For Board Action)

BECKER COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

Becker County has a current Comprehensive Local Water Plan (CLWP) approved by the Minnesota Board of Water and Soil Resources (BWSR). The effective or end date of this CLWP is December 31, 2002.

The 1995 amendment to the Comprehensive Local Water Management Act, M.S. 103B.301 gives BWSR authority to grant an extension of a CLWP ending date. A County's request, which has a two-year limit, must be in writing. On November 13, 2001, the Becker County Board of Commissioners passed a resolution requesting the extension. On December 6, 2001, BWSR staff reviewed the extension request..

Becker County is in the process of developing a comprehensive land use plan that will be completed within the next 12 months. The extension request is based upon the need to incorporate information gathered through that planning process into the Comprehensive Local Water Plan update with the expectation that the additional information and plan coordination will benefit the CLWP update. CLWP public participation, water plan task force meetings and public information meetings will continue during the extension period.

In order to allow adequate time to incorporate this additional information into the Becker County CLWP update, Board Conservationist Jeff Hrubes recommends approval of Becker County's 12-month CLWP extension request until December 31, 2003.

COPY

**RESOLUTION
BECKER COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 11-01-1A**

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M. S. 103B.301, gave the MN. Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period not to exceed 2 years; and

WHEREAS, Becker County has a current state approved and locally adopted Comprehensive Local Water Plan with an end date of December 31, 2002; and

WHEREAS, Becker County is in the process of developing a comprehensive land use plan that will be completed over the next 12 months; and

WHEREAS, this planning effort will result in information that will benefit the Comprehensive Local Water Plan update. Becker County will not be able to complete its Comprehensive Local Water Plan update prior to December 31, 2002:

NOW, THEREFORE, BE IT RESOLVED that the Becker County Board of Commissioners requests from BWSR, a 1-year extension of their existing Comprehensive Local Water Plan; and

BE IT FURTHER RESOLVED that Becker County will ensure continued public participation in the form of a Water Plan Task force and Public Information meetings; and

BE IT FURTHER RESOLVED that no projects will be ordered or commenced under M.S. 103B.331 subd. 3 or subd. 4 during the extension period.

Duly adopted this 13th day of November, 2001 at Detroit Lakes, MN.

COUNTY BOARD OF COMMISSIONERS
Becker County, Minnesota

ATTEST:

/s/ Al Roder
Al Roder
County Administrator

/s/ Carolyn Engbretson
Carolyn Engbretson
Chair

State of Minnesota)
) ss.
County of Becker)

I, the undersigned being the duly appointed and qualified County Administrator for the County of Becker, State of Minnesota, do hereby certify that the foregoing is a true and correct copy of a Resolution passed, adopted, and approved by the County Board of Commissioners at a meeting held November 13, 2001, as recorded in the record of proceedings.


Al Roder
County Administrator

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

In the Matter of Extending the Comprehensive Local
Water Plan for **Becker County** (1995 Minnesota Session
Law, Chapter 184, Section 24 authorizing BWSR to
grant extensions

ORDER
EXTENDING
COMPREHENSIVE
WATER PLAN

Whereas, Becker County has a state approved Comprehensive Water Plan that is effective until December 31, 2002 pursuant to Minn. Stat. 1990, Section 103B.301 and

Whereas, the Becker County Board of Commissioners requested an extension of the Comprehensive Local Water Plan (Plan) to the Minnesota Board of water and Soil Resources (Board) on November 13, 2001 pursuant to Minn. Session Law 1995, Chapter 184 Section 24 and,

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

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

Findings of Fact

1. On December 6, 2001, the Board received a resolution from Becker County requesting an extension of their Comprehensive Local Water Plan.
2. On December 6, 2001, the Board staff reviewed and recommended approval of the extension request by Becker County.

Conclusions

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

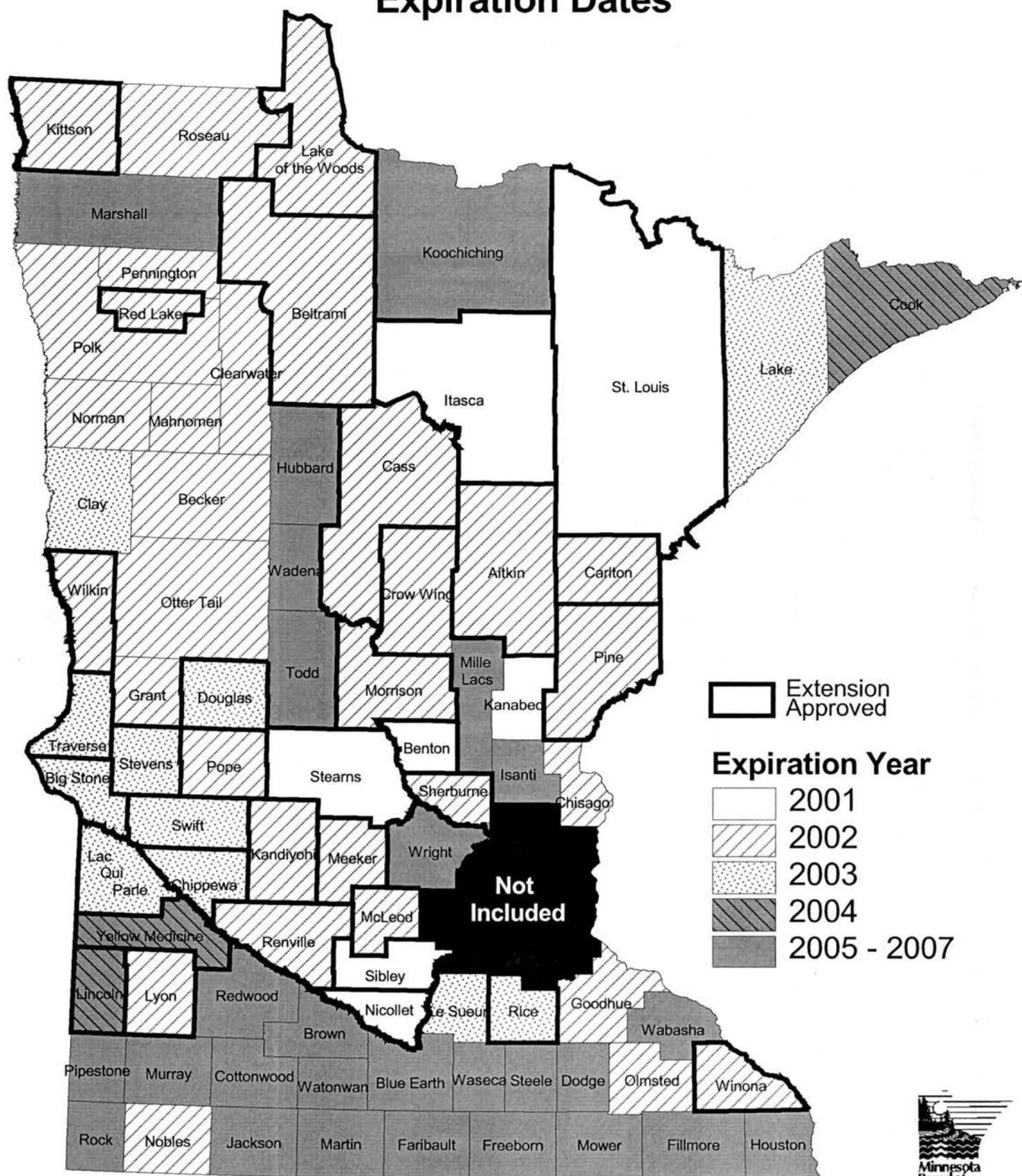
Order

The Board hereby approves the extension of the Becker County Comprehensive Local Water Plan until December 31, 2003. Date at St. Paul, Minnesota this 19th day of December 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Leland Coe, Chair

County Water Plan Expiration Dates



Committee Recommendations
Northern Subcommittee

1. Benton County Comprehensive
Water Plan Update
DECISION

OVERVIEW
THIRD GENERATION BENTON COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE
December 2001

Background (Second Generation)

Development of the second-generation local water plan update began November 15, 1995, with the passing of a county resolution. On August 1, 1995, Benton County provided the Board of Water and Soil Resources with its final plan. BWSR approved the plan on October 25, 1995; it is in effect until December 31, 2000. On December 19, 1995, the Benton County Board of Commissioners approved the plan and began implementation.

Local Comprehensive Water Plan Update (Third Generation)

Benton County passed a resolution to update their third-generation plan on November 2, 1999. On September 28, 2000, the BWSR granted an extension until December 31, 2001. After a public information meeting, survey, and series of ten taskforce meetings, Benton County completed the plan and began the preliminary 60-day review on July 2, 2001. On September 18, 2001, Benton County conducted a public hearing. The final plan was submitted to BWSR on October 10, 2001. The Benton Soil and Water Conservation District was delegated by the County Commissioners to administer the Local Water Plan and the update process in coordination with the Water Resource Advisory Committee, Agency Advisors and Water Resource Partners.

County Description

Benton County is located in East Central Minnesota approximately 60 miles northwest of the Twin Cities. The regional population (Benton, Sherburne, and Stearns Counties) has increased 38%; this is 10% higher than the Twin Cities. Currently, there are approximately 32,000 residents in Benton County's 12 townships.

52% of the County's 257,799 acres are under cultivation. Agriculture, although on the decline, remains the dominant land use. The southwestern region of the county is the more urbanized. A number of annexations are taking place with the seven communities. Urbanization is creating new challenges to water quality in the county.

Three major state highways are located in Benton County. State Highway 10, which runs north and south along the west edge of the County. State Highway 25 running north and south through the center, and State Highway 23 and 95 run east and west along the south end of the County; all run through St. Cloud with the exception of State Highway 25.

Two outwash plain areas are located along the Western and Southern borders of Benton County. Both the Crow Wing and Mississippi Valley outwash are part of the Anoka Sand Plain. The remaining areas of the County consist of Drumlins and glacial till.

Surface water is in the three main watersheds; Elk River, Rum River, and Mississippi River. The Elk River is considered the highest priority watershed. It drains nearly two-thirds of the County. Benton and Sherburne Counties have established a Joint Powers Board. Using action items in their Local Comprehensive Water Plans, they manage the Elk River watershed. Surface and groundwater flow is south southwest. Topographic relief ranges from 1000 to 1250 feet.

A DNR protected waters inventory includes seven lakes, 25 rivers and streams, and 31 wetlands.

Plan Update Review

BWSR established expectations regarding the third generation water plan update. They included a taskforce, summary of progress, establishing a watershed context, reflecting current and future trends, prioritizing, and emphasizing special areas of concern. In addition, Benton County has continued to coordinate water plan activities with Sherburne County as the Elk River Watershed Association (JPB).

Requirements under Local Water Planning Statute, MS 103B, Benton County have been addressed. They include wellhead protection, sensitive groundwater areas, and wetland prioritization.

Using the required Board Conservationist findings and review form addressing BWSR expectations, staff has completed both preliminary and final review of the Benton County's third generation Comprehensive Local Water Plan Update. The findings show the requirements under 103B and 9300 have been met.

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

**In the Matter of Reviewing the Comprehensive Water Plan Update
for Benton County (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170)**

**ORDER APPROVING
COMPREHENSIVE
WATER PLAN**

Whereas, the Benton County Board of Commissioners adopted its second generation Comprehensive Water Plan (Plan) December 19, 1995, under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board), October 25, 1995, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2001 pursuant to M.S. 1990, Section 103B.311, Sub. 4, and

Whereas, the Benton County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on October 10, 2001, pursuant to M.S. 1990, Section 103B.315, Sub. 5, and

Whereas, the Board has completed its review of the Plan Update.

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On November 2, 1999, Benton County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.
3. An informational meeting was held February 29, 2000.
4. On August 23, 2000, the Board of Water and Soil Resources received a resolution from Benton County requesting an extension of the Comprehensive Local Water Plan update.
5. On September 24, 2000, the Board of Water and Soil Resources approved an extension of Benton County's water plan update until December 31, 2001.
6. Benton County completed a preliminary draft Plan Update on July 2, 2001, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd.1.

7. On July 2, 2001, Benton County submitted a draft Plan Update to the Departments of Agriculture, Health, Natural Resources, the Pollution Control Agency, Minnesota Planning/Environmental Quality Board, and the Minnesota Geological Survey for preliminary review and comment.
8. On September 28, 2001, Benton County held a public hearing on the Plan Update pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On October 10, 2001, Benton County submitted its Final Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.
10. On November 21, 2001, an executive summary, Board Conservationist findings, and goals and objectives of the Benton County Plan Update were presented to the Board Ad Hoc committee for their information and review.
11. Minnesota Department of Agriculture (MDA) Review: In the preliminary review, MDA provided no comments. On November 29, 2001, MDA, as a final comment, recommended approval.
12. Minnesota Department of Health (MDH) Review: In preliminary review, MDH provided no comments. On November 28, 2001, MDH as a final comment, recommended approval.
13. Minnesota Department of Natural Resources (DNR) Review: The DNR, in preliminary review, provided no comments.
14. Minnesota Department of Natural Resources final review: On November 21, 2001, DNR recommended approval and stated that the Benton County CLWP update is well written and presents a good summary of existing resource information. Further, it identifies many key issues that are important for protecting and managing the county's water resources. In particular, we recognize the County's efforts to collaborate amongst all levels of government and focus management strategies on a watershed basis.
15. Minnesota Pollution Control Agency (MPCA) Review: In its preliminary review on October 30, 2001 MPCA stated that it appears as though the biggest water quality problems that Benton County faces are storm water and feedlots. If that is the case, the County might want to place a little more emphasis on those activities in the implementation plan, or just make it a little more clear that those are priorities. Also, the County may want to consider writing a Clean Water Partnership (CWP) Phase I equivalency report for the Little Rock Lake Watershed. Benton County has many of the components of a CWP project completed already and may be able to put a report together that would qualify the County for grant/loan dollars for implementation in that watershed.
16. On November 6, 2001, during the final comment period, MPCA recommended approval.
17. Minnesota State Planning Agency/Environmental Quality Board (EQB) Review: In its preliminary review, Benton County received no comments. On November 20, 2001, during the final comment period, EQB approval letter stated that the Benton County plan appears to be consistent with the state laws. The plan

of action, in particular, seems well written and easy to follow. Also, the plan recognizes other planning efforts that are going on at several different levels, and tries to take advantage of the strengths of these efforts.

18. Minnesota Geological Survey (MGS) Preliminary Review: MGS provided no preliminary comments. On November 29, 2001, in its final comments approved the plan and stated that the 1995-2000 plan stated the intention to inquire about the cost-share required to initiate a county geologic atlas. Since then maximum cost-share has risen from \$90,000 to \$108,000, usually spread over three years. The cost-share for each county is calculated from the county property-tax base. The Director of MGS is still the best person to contact about calculating the cost-share and other factors to consider when deciding whether to initiate a county geologic atlas investigation.

19. Minnesota Board of Water and Soil Resources (Board): On August 2, 2001, the Board provided findings and preliminary written comments on the Plan Update. BWSR stated that currently, activity in existing public ditches including repair, maintenance, or improvement is regulated at all levels of government. This can be very controversial. In most cases original design information is not available. It would be advantageous for Benton County to inventory the existing public ditches including depth and width, and establish elevations on culverts. This will provide baseline data if a petition comes forward, or a violation occurs. In addition, the Little Rock Watershed is indicated as a high priority watershed in Benton County. The County should consider reevaluating the 100-year floodplain in this watershed. This should also be done at the Platte River in Royalton. The plan contains a number of excellent action items. Benton County will need to get more specific regarding numbers of meetings, manure management plans, feet of buffer strips, etc. This would give the County a specific target and assist with the annual plan of work. Include an existing list of County Ordinances which deal with regulation of the Natural Resources in Benton County.

19. On November 20, 2001, BWSR final comments indicated that Benton County will continue to see rapid growth. Agricultural drainage activities will continue to be surrounded by development. You may want to take a good look at your ditch systems. Setting culvert elevations or establishing monuments in advance of a land use activity or violation will greatly assist the county regarding current local, state and federal regulations.

20. On August 28, 2001, all preliminary comments were addressed. Actions were taken on final comments. November 27, and December 2, 2001.

21. Board Water Plan Review Committee Meeting: On December 6, 2001, the BWSR ad hoc committee met in Brainerd with Board staff and representative from Benton County to review and discuss the Plan Update. Those in attendance were Committee Chair Ginny Imholte, Lee Coe, and Jerome Deal of the Board; Ron Shelito and Keith Grow of the BWSR Brainerd regional office; and Benton County Water Plan Coordinator Mark Hauck. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the County on the planning process.

22. On December 6, 2001, the BWSR water plan review committee recommended that the Board of Water and Soil Resources approve the Benton County Plan Update.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Benton County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.
2. The Benton County Plan Update attached to this Order states water and water-related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Benton County, dated at St. Paul, Minnesota, this Nineteenth day of December 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

Committee Recommendations
Northern Subcommittee

2. Kanabec County Comprehensive
Water Plan Update
DECISION

OVERVIEW
THIRD GENERATION KANABEC COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE
DECEMBER 2001

Background (Second Generation)

Development of the second-generation local water plan update began November 23, 1994, with the passing of a County resolution. BWSR granted an extension until December 31, 1996. On September 11, 1996, Kanabec County provided the Board of Water and Soil Resources with its final plan. On December 18, 1996, BWSR approved the plan, which is in effect until December 31, 2001. On March 19, 1997, the Kanabec County Board of Commissioners approved the plan and began implementation.

Local Comprehensive Water Plan Update - Third Generation

Kanabec County passed a resolution to update their third generation plan on September 27, 2000. After a public information meeting, survey, and series of four taskforce meetings, Kanabec County completed the plan and began the preliminary 60-day review on July 19, 2001. On October 17, 2001, Kanabec County conducted a public hearing. The final plan was submitted to BWSR on October 18, 2001. The County Highway Department, in conjunction with the County Environmental Services, was delegated by the County Commissioners to administer the Local Water Plan and the update process in coordination with the Local Water Planning taskforce.

County Description

Kanabec County is located in East-Central Minnesota in the State's transitional zone, 65 miles north of the Twin Cities. It's home to approximately 15,000 residents. Kanabec County consists of 337,536 acres and of this 89% is privately owned; 74% of the population lives the rural area. Over the past ten years, the county has experienced a moderate 17.1% growth rate.

Agriculture in the southern and forestry in the northern part of the County account for a majority of the employment in the area. Recreation is also a growing source of revenue. Within the last five years service related employment has increased 23%.

Kanabec County has three major state highways; State Highways 65 and 47 run north and south; State Highway 65 intersects with State Highway 23 in Mora.

Kanabec County has two primary aquifers, a surficial sand-plain aquifer and a bedrock sandstone aquifer (Mount Simon-Hinckley). The sand-plain aquifer is of greater importance regarding managing water resources due to its large quantity of water, potential for development, and susceptibility to contamination. It is composed of outwash and well-sorted gravel. The underlying bedrock consisting of sandstone may be thousands of feet thick. Till areas of unsorted rock, silt and clay exist in the non-sand plain areas.

Surface water in the three main watersheds (Rum, Snake, and Kettle) and groundwater flow is from northwest to southeast. Elevations rise from 860 feet above sea level near the mouth of the Snake River, to 1,360 feet above sea level at the upper end of the County.

Kanabec County has 105 DNR Protected Waters basins, totaling approximately 6,200 acres. The largest lake in the county is Knife Lake at 1,127 acres.

Plan Update Review

BWSR established expectations regarding the third generation water plan update. They included: a taskforce, summary of progress, establishing a watershed context, reflecting current and future trends, prioritizing, and emphasizing special areas of concern. In addition, Kanabec County has continued to work with the Snake River Joint Powers Board (JPB). This agreement was the end result of a 1990 petition submitted by the Pokegama Lake Association to establish a Watershed District in the Snake River. This JPB includes Aitkin, Kanabec, Mille Lacs, and Pine Counties. All four counties, under a stipulated agreement, are coordinating water plan activities with the JPB within the 986 square mile watershed.

In addition to the requirements under Local Water Planning Statute MS 103B, Kanabec County has also addressed and expanded on second generation mandates, including wellhead protection, sensitive groundwater areas (continuation of the soil survey), and high priority wetland areas (addressing functions, values, topographic setting and future wetland management plan). Although not a legal requirement, storm water management is an important issue being addressed in both incorporated and unincorporated areas.

Using the required Board Conservationist findings and review form addressing BWSR expectations, staff has completed both preliminary and final review of the Kanabec County's third generation Comprehensive Local Water Plan Update. The findings show the requirements under 103B and 9300 have been met.

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

**In the Matter of Reviewing the Comprehensive Water Plan Update
for Kanabec County (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170)**

**ORDER APPROVING
COMPREHENSIVE
WATER PLAN**

Whereas, the Kanabec County Board of Commissioners adopted its second generation Comprehensive Water Plan (Plan) on March 19, 1997, under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board), December 18, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2001 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Kanabec County Board of Commissioners submitted its final Comprehensive Water Plan Update (Plan Update) to the Board on October 18, 2001, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update.

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On September 27, 2000, Kanabec County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.
3. Kanabec County completed a preliminary draft Plan Update on July 19, 2001, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd.1.
4. On July 19, 2001, Kanabec County submitted a draft Plan Update to the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, Minnesota Planning Environmental Quality Board and the Minnesota Geological Survey for preliminary review and comment.
5. On October 17, 2001, Kanabec County held a public hearing on the Plan Update, pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

6. On October 18, 2001, Kanabec County submitted its Final Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.
7. On November 21, 2001, an executive summary, Board Conservationist findings, and goals and objectives of the Kanabec County Plan Update were presented to the Board Ad Hoc for their information and review.
8. Minnesota Department of Agriculture (MDA) Review: In the preliminary review, MDA provided no comments. On November 29, 2001, MDA final comment approved the plan.
9. Minnesota Department of Health (MDH) Review: On September 20, 2001, in the preliminary review, MDH provided an updated list of community public water suppliers, non-community non-transient public water suppliers, and a wellhead protection phasing list.
10. In the final comment period, MDH, on November 28, 2001, approved the plan.
11. Minnesota Department of Natural Resources (DNR) Review: On September 20, 2001, the DNR in preliminary review provided a list of known rare features in Kanabec County from the Natural Heritage Database dated February 7, 2000. On November 28, 2001, in their final comments, the DNR approved the plan.
12. Minnesota Pollution Control Agency (MPCA) Review: On October 30, 2001, In its preliminary review MPCA stated that in the water plan accomplishment section, that Kanabec County might want to consider quantifying some of the activities such as the number of feedlot operators you have assisted and the nature of that assistance, the number of septic system inspections around Lewis Lake, and the number of lakes you are monitoring. Also, the County might want to identify the specific sites where the Mount Simon-Hinckley aquifer is connected to the sand-plain aquifer, and list them as a priority for protection. MPCA also, suggested, that the County may want to investigate how the new Environmental Protection Agency (EPA) storm water rules for Phase II will affect Kanabec County; some towns or townships may now require regulations based on population density.
13. On November 7, 2001, during the final comment period, MPCA recommended approval.
14. Minnesota State Planning Agency/Environmental Quality Board (EQB) Review: In its preliminary and final review, Kanabec County received no comments.
15. Minnesota Geological Survey (MGS) Preliminary Review: MGS provided no preliminary comments.

On November 29, 2001, MGS in its final comments recommended approval. MGS also stated that the Kanabec County plan for 2002-2007 only mentions MGS once, as one of the support agencies that would contribute to a county databank for surface and ground water quality and quantity. MGS will continue

its efforts to add the older water well data to the County Well Index, which will contribute to the database available for Kanabec County. MGS also indicated that the plan states that a new county soil survey is being completed, which will be a major contribution to the county environmental database. If in the future, Kanabec County identifies geologic and ground water maps as elements of its county environmental database that needs improvement, county staff should be aware that a modern county soil survey is helpful to MGS geologists in mapping surficial geology.

16. Minnesota Board of Water and Soil Resources: On August 8, 2001, the Board provided numerous preliminary written comments on the Plan Update. BWSR stated that Kanabec County should make an attempt to increase citizen members and nonprofit/conservation organizations membership on its water planning taskforce. Also, The plan indicates, numerous times, the concern in the area North of Quamba where the surficial sand plain and bedrock connect (no confining layers). Programs such as RIM or even a designated high priority wetland area might be appropriate. Kanabec County should consider an inventory of existing ditches. Pre-determined depths, widths, and elevations will assist with proper administration of 103E (Ditch Law) and Wetland Regulations. 92% of Kanabec County is located in the Snake River Watershed. The County should continue coordinating action items with the Snake River Joint Powers Board. Logging is an important industry in Kanabec County. As a land use activity it can cause increased erosion and sedimentation, particularly in riparian areas. Continued or accelerated support of the SWCD's efforts in writing stewardship plans will serve to meet the need of the forest community. The County should commit to Countywide Zoning. The County should conduct a Level II or III feedlot inventory. This will enhance the ability to receive Feedlot Water Quality Water Grant funds. To provide for more measurable results the County should be more specific regarding actual numbers on their action items and costs.

17. November 21, 2001, BWSR final comments stated that at present, Kanabec County has indicated all wetlands are high priority. The plan is moving ahead, inventorying and prioritizing wetlands over the next few years. This will allow the County to adequately address functions and values of wetlands comprehensively and provide for more flexibility through a wetland management plan.

18. On September 21, 2001, all preliminary comments were addressed. On December 2, 2001 actions were taken on the remaining final comments.

19. The Board Water Plan Review Committee Meeting: On December 6, 2001, the BWSR Ad Hoc committee met in Brainerd with Board staff and representatives from Kanabec County to review and discuss the Plan Update. Those in attendance were Ad Hoc Committee Chair Ginny Imholte, and Jerome Deal of the Board; Ron Shelito and Keith Grow of the BWSR Brainerd regional office; Kanabec County Water Plan Coordinator Greg Nikodym, Environmental Services Director Teresa Bearce, County Commissioner Kathi Ellis, SWCD Manager Kelly Osterdyke, Snake River Watershed Coordinator Jayson Neuman. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the county on the planning process.

20. On December 6, 2001, the BWSR water plan review committee recommended that the Board of Water and Soil Resources approve the Kanabec County Plan Update.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Kanabec County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.
2. The Kanabec County Water Plan Update attached to this Order states water and water-related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Kanabec County, dated at St. Paul, Minnesota, this Nineteenth day of December 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

Committee Recommendations
Northern Subcommittee

3. Sherburne County Comprehensive
Water Plan Update
DECISION

OVERVIEW DECEMBER 2001
THIRD GENERATION SHERBURNE COUNTY COMPREHENSIVE LOCAL WATER PLAN UPDATE

Development of the second-generation local water plan update began December 6, 1994, with the passing of a county resolution. On February 3, 1996, Sherburne County provided the Board of Water and Soil Resources with its final plan. On February 28, 1996, BWSR approved the plan, which is in effect until February 28, 2001. On April 3, 1996, the Sherburne County Board of Commissioners approved the plan and began implementation.

Local Comprehensive Water Plan Update Third Generation

Sherburne County passed a resolution to update their third-generation plan on September 14, 1999. On May 24, 2000, the BWSR granted an extension until February 28, 2002. After a public information meeting, survey, and series of taskforce meetings, Sherburne County completed the plan and began the preliminary 60-day review on May 11, 2001. On August 14, 2001, Sherburne County conducted a public hearing. The final plan was submitted to BWSR on September 4, 2001. The Soil and Water Conservation District was delegated by the County Commissioners to administer the Local Water Plan and the update process in coordination with the Local Water Plan Advisory Committee.

County Description

Sherburne County was named after Moses Sherburne, an Associate Justice of the Supreme Court of Minnesota, the Minnesota Territory, in 1853. It is located in Central Minnesota, 25 miles west of the Twin Cities. Its seven (7) municipalities and ten (10) townships, contained within 431 square miles, ranks number 78 in size in the State.

The railroad runs along the south and western borders, as does U.S. Highway 10. U.S. Highway 169 runs from north to south along the eastern portion of the County. State Highways 24, 25, and 101 also run north and south and connect to I-94.

Land formations consist of glacial till, outwash sand, gravel and ancient coarse alluvium. This geological make-up puts over 90 % of Sherburne County in the Anoka Sand Plain.

The outwash plain has smooth relief, but there are depressions, peat bogs, and sand dunes made up of glacier material, which is most extensively surficial-drift overlaying bedrock. Elevations rise from 860 feet above sea level south of Elk River, and along the Mississippi River, to 1110 feet above sea level two (2) miles north of Elk River.

The Elk and St. Francis Rivers and their tributaries drain approximately 70% of the county. These rivers enter from the north; flow southeastward, and empty into the Mississippi River near the City of Elk River.

Sherburne County contains 227 water basins with 149 being less than 50 acres. The largest is Rice Lake, 505 acres.

The county's population has increased by 75% in the past 10 years. The projected increase of 16% in the next ten years indicates a possible slowing of the rate growth but a continuation of the trend toward conversion of cropland and open space to residential, commercial, and industrial land use. Currently, agricultural activities of the county remain the single most important exporting industry. Sherburne County has approximately 512 farmers working 77,000 acres of cropland. 40,000 of these acres are under irrigation. The major agricultural activities include dairy, potatoes, small grains, truck gardening and Christmas trees.

Two major power companies, Great River Energy and Excel Energy, have large generating plants located in Sherburne County and there is a landfill north of Elk River. A number of other industries are located throughout the county that contributes to Sherburne County's economic diversity.

Plan Update Review

BWSR established expectations regarding the third generation water plan update. They included a strong active taskforce, summary of progress, establishing a watershed context, reflecting current and future trends, prioritizing, and emphasizing special areas of concern. In their update, Sherburne County has addressed these issues.

In addition to the requirements under Local Water Planning Statute MS 103B, Sherburne County has also addressed and expanded on second generation mandates, including wellhead protection, sensitive groundwater areas, and high priority wetland areas. Although not a legal requirement, storm water management is an important issue being addressed.

Using the required six Board Conservationist findings and review form addressing BWSR expectations, staff has completed both preliminary and final review of the Sherburne County's third generation Comprehensive Local Water Plan Update. The findings show the requirements under 103B and 9300 have been met.

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

In the Matter of Reviewing the Comprehensive Water Plan Update
for Sherburne County (Minnesota Statutes 1990, Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5 and Minnesota
Rules 9300.0170).

**ORDER APPROVING
COMPREHENSIVE
WATER PLAN**

Whereas, the Sherburne County Board of Commissioners adopted its second generation Comprehensive Water Plan (Plan) on April 3, 1996, under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board), February 28, 1996, respectively pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2001 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Sherburne County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 4, 2001, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update:

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On September 14, 1999, Sherburne County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.
3. On June 23, 2001, the Board of Water and Soil Resources received a resolution from Sherburne County requesting an extension of their Comprehensive Local Water Plan.
4. On July 26, 2001, the Board of Water and Soil Resources approved the extension of the Sherburne Comprehensive Water Plan until February 28, 2002.
5. Sherburne County completed a preliminary draft Plan Update on May 11, 2001, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd. 1.
6. On May 11, 2001, Sherburne County submitted a draft Plan Update to the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, Minnesota Planning Environmental Quality Board and the Minnesota Geological Survey for preliminary review and comment.

7. On August 14, 2001, Sherburne County held a public hearing on the Plan Update, pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
8. On September 4, 2001, Sherburne County submitted its Final Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.
9. On November 21, 2001, an executive summary, Board Conservationist findings, and goals and objectives of the Sherburne County Plan Update were presented to the Board Ad Hoc committee for their information and review.
10. Minnesota Department of Agriculture (MDA) Review: In the preliminary review, MDA provided no comments. On November 29, 2001 MDA recommended approval as their final comment.
11. Minnesota Department of Health (MDH) Review: On July 12, 2001, in the preliminary review, MDH addressed a coordinate effort outside the County and with other agencies regarding source water protection planning. MDH "stated" Future opportunity for participation in Source Water Protection planning to protect the Mississippi River as a drinking water source will allow integration of local water planning goals and objectives on a broad scale that coordinates LGU entities from Little Falls to the Twin Cities. They also encouraged Sherburne County to utilize land use controls as appropriate to protect drinking water supply management areas. MDH, updated the list of current public water suppliers which have adopted or are presently developing wellhead protection plans.
12. In the final comment period, MDH, indicated they would like Sherburne County to include a map of the Source Water Assessment area for the MPLS/St.Paul/St.Cloud. Approval was recommended.
13. Minnesota Department of Natural Resources (DNR) Review: In the preliminary review DNR provided no comments.
14. In the final comment period the Minnesota Department of Natural Resources (DNR), stated, "The Sherburne County Water Plan is well written and presents a good summary of existing resource information. Specifically, they indicated that under "Planning and Environmental Controls", lake water quality will only be enhanced if measures outlined in the Briggs Lake Chain Management plan are accomplished. In addition, DNR asked the County to review what impact ditches were having with increased urbanization. DNR recommends approval".
15. Minnesota Pollution Control Agency (MPCA) Review: In its preliminary, review Sherburne County received no comments.
16. On October 24, 2001, MPCA, in its final comments recommended approval.
17. Minnesota State Planning Agency/Environmental Quality Board (EQB) Review: On July 9, 2001, EQB, in its preliminary comments stated that overall, the plan is organized well, and seems to contain good information and technical data. The executive summary and Purpose/Organization sections are well written

and provide the necessary overview of the document. Sherburne County seems to have a clear idea of how they fit into larger planning activities, and from what we can see, it appears that many levels of government as well as non-government groups, have participated in development of this plan. EQB, enclosed a list of contacts and services available through the Land Management Information Center, Minnesota's Planning's Local Planning Assistance team, and the Minnesota State Demographic Center. EQB recommended approval.

18. Minnesota State Planning Agency/Environmental Quality Board provided no final comments.

19. Minnesota Geological Survey (MGS) Preliminary Review: MGS provided no preliminary comments. On November 29, 2001, MGS recommended approval. In addition they stated that Sherburne County has the benefit of being included in the first MGS/DNR regional hydrogeologic assessment (the Anoka Sand Plain RHA), in which the surficial geology, water table, and geologic sensitivity were mapped by MGS at the 1:200,000 scale.

20. Minnesota Board of Water and Soil Resources: On July 2, 2001, the Board provided preliminary written comments on the Plan Update. BWSR stated that Sherburne County continues to see tremendous growth. Storm water BMPs in urban and residential settings will need to include MPCA as a cooperative agency. In addition, at the turn of the century many ditches were constructed. Some have been maintained and repaired through the years; many have not. The County should inventory and assess their existing ditches; at a minimum, set culvert elevations. This information will greatly assist the County to properly regulate a ditch activity such as maintenance, repair, or improvement when petitioned. Also, accelerated land use activities are creating a heavy Wetland Conservation Act Workload. To provide more flexibility Sherburne County should consider a wetland management plan.

21. On October 18, 2001, BWSR final comments stated that the plan is very well written. Sherburne County has done an excellent job in providing a future direction regarding protection and enhancement of its natural resources. The 90-day review has included all BWSR preliminary comments, which included storm water, ditches, residential development, and pursuit of a wetland management plan.

On August 15, 2001, Sherburne County responded to all preliminary comments. Final responses were made December 29, 2001.

22. The Board Water Plan Review Committee met on December 6, 2001 in Brainerd with Board staff and representatives from Sherburne County to review and discuss the Plan Update. Those in attendance were Ad Hoc Committee Chair Ginny Imholte, Lee Coe, and Jerome Deal, of the Board; Ron Shelito and Keith Grow of the BWSR Brainerd regional office, Sherburne County Water Resource Specialist Mark Basiletti, Water Plan advisory chair Terry Polsfuss. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the county on the planning process.

23. On December 6, 2001, the BWSR water plan review committee recommended that the Board of Water and Soil Resources approve the Sherburne County Plan Update.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Sherburne County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules, 9300.0170, Subp. 4.
2. The Sherburne County Plan Update attached to this Order states water and water-related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 1990, 103B.301 and Minnesota Rules Chapter 9300.

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Sherburne County, dated at St. Paul, Minnesota, this Nineteenth day of December 2001.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

Committee Recommendations

Joint Water Planning Subcommittee

1. Water Plan Unficiation

DECISION

MEMORANDUM

DATE: December 4, 2001

TO: Joint Water Planning Committee

FROM: John Jaschke 
BWSR

SUBJECT: **Joint Water Planning Committee Minutes - November 27, 2001**
11:00 a.m. to 2:00 p.m.

Board members present: Ginny Imholte, Karen Harder, Char Kahler
Staff present: John Jaschke, Steve Woods, Phil Belfiori, Eric Mohring, Jim Haertel, Marybeth Block.

Agenda

- 1.) Purpose of meeting – John Jaschke
- 2.) History – background/status/future opportunities for:
 - a. County (non-metro) – Marybeth Block
 - b. Watershed districts (non-metro) Jim Haertel
 - c. Metro surface water – Steve Woods
 - d. Metro groundwater – Erick Mohring
- 3.) Discussion/endorsement of objective/timelines – John Jaschke
- 4.) Discussion of principles for the effort – Phil Belfiori

The next meeting will be held on Wednesday, December 19, 2001, 1:00 p.m. after the Board Meeting.

Attachments: Water Planning Components Summary
WD Map/WMO Map

F/LanWData/Metro Water Planning/Joint Water Planning Committee Minutes

Water Planning Integration

Proposed Process:

Action	Lead	Time – completed
Metro Stakeholder Meetings	Steve Woods, Jim Haertel	Nearly Completed
County Water Planner Meetings	Marybeth Block	Nearly Completed
Guiding Principles	Board/SMT: Marybeth, Jim, Eric	January 2002
Draft metro rules/guidelines	Jim, Eric Mohring, Phil Belfiori	August 2002
Draft county rules/guidelines	Marybeth	August 2002
Draft WD rules/guidelines	Jim Haertel	August 2002
Identify integration areas	Board/SMT: Marybeth, Jim, Eric	September 2002
Pursue needed statutory changes	Ron H, etc.	September 2002-May 2003
Integrate rules and adopt	Jim, Marybeth, Debbie Anderson	January 2003 – January 2004

Water Planning – Program Summary for:

Began: The Comprehensive Local Water Planning Program began in 1987.

Reason: In 1977 Minnesota was stricken by drought conditions that nearly rivaled the infamous drought of the 1930s. That crisis prompted the Legislature to look at how the state's water supplies were being managed. What they saw was fragmentation at the state level and disorganization at the local level.

Purpose: To protect water resources through the adoption and implementation of local water management plans based on local priorities.

Funding: The funding began as a pilot project when the Legislative Commission on Minnesota Resources appropriated money to 52 counties in 1987. Consequently in 1989 the Legislature passed an ongoing appropriation under the Local Water Resources Protection and Management Program (Minnesota Statutes 103B.3665 and Administrative Rules Chapter). This program awards base grants to each county, based on the tax capacity of a county. The minimum awarded is \$18,750, the maximum is \$37,500.

LGU Staffing: Counties are responsible for water planning. Approximately one-third have delegated the program to soil and water conservation districts. Local water planners, whether employed by the county or the swcd, often have varied job responsibilities and most devote .5 or less FTE to water planning.

Board Role: Review and approve local water plans.

BWSR Staff Roles: Provide overall program guidance, process affiliated grants, and provide plan review and comments.

Current Strengths: Implementation focused; Citizen and Technical Water Planning Task Forces; a mechanism to define local priorities, as well as local and state roles managing water. Water planning has been successful because the state has provided money to support it, locals have land use authority, the process results in coordination of local efforts, and state-local efforts.

Current Issues:

- ☐ Need to change the emphasis from planning to management.
- ☐ Need additional financial assistance from the state.
- ☐ Confusion and frustration concerning multiple planning efforts: local, basin and sub basin, watershed, state (Watermarks).
- ☐ Lack of input from state agencies.
- ☐ Lack of respect for the plan or local priorities on behalf of some state agencies.
- ☐ Approval and amendment process too long and laborious.

Opportunities to do better:

- ☐ Regional and state planning and management efforts acknowledge and use the water county water plans.
- ☐ State input offered early in the process.
- ☐ Implementation plans done frequently.

Stakeholders: Out state counties (citizens and local governments), state governments.

Metropolitan Ground Water Planning

March 2001 Status Report

BACKGROUND

In 1987 Minnesota Statutes Chapter 473.8785 (now 103B.255) was enacted giving metropolitan counties authority to prepare and adopt ground-water plans.

In 1988, Hennepin County began ground-water planning with authority delegated to the Conservation District. In 1989 Washington County began the ground-water planning process, with the county planning department taking the lead. Dakota and Carver counties began ground-water planning in 1990 lead by the county planning departments. Ramsey and Scott Counties began ground water planning in 1992 and 1993 respectively, with Soil and water Conservation Districts in the lead.

The BWSR sent information and guidelines to counties for the metropolitan county groundwater plans in early 1990. The BWSR awarded matching grants of \$15,600 to the 6 metropolitan counties preparing groundwater plans. Metropolitan counties with approved ground water plans are eligible for matching grants to implement items in the plans.

PLAN REVIEW

The plan review process which involves: 1) review by local units of government, concurrent with preliminary review by state agencies and the metropolitan council; 2) formal review by the metropolitan council and state agencies; and 3) BWSR review and approval.

COUNTY PROGRESS

Anoka

Anoka County, though not participating in the official metropolitan ground water planning process, has prepared a "ground water protection assessment." The county public health department coordinates the county groundwater planning and management activities.

Contact: Bart Biernat, Anoka Public Health Department, (612) 422-6985

Carver

The Carver county ground water plan was approved in August, 1992.

The plan identified the following as immediate planning and implementation issues: integration of ground water planning into comprehensive plans, adoption of ground water sensitivity maps, feedlot and septic system impacts, agricultural and urban chemical and fertilizer use, water quality monitoring, data collection and maintenance, abandoned wells, and land-spreading.

The county has prepared a comprehensive water plan dealing with both surface and ground water issues. It is in the final stages of review, and approval is expected within 3 months.

Contact: Paul Moline, Carver Planning and Zoning, (952) 361-1825

Dakota

The Dakota county ground water plan was approved in March, 1992.

The plan contained over 100 initiatives on various aspects of ground water protection. Primary objectives include: Information and education, abandoned wells, pesticide issues, industrial issues, aquifer and well head protection, and ground water supply.

An updated plan was approved in July, 2000.

The updated plan concentrated on a county groundwater inventory and on setting long-range management goals for groundwater-related issues. The plan provides a detailed implementation strategy to be administered by the Dakota County Office of Planning. The Plan was developed with the objective to parallel the goals and management actions from the Dakota County Comprehensive Plan 2020. The Plan also integrates groundwater management with the other aspects of natural resource and surface water planning.

Contact: Lisa Ring, Dakota Planning, 952-891-7018

Hennepin

Hennepin County was the first to start the ground water planning process. The Hennepin Conservation District (HCD) named

an advisory committee in 1989. HCD collected data from state agencies through 1990. They did an exhaustive cleanup of the county's well log data base, and have developed an exceptional GIS capability. The plan received state approval in March, 1994. The county board did not adopt the plan.

Plan goals for cities will include management according to geographic location and hazard potential, delineation of wellhead protection areas around public supply wells, applying existing zoning authority to protect ground water, ranking and management of hazardous land use activities according to risk, using a GIS system to manage ground water information, location of abandoned wells, and adoption of contingency plans for ground water.

Though the county has not formally adopted the plan, the county is proceeding with implementation of many aspects of the plan.

Contact: Joel Settles, Hennepin Environmental Management, (612) 348-6157

Ramsey

The Ramsey Soil and Water Conservation District (SWCD) has coordinated ground-water plan development since 1992. The plan received state approval in September 1995.

The plan focuses on developing protection programs that cities and other local units of government can use to protect ground water within their jurisdictions, and on creating a framework for coordinating ground water protection activities among local governments.

Contact: Matt Swanson, Ramsey SWCD, (651) 488-1476

Scott

The Scott SWCD coordinated ground water plan development since 1993. A draft plan was submitted for local review and preliminary state agency review in late 1996. In 1997 the ground water planner left the SWCD, and ground water planning functions were transferred to the county Planning, Inspections, and Environmental Health Dept. The plan underwent considerable revisions during 1998, and was approved in January 1999. It was the first plan to be published via the internet's world wide web.

Contact: Scott Allen, Scott County Water Planning, (952) 496-8054

Washington

A draft plan was submitted for preliminary review in late 1992. However the county has not submitted a revised draft for review and approval. The plan emphasized public input over technical considerations. County staff have put allot of effort into working with the advisory groups and subcommittees.

Washington County is currently updating their plan, with an expected completion date of summer, 2001.

Contact: John Micheals, 651- 275-7301

COUNTY COOPERATION

One successful result of the metropolitan ground water planning effort has been the cooperation between counties. Most recently this has resulted in the formation of the Metro Area Ground Water Alliance (MAGWA). MAGWA is an association of water resource professionals organized through the efforts of county ground water planners and managers in the 7-county Twin Cities metropolitan area. The organization's focus is ground water issues in the metropolitan area. Its purpose is to:

- \$ identify priorities for regional ground water quality and quantity protection
- \$ be a forum for considering regional ground water issues
- \$ be an organized advocate on regional ground water issues
- \$ provide information on issues that impact ground water resources in the region

METROPOLITAN GROUND WATER PLANS
Summary of Statute (103B.255) requirements

1. Voluntary program.
2. County may prepare or may delegate all or part of preparation and adoption to SWCD.
3. County will conduct meetings with local units and WMO's and may enter into agreements
4. County may contract with MGS, USGS, a SWCD, or other agencies.
County may enter into agreements with other counties or LGUs.
County will consult with advisory committee, MGS, MDH, DNR, MPCA, and other appropriate agencies.
5. County must name and consult with advisory committee of 15 members of various interests. (Requirements for composition of committee.)
6. Plan must specify period covered by plan (5-10 years). Must contain elements below. Level of detail according to local conditions, needs. Maximum use of available data, studies, existing plans.
7. **Contents:**
 - (1) cover entire county area;
 - (2) describe existing and expected changes to the physical environment, land use, and development in the county;
 - (3) summarize available information about ground water and related resources in the county, including existing and potential distribution, availability, quality, and use;
 - (4) state the goals, objectives, scope, and priorities of groundwater protection in the county;
 - (5) contain standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, and previously contaminated areas;
 - (6) describe relationships and possible conflicts between the ground water plan and the plans of other counties, local units of government, and WMO's in the affected ground water system;
 - (7) set forth standards and guidelines for the implementation of the plan by WMO's and local units of government
 - (8) include procedures and time lines for amending the plan.
8. **Review of Draft Plan**
 - (a) Draft plan submitted for review to adjoining counties, metropolitan council, state review agencies and BWSR, to SWCDs, towns, cities, WMO's within county, as well as by other affected counties, WMO's, and districts. Substantially affected parties describe amendments that would be necessary and costs. **Reviewing entities have 60 days to review and comment.** Differences among governmental agencies mediated. Council reviews plan in same manner and with same authority as it reviews comprehensive plans of LGUs. Council comments on conformity with metropolitan system plan, and with the Council's water resources plan, and advises BWSR.
 - (b) County must respond in writing to concerns of reviewing agencies within 30 days.
 - (c) County shall hold public hearing 30-45 days after 60-day review period.
9. Review by metropolitan council and state agencies
After the review of draft plan (above - 8) the draft plan, any amendments, comments, hearing records, and a summary of changes must be submitted to the Met. Council, state review agencies, and BWSR for final review. State review agencies review plan for consistency with state law and rule. Comments forwarded to BWSR within 45 days.
10. BWSR review and (hopefully) approval.
11. Adoption and implementation of plan within 120 days of approval by BWSR.
12. Amendments must go through same local and agency review.
13. County may levy amounts necessary to administer and implement an approved and adopted ground water plan.

Other Statute Requirements

Watershed plans must be reviewed for consistency with county ground water plans.

Water Planning – Program Summary for: Watershed Districts (esp. greater MN)

Began: 1955

Reason: flooding and rate control mainly across county lines

Purpose: watershed districts more likely to resolve problems than multiple county boards and multiple cities, very project oriented

Funding: direct levy authority

LGU Staffing: staffing is optional and at the discretion of watershed district board of managers, at the minimum retain attorney and engineer as consultants

Board Role: water plan approval authority, watershed district establishment authority, boundary change authority, number of board managers authority

BWSR Staff Roles: upfront plan assistance, plan review, policy guidance

Current Strengths: direct levy authority fosters project implementation, excellent mechanism for resolving regional or watershed-wide issues

Current Issues: board of managers are appointed by county board, not elected, yet have taxing authorities

Opportunities to do better: use of advisory groups and citizen forums for consensus building could be better utilized by many districts

Stakeholders: MAWD, counties, cities, townships, state agencies, environmental groups, builders association, citizens

Water Planning – Program Summary for:

- Began:** The Metropolitan Surface Water Management Act was created in Ch. 509 of the laws of 1982. A substantial set of rules (MR 8410) was created between the first and second generations of plans. The program is mandatory for all areas within the seven-county area.
- Reason:** In no particular order, reasons included: growing flooding and quality problems connected with urbanization, as a means of defense against Metropolitan Council taking over stormwater systems, Watershed Districts already functioning in the metro were doing well, financing of stormwater projects was becoming too costly for conventional assessment process, and leading edge of national trend for watershed-based management.
- Purpose:** Minimize the expenditures necessary to manage water quantity and quality while utilizing natural systems to the extent practicable. Other purposes include more uniform policies and controls, groundwater recharge, prevent soil erosion, and enhance habitat. (MS 103B.201)
- Funding:** WD's have and use levy authority. Joint-Powers WMO's largely submit bills to member cities for payment. Unfortunate setbacks in carrying out intent of *ad valorem* sub-watershed financing by organizations and levying by joint-powers WMO's have left funding picture somewhat muddled.
- LGU Staffing:** WD's have administrators and inspectors in many cases. WD and WMO alike both utilize consultants or SWCD staff for majority of staffing due to the wide range of expertise desired for watershed management.
- Board Role:** Receive recommendations and act on plans submitted for review. Receive testimony at public hearings concerning jurisdictional matters.
- BWSR Staff Roles:** Work with funneling stakeholder input to organizations at front end of plan processes. Provide interpretation and perspectives of statute and rules based on knowledge of metro-wide activities.

Current Strengths: It has produced change with a trend toward better coordination., Financing of projects is becoming more widespread, BMP's are widely known and accepted by all facets of development and municipal workers, GIS is lowering plan costs finally, and opportunities for stakeholder involvement are better.

Current Issues: failed or failing WMO's result in attempts by the members to break away on their own to avoid intent of law. Some organizations living to plan.

Opportunities to do better: Linking city comp plans to the watershed and local water plans, removing ambiguity with groundwater roles, clarifying the discrepancies between general state water quality standards and detailed goals derived by local processes, and clarifying authority and standards for finding an entity to be "non-implementing". Some organizations still looking for niche or reason to exist.

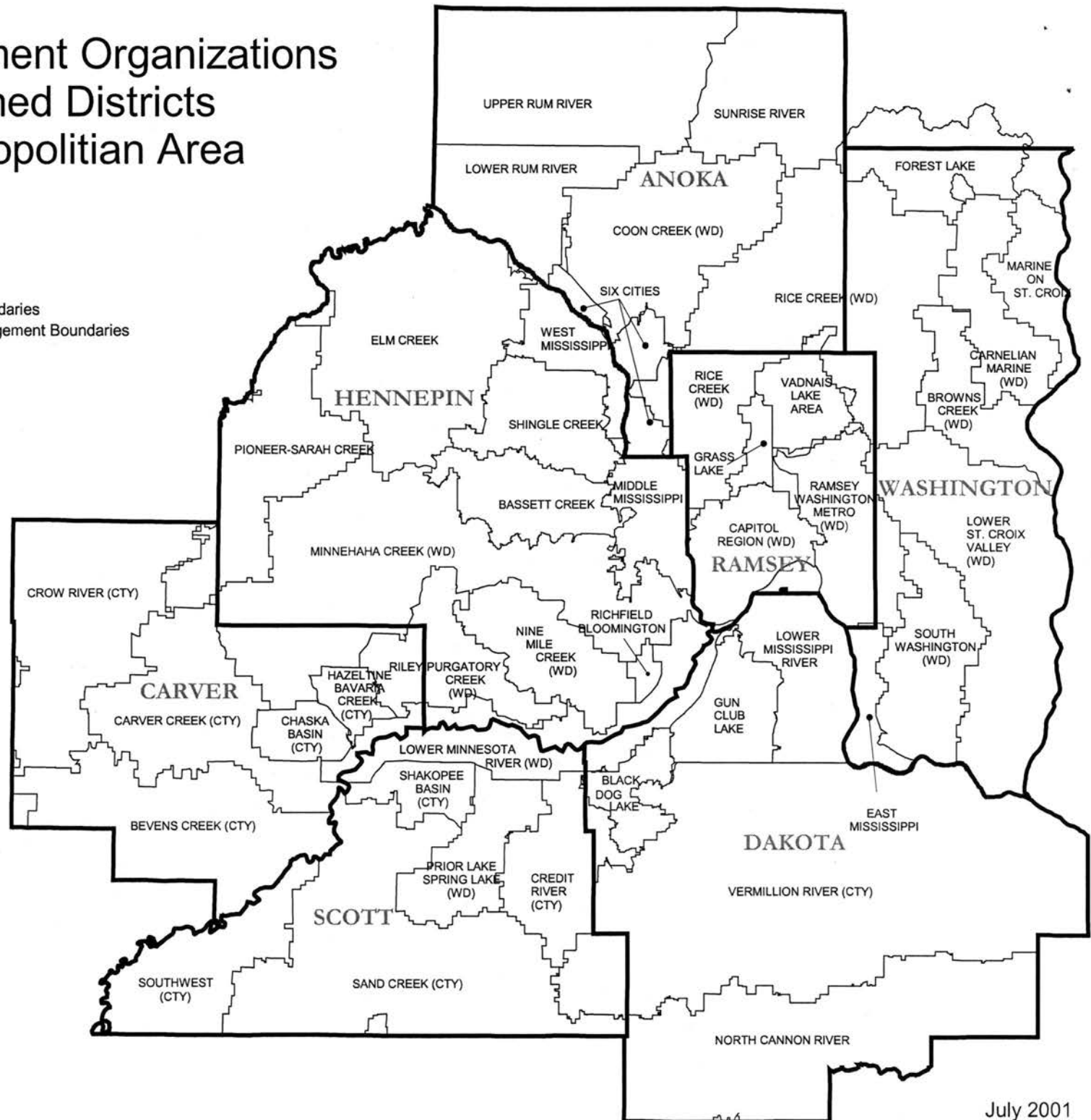
Stakeholders: Metro MAWD, MAWD, League of Minnesota Cities, Association of Metro Municipalities, AMC, State review Agencies (MDH, MDA, MDNR, MPCA, and Metropolitan Council). Soil and Water Conservation Districts have generally been involved with WMO's from a staff assistance perspective, but have had less involvement with WD's. Non-profits have not historically been active in plan development or review processes. Mn/DOT is aware of program, but participation has generally been reactive and associated with specific projects.

Water Management Organizations & Watershed Districts in the Metropolitan Area



Legend

-  County Boundaries
-  Water Management Boundaries



Integrating BWSR Local Water Plan/Mgmt Programs

Water Planning/Management Statutes and Rules

Current

Statutes				
103D	103B			
	<u>.201</u>	<u>.255</u>	<u>.301</u>	<u>3369</u>
<i>Watershed Districts</i>	M e T r o S W M	M e T r o G W	Co. L W P M	L W R P M P (\$)
Administrative Rules				
<i>Chaper</i>	8410	none	9300	8405

Future



Vision:

Water management programs under BWSR's authority are located in the same statutory section and rule chapter, and where it makes sense they're integrated.

Goal:

Reduced duplicity/ Increased clarity

Heightened program awareness

Implementation focus

Benefit:

- Efficient use of resources staff and financial resources
- One local water management program can benefit from the experiences and strengths of another
- Facilitates possible integration of plans (e.g., watershed district and county water plans)
- State and regional water plans recognize and build upon local water plans
- Increased financial support of local water management
- Plans are used and integrated with other local plans
- Plans prioritize local issues and clearly communicate how they will be addressed and measured for success

Committee Recommendations
Administrative Advisory Committee

3. SWCD Law Change
DECISION

BWSR Briefing

Issue: Statutory Process to Discontinue a Soil and Water Conservation District

Background

Minnesota Statutes 103C.225 specifies the process to discontinue a soil and water conservation district. It is largely unchanged from the original act that was signed into law in 1937. The basic process to discontinue a SWCD is as follows:

1. No sooner than five years after formation...
2. At least 25 occupiers of land may file a petition for termination of the district with the BWSR...
3. BWSR may conduct public meetings and hearings...
4. Within 60 days of receipt of the petition, BWSR must file due notice for holding a referendum on the matter of discontinuance...
5. In the referendum only land occupiers may vote...
6. After the referendum, the BWSR must determine whether the continued operation of the SWCD is administratively feasible and must consider the public policy purpose for SWCDs under section 103A and six additional criteria specified in the law...
7. The BWSR must certify its decision to the SWCD...
8. There is a bit more due process than is mentioned in this summary.

The procedure to discontinue a SWCD, like some other seldom used parts MS 103C is out-of-date and some of it, like who may vote in the referendum is not compliant with current election laws and is likely unconstitutional. The only recourse, a court directed election, would be prohibitively expensive. Change and modernization is needed.

Administrative Advisory Committee Review and Recommendations

At its November 14, 2001 meeting, the BWSR Administrative Advisory Committee studied this matter and developed the following recommendations:

1. BWSR should pursue a statutory change to MS 103C which would amend the discontinuance procedure for SWCDs as follows:

NOW:	Petition	→	Referendum	→	BWSR Decision
PROPOSED:	Petition [25% of legal voters]	→	BWSR Discretion [Due process required; discretion on referendum; discretion on assignment of costs]	→	Referendum [@next general election]

This approach would standardize the process with other units of government (like watershed districts) and would make it compliant with current election laws.

2. In all cases, "seamless coverage" for the provision of conservation services offered by the SWCD should be a consideration. A requirement for discontinuance would be that the core services delivered by the SWCD must be somehow continued.
3. The modernization of MS 103C.225 should be apart of a comprehensive modernization of SWCD law underway by the MASWCD District Capacity Initiative. This initiative is targeting the 2003 legislative session. BWSR should cooperate with the MASWCD in this comprehensive approach. If needed sooner than 2003, stopgap legislation can be pursued in 2002 with the support of the MASWCD.
4. County elections officials and the Office of the Secretary of State must also be involved in designing the solution to this modernization.

Compiled by Jim Birkholz

:BWSR Briefingdiscontswcd.doc

INFORMATION & DISCUSSION

1. CREP Update



Minnesota Board of Water & Soil Resources



The Conservation Reserve Enhancement Program

...helps farmers

...helps clean Minnesota's water

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What is the Conservation Reserve Enhancement Program?

The Conservation Reserve Enhancement Program (CREP) is a unique opportunity for Minnesota to dramatically improve the quality of water in the Minnesota River, with the federal government picking up most of the cost!

The program allows Minnesota to match federal dollars to put conservation easements on up to 100,000 acres in the 37-county Minnesota River valley. Approximately \$98 million in federal funds are available until September 2002.

The 2001 Minnesota Legislature approved the final funding package for CREP, with **\$51.4 million** (\$43 million for easement purchase and approximately \$8.4 million for implementation) earmarked in the bonding bill. That funding paves the way for the state to move ahead with the final implementation of the program. Prior to the 2001 session, approximately \$30 million in state funds were appropriated and were matched by approximately \$65 million in federal funds.

As of Dec. 6, there are **1,674** applications recorded for a total of **68,037.30 acres**. [Click here](#) for a summary of CREP easements and total acres by county.

Conservation Reserve Enhancement Program Maps



[Full
Size,
JPG
Format](#)

[Full
Size,
PDF
Format](#)

[Printable .JPG
Click here
and click print](#)

How does it help farmers?

CREP helps farmers by allowing them the option of voluntarily enrolling land into a conservation easement and removing the land from production. Farmers receive an up front "bonus" payment, plus 15 years of guaranteed annual payments, based on the value of the land.

How does CREP help water quality?

The Minnesota River is one of the most polluted rivers in the country, largely due to agricultural runoff. The majority of this type of runoff comes from marginal lands, such as floodplain areas, riparian areas along cropland, and drained wetlands. Removing this land from production will have a significant positive effect on water quality in the Minnesota River and its tributaries, such as the Cottonwood, Pomme de Terre, Redwood, Yellow Medicine and Chippewa rivers.

Why do we need to act now?

The federal offer expires in September 2002! This has been a popular program and landowners are encouraged to apply before the September 2002 rush.

Who supports CREP?

Many environmental and sporting groups are supporting this important program. The following have pledged their support for CREP: Association of Minnesota Counties; Board of Water and Soil Resources; Blue Earth County; Brown County; Carver County Soil & Water Conservation District; Chippewa River Watershed Project; City of Burnsville; City of Excelsior; City of Marshall; City of New Ulm; Clean Water Action; Coalition for A Clean MN River; Coalition of Minnesota Conservation Organizations; Clean Up River Environment; Dakota County; David Minge; Douglas County; Ducks Unlimited; Farmers Union; Fish & Wildlife Legislative Alliance; 1000 Friends of Minnesota; Friends of the Minnesota Valley; Friends of the Mississippi River; Game and Fish Coalition; Hennepin Conservation District; Hennepin County; Izaak Walton League-Minnesota Division; Lac Qui Parle Soil & Water Conservation District; Lincoln County; Lower Minnesota River Watershed District; Minnesota AgriGrowth Council; Minnesota Association of Soil & Water Conservation Districts; Minnesota Association of Watershed Districts; Minnesota Center for Environmental Advocacy; Minnesota Conservation Federation; Minnesota Department of Agriculture; Minnesota Department of Natural Resources; Minnesota Earth Sabbath Team; Minnesota Lakes Association; Minnesota Corn Growers; Minnesota Deerhunters Association; Minnesota Land Trust; Minnesota Parks & Trails Council; Minnesota Pollution Control Agency; Minnesota River Basin Joint Powers Board-37 Counties; Minnesota River Basin Data Center; Minnesota Trappers Association; Minnesota Pheasants Inc Blue Earth Co Chapter; Minnesota Rivers Council; Minnesota Waterfowl Association; Minnesota Outdoor Heritage Alliance; National Audubon Society; Natural Resources Conservation Service; New Ulm Area Sport Fisherman; Nicollet Conservation Club; Outdoor Heritage Education Center; Paul Metsa-River Troubadour; Pheasants Forever; Prior Lake-Spring Lake Watershed District; Ramsey County; Redwood/Cottonwood Rivers Control Area; Renville County; Scott County; Scott County Soil & Water Conservation District; Sibley County Water Planning; Sierra Club; The Minnesota Project; The Nature Conservancy; The Wood Duck Society; Trout Unlimited; Trust for Public Land; US Fish & Wildlife Service; Watonwan County; Yellow Medicine River Watershed Project.

Where can I get more information?

Sporting, agricultural, or environmental groups can call Kevin Lines at 651/297-1894; or e-mail kevin.lines@bwsr.state.mn.us.

Landowners can call Tabor Hoek at 507/537-7260; or e-mail tabor.hoek@bwsr.state.mn.us. Landowners can also contact their local Soil and Water Conservation District office.

Technical questions may be directed to Tim Fredbo at 651/296-0880 or e-mail tim.fredbo@bwsr.state.mn.us.

For written material, call the Minnesota Board of Water and Soil Resources office at 651/296-3767.

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