


# Minnesota Board of Water and Soil Resources. Minutes.


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Version 3
August 20, 2018

**BOARD OF WATER AND SOIL RESOURCES**
**ONE WEST WATER STREET**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55107**
**WEDNESDAY, DECEMBER 4, 2002**

# AGENDA

**9:00 a.m.** **Call Meeting to Order**

**Pledge of Allegiance**

**Adopt Agenda**

**Minutes of October 23, 2002**

**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 – Sharon Clark
- Department of Health – Dan Wilson
- Department of Natural Resources – Steve Morse
- Minnesota Extension Service – Jim Anderson
- Pollution Control Agency – Lisa Thorvig

**Committee Recommendations**

*Northern Water Planning Subcommittee*

1. Roseau County Comprehensive Local Water Plan Request for Extension – *DECISION ITEM*

*Southern Water Planning Subcommittee*

1. Kandiyohi County Comprehensive Local Water Plan – *DECISION ITEM*

2. McLeod County Comprehensive Local Water Plan – *DECISION ITEM*

3. Meeker County Comprehensive Local Water Plan – *DECISION ITEM*

4. Renville County Comprehensive Local Water Plan – *DECISION ITEM*

**New Business**

1. Update on Proposed Water Management Planning Changes – John Jaschke – *INFORMATION ITEM*

2. SE CREP – Ron Harnack – *DECISION ITEM*

3. Citizen Petition to Discontinue Hennepin Conservation District – Ron Harnack – *DECISION ITEM*

**Noon** **Lunch Break**

**1:00 p.m.** **Reconvene**

4. A Plan for the Certification of Wetland Delineators in Minnesota – Greg Larson – *DECISION ITEM*

5. Martin County Wetland Plan – Tom Mings – *DECISION ITEM*

6. Pelican River Watershed District, Federal Small Watershed Protection Act (PL566) Application – Doug Thomas – *DECISION ITEM*

7. SWCD Statute Update – Jim Birkholz – *INFORMATION ITEM*

**Advisory Comments**

- Association of Minnesota Counties (AMC) – Dave Weirens
- Minnesota Association of Conservation District Employees (MACDE) – Tim Gieseke
- Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck
- Minnesota Association of Townships (MAT) – Sandy Hooker
- Minnesota Association of Watershed Districts (MAWD) – Ray Bohn
- Natural Resources Conservation Service (NRCS) – Tim Koehler

**Upcoming Meetings**

- Next BWSR Meeting, January 22, St. Paul
- MAWD Annual Meeting, December 5-7, Alexandria
- MASWCD Annual Meeting, December 8-10, St. Paul
- AMC Annual Meeting, December 9-11, Duluth

**Adjourn**

Minnesota Board of Water & Soil Resources

Central Office: One West Water Street ▪ Suite 200 ▪ Saint Paul, MN 55107 ▪ Phone: (651) 296-3767 ▪ Fax: (651) 297-5615

DATE: November 25, 2002

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: December 4th BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 4, 2002, 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:

**Committee Recommendations**

*Northern Water Planning Subcommittee*

1. Roseau County Comprehensive Local Water Plan Request for Extension – See attached. *DECISION ITEM*

*Southern Water Planning Subcommittee*

1. Kandiyohi County Comprehensive Local Water Plan – See attached - *DECISION ITEM*

2. McLeod County Comprehensive Local Water Plan – See attached - *DECISION ITEM*

3. Meeker County Comprehensive Local Water Plan – See attached - *DECISION ITEM*

4. Renville County Comprehensive Local Water Plan – See attached - *DECISION ITEM*

**New Business**

1. Update on Proposed Water Management Planning Changes - Staff have been working with a variety of stakeholders over the past year to revise water management planning requirements for watershed districts, watershed

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*Brainerd*
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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
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management organizations and counties. This effort has also been the focus of previous presentations to the Board. Several workshops were recently conducted around the state to present the framework for the proposed revisions. As a result of those workshops, and subsequent meetings with stakeholder organizations, state agencies and the BWSR subcommittee, the proposed changes have become better defined. The presentation will focus on the status of the process, the issues raised by stakeholders to date, and the work that remains. Attached for information is a table summarizing the proposed changes and a document that highlights the proposed process to develop and approve a local water management plan. Please note that the statute citations in the table of the proposed changes correspond to a draft statute document. The most current draft of the proposed statute changes will be available at the Board meeting. *INFORMATION ITEM*

2. SE CREP – The summary of the latest meetings and agreements is attached for this topic. The two issues remaining are duration of easements and payment rates for each duration of easement. BWSR has in the past endorsed the broad array of options for the landowners to choose from with permanent being the preferred for long-term enhancement and protection of water quality, soil conservation and habitat. However, this position has the potential of putting the SE CREP at risk as FSA has taken a strong position opposed to permanent while proposing long-term easement options of 85 – 100 years. The BWSR subcommittee met with the state FSA committee and came to agreement on many of the policy issues, except for these two. The policy issues for BWSR are how do we want to approach addressing the ground water sensitivity issues and the impaired waters issues that have been defined in the SE. These are not issues that are short-term, but issues that need long-term resolution for the protection of public health and safety of the public water supplies and the unique trout resources of the SE. Can these issues be appropriately addressed without permanent easements as an option? I believe that the answer to this is most likely with 50 to 100 year easement options. If we acknowledge that various state and federal laws are placing more requirements on addressing source water protection, well head protection and more requirements on addressing impaired waters and that local water plans are placing greater emphasis on these priority surface and ground water issues, I am confident that once these lands are in the program for a long enough period of time that local, state and federal regulations or controls will ensure that these lands do not become a risk after the easement terminates. Therefore, I would promote an option that targets ground water protection and surface water protection (impaired waters) for 50 – 85 or 100 year easements. The Board's actions on this would allow the subcommittee or staff the latitude to negotiate within these thresholds to finalize the SE CREP with the state FSA committee. *DECISION ITEM*

3. Citizen Petition to Discontinue Hennepin Conservation District –
A citizen petition to discontinue the operations and existence of the Hennepin Conservation District was filed with the Board on August 24, 2001. The lead

petitioner, Mr. Schunk, and his engineer, Mr. Samstad, along with Hennepin Conservation District Supervisor Ms. Harrod, appeared before the Board. On May 22, 2002, the Board passed an Order to hold the referendum on the petition in conjunction with the Hennepin County general election on November 5, 2002. The result of the referendum was almost 75 percent in favor of continuing the district. In addition to the result of the referendum, there are many other reasons that the district should continue operations based on past accomplishments, the mission of the district, social factors, administrative feasibility and the economics of Hennepin County. Staff recommend the operations of the Hennepin Conservation District be continued and the petition for discontinuance be denied per the attached draft Order. *DECISION ITEM*

4. A Plan for the Certification of Wetland Delineators in Minnesota – Greg Larson – A plan to certify wetland delineators was presented to the legislature in 2001. Due to lack of funding, implementation of the plan has stalled. The UM College of Food, Agriculture and Environmental Science has expressed interest in considering a proposal from the BWSR to fund the implementation of a certification program. A resolution has been prepared that authorizes staff to enter into agreements and memoranda necessary to secure funding and develop an implementation plan. *DECISION ITEM*

5. Martin County Wetland Plan – Tom Mings – See attached. The Wetland Plan is lengthy, print as appropriate. - *DECISION ITEM*

6. Pelican River Watershed District, Federal Small Watershed Protection Act (PL566) Application – In accordance with provisions of the United States Department of Agricultures, Small Watershed Protection Act (Public Law 566), the Pelican River Watershed District has submitted an application for PL566 planning and financial assistance to BWSR for its approval and submission to the Minnesota Natural Resources Conservation Service (NRCS). Additional sponsors to the application include the City of Detroit Lakes and the Becker County Soil and Water Conservation District.

   The project sponsors are seeking federal assistance for the development and implementation of nutrient reduction measures in the upper Pelican River watershed area. Diagnostic studies of the watershed have concluded that a number of impairments to water quality of the areas lakes, rivers and streams exist and that upland treatment measures designed to reduce phosphorous and sediment are required to maintain the desired water quality characteristics that the Pelican River Watershed District has set out in its comprehensive watershed management plan.

   Part 503.24 of the National Watershed Manual requires all local applications be approved by the designated State agency and then forwarded to the state conservationist with a statement of the State's priority rating for the watershed.

Staff are recommending approval of the application and assigning a high priority status to the watershed. *DECISION ITEM*

7. SWCD Statute Update – Jim Birkholz will present the proposed changes to the SWCD statute. The attached summary lists the major changes proposed to the statute. Discussions are continuing with various interest groups, agencies and associations that have an interest in the law. Please note that the changes include earlier board decisions in two areas. The first is to support changes to the procedures to discontinue soil and water conservation districts by raising the threshold to trigger the process and giving the state board discretion regarding a referendum. Secondly, to change the process for SWCD supervisor removal from office so that the state board is no longer involved. Instead the procedure would be standardized to be the same as for other county officers. Issues papers on the major areas of change are undergoing final revision and a side-by-side draft of changes is available. *INFORMATION ITEM*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. I look forward to seeing you on December 4!

**BOARD OF WATER AND SOIL RESOURCES**
**ONE WEST WATER STREET**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55107**
**WEDNESDAY, DECEMBER 4, 2002**

# PRELIMINARY AGENDA

**9:00 a.m.** **Call Meeting to Order**

**Pledge of Allegiance**

**Adopt Agenda**

**Minutes of October 23, 2002**

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

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- Executive Director – Ron Harnack
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1. Kandiyohi County Comprehensive Local Water Plan – *DECISION ITEM*

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**New Business**

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3. Citizen Petition to Discontinue Hennepin Conservation District – Ron Harnack – *DECISION ITEM*

**Noon** **Lunch Break**

**1:00 p.m.** **Reconvene**

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**Advisory Comments**

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**Upcoming Meetings**

- Next BWSR Meeting, January 22, St. Paul
- MAWD Annual Meeting, December 5-7, Alexandria
- MASWCD Annual Meeting, December 8-10, St. Paul
- AMC Annual Meeting, December 9-11, Duluth

**Adjourn**

# TEMPORARY PARKING PERMIT

**BWSR Meeting**
**One West Water Street**
**Lower Level Conference Room**
**DECEMBER 4, 2002**

Dispute Resolution Report
November 20, 2002

There are presently five appeals pending. All of the appeals involve WCA. None of the appeals are new since the last report of October 11.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The appeal is being held in abeyance pending further technical evaluation work.

Another appeal is of an exemption decision in Hennepin County. The appeal involves the Minnehaha Creek Watershed District's denial of an exemption request at Lake of the Isles by the Minneapolis Parks and Recreation Board. The appeal is in abeyance while further technical evaluation is completed.

Another appeal is of a replacement plan in the City of Albertville in Wright County. The appeal is in abeyance since it has been remanded to the city because a TEP was not held.

Another appeal is of a replacement plan denial in Stearn's County. The appeal involves a single family dwelling site near the Mississippi River. The appeal has been accepted, a pre-hearing was held and the appeal is in abeyance as settlement is explored.

Another appeal involves a wetland banking site in Chisago County. The appeal has been accepted and is being held in abeyance to see how the site develops.

ROSEAU COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

(FOR BOARD ACTION)

Roseau County has a Comprehensive Local Water Plan (CLWP) that was approved by the Minnesota Board of Water and Soil Resources (BWSR) at the March 25th 1998 board meeting. The CLWP update was approved with an effective end date of December 31, 2002. The Roseau County Board of Commissioners adopted the CLWP update by resolution in April of 1998.

The 1995 amendments to the Comprehensive Local Water Management Act, MS 103B.301, gave the authority to BWSR to grant extensions to counties for the purpose of extending the effective date of their water plans. These extensions must be requested in writing and cannot be for more than two years.

In December of 1999 the BWSR approved expectations for local water planning updates. Included in this document was a provision for coordinating local water planning with other planning efforts being conducted by other water management agencies and governments.

The Roseau County Board of Commissioners adopted a resolution on August 20, 2002, requesting a two-year extension to complete the Roseau County CLWP by December 31, 2004. The county is an active participant in other major watershed and basin planning efforts. The extension will allow the county to be more consistent with these other area planning efforts. Roseau County has also experienced staff turnover and subsequent office changes since the second-generation update.

BWSR guidelines will be used and staff assistance will continue to be made available to the CLWP staff as they proceed with the completion of the plan update. Board Conservationist Bill Best recommends approval of the Roseau County Local Water Plan extension request to December 31, 2004.

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

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In the Matter of Extending the Comprehensive Local Water Plan
For Roseau County (1995 Minnesota Session Law, Chapter 184,
Section 24, authorizing BWSR to grant extensions).

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Whereas, Roseau County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until December 31, 2002, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Roseau County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on August 20, 2002, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

## FINDINGS OF FACT

1. On October 25, 2002, the Board of Water and Soil Resources received a resolution from Roseau County requesting an extension of their Comprehensive Local Water Plan to December 31, 2004.
2. On November 1, 2002, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Roseau County.

## CONCLUSIONS

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

## ORDER

The Board of Water and Soil resources hereby approves the extension of the Roseau County Comprehensive Local Water Plan until December 31, 2004. Dated at St. Paul, Minnesota, this 4th day of December 2002.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Lee Coe, Chairperson
December 4, 2002

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

**December 2002 BWSR Board Agenda Item**

## KANDIYOHI COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Kandiyohi County has a Comprehensive Local Water Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources (BWSR) on December 20, 1995. Kandiyohi County submitted a written request for a two-year extension of its Plan on January 4, 2000. BWSR approved the Plan extension on February 23, 2000. Kandiyohi County submitted its third generation Plan to the BWSR on September 11, 2002. The ninety-day state agency final review process began on September 11, 2002, and ends on December 9, 2002.

On October 23, 2002, brief information regarding the Kandiyohi County Plan revision was provided to the BWSR Board for their review.

On November 6, 2002, the BWSR Board Water Plan Review Committee met in the City of Hutchinson with BWSR staff and representatives from Kandiyohi County to review and discuss the third generation ten-year Comprehensive Local Water Plan and the five-year Focus Plan.

For the December 4, 2002, BWSR Board meeting, two items have been provided for board member information. The first item is a copy of the Executive Summary section of the Kandiyohi County Plan, which briefly describes some major accomplishments in the past seven years and a brief outlook for the upcoming five years. The second item is an overview of the Kandiyohi County Plan, which provides background information.

BWSR staff has reviewed the Kandiyohi County Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Kandiyohi County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that Kandiyohi County is required to revise/update the five-year Focus Plan for 2008-2012.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at its December 4, 2002, meeting.

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

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In the Matter of Reviewing the Comprehensive Water Plan Update for **Kandiyohi 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

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**Whereas**, the Kandiyohi County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on January 2, 1996, under authority of Minnesota Statutes 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on December 20, 1995, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

**Whereas**, the Plan provided for updating in 2002 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

**Whereas**, the Kandiyohi County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 11, 2002, 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 January 5, 2000, the Board received from Kandiyohi County a resolution requesting an extension of their existing Comprehensive Water Plan.

3. On February 23, 2000, the Board approved the extension of the existing Kandiyohi County Comprehensive Plan until December 31, 2002. (The Board has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184 Section 24.)

4. On September 4, 2001, Kandiyohi County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.

5. In January 2002, Kandiyohi County made two informational presentations to and collected comments from the Kandiyohi Lakes Improvement Association and the Lake Florida Improvement Association.

6. Kandiyohi County held the public information meeting on January 29, 2002, for purposes of gaining public input into the Plan Update.

7. On May 31, 2002, Kandiyohi County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

8. On May 31, 2002, Kandiyohi County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

9. On August 13, 2002, Kandiyohi County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

10. On September 11, 2002, Kandiyohi County submitted its 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 M.S. 1990, Section 103B.315, Subd. 5.

11. On September 11, 2002, the Board distributed notification of the official 90-day state review and a copy of the Kandiyohi County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.

12. On October 23, 2002, brief information regarding the Kandiyohi County Plan Update was provided to the Board for their review.

13. **Individual Comments:** No individual written comments were received.

14. **County Response to Individual Comments:** Not applicable.

15. **Local Government Unit (LGU) Comments:** Written preliminary review comments were received during July and August of 2002 from the following: Chippewa River Watershed Project coordinator; Hawk Creek Watershed Project coordinator; Crow River Organization of Water Project coordinator; Kandiyohi County Soil and Water Conservation District.

16. **County Response to LGU Comments:** Kandiyohi County responded to each LGU in late August of 2002 and incorporated many of their recommendations, suggestions, corrections, and additions.

17. **Minnesota Department of Agriculture (MDA) Review:** MDA did provide written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MDA's 103B Technical Review Committee member reminding MDA of the final review period for Kandiyohi County's Plan Update and stated that final written comments had not been received from MDA. Final written comments dated October 28, 2002, were submitted to and received by the Board on November 7, 2002. MDA stated they had reviewed the Plan Update; wished to commend Kandiyohi County on the development of the Plan Update and on progress made in implementation of previous plans; appreciate the opportunity afforded the MDA in reviewing; look forward to cooperating with Kandiyohi County on the implementation of their Plan Update.

18. **Minnesota Department of Health (MDH) Review:** MDH did not provide any written preliminary review comments, but did provide input/information during the updating of data elements in the early stages of Plan Update development. On November 6, 2002, Board staff sent an e-mail to the MDH's 103B Technical Review Committee member reminding MDH of the final review period for Kandiyohi County's Plan Update and stated that final written comments had not been received from MDH. Final written comments dated November 1, 2002, were submitted to and received by the Board on November 7, 2002. MDH stated that there appears to be no inconsistencies with laws or regulations of the MDH; expectations regarding recognition of wellhead protection and source water protection have been adequately addressed; they support approval of the Plan Update.

19. **Minnesota Department of Natural Resources (DNR) Review:** DNR did provide written preliminary review comments on August 1, 2002. On November 6, 2002, Board staff sent an e-mail to the DNR's 103B Technical Review Committee member reminding DNR of the final review period for Kandiyohi County's Plan Update and stated that final written comments had not been received from DNR. Draft final comments were provided via e-mail on November 6, 2002. Final written comments dated November 18, 2002, were submitted to and received by the Board on November 19, 2002. DNR stated they reviewed revisions made and for the most part found them to be consistent with DNR's recommendations; requested that vegetative buffer strips be given more attention; see the emphasis on education in the Plan as very good; found that it is a very well thought out Plan; suggested that issues and targets be looked at again in five years; thanked the county for the opportunity to participate in the revision process; appreciated the consideration that has been given to DNR's recommendations.

20. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA did provide written preliminary review comments on July 17, 2002. On November 6, 2002, Board staff sent an e-mail to the MPCA's 103B Technical Review Committee member reminding MPCA of the final review period for Kandiyohi County's Plan Update and that final written comments had not been received from MPCA. E-mail response stated that final comments would be provided. Final written comments dated November 19, 2002, were received by the Board on November 20, 2002. MPCA stated they recommend that the Board give final approval of the Plan; have worked closely with Kandiyohi County during preparation of the Plan; are excited about the state-local partnership the Plan fosters; look forward to working further with Kandiyohi County; commend Kandiyohi County for a job well done.

21. **Minnesota State Planning Agency/Environmental Quality Board (EQB) Review:** EQB did provide written preliminary review comments on June 13, 2002. On November 6, 2002, Board staff sent an e-mail to the EQB's 103B Technical Review Committee member reminding EQB of the final review period for Kandiyohi County's Plan Update and that final written comments had not been received from EQB. No final written comments were provided.

22. **Minnesota Geological Survey (MGS) Review:** MGS did not provide any written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MGS's 103B Technical Review Committee member reminding MGS of the final review period for Kandiyohi County's Plan Update and that final written comments had not been received from MGS. No final written comments were provided.

23. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff attended Kandiyohi County's task force meetings during the months of March and April of 2002 when the Plan Update's implementation section was developed. On July 25, 2002, and August 6 and 7, 2002, Board staff met one-on-one with Kandiyohi County to review preliminary comments. On August 8, 2002, Board staff provided written preliminary comments on the Plan Update.

24. **County Response to State Agency Comments**: On August 21 and 28, 2002, Kandiyohi County made written responses to state agencies regarding the preliminary comments. In its final Plan Update submitted to the Board on September 11, 2002, Kandiyohi County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agencies' comments.

25. **Board Water Plan Review Committee Meeting:** On November 6, 2002, the Board committee met in Hutchinson, Minnesota with Board staff and representatives from Kandiyohi County to review and discuss the Plan Update. Those in attendance were Jerome Deal (watershed member), Victor Ormsby (SWCD member), Sharon Clark (MDA member), and Char Kahler (citizen member) of the Board; the Board's southern region supervisor Jeff Nielsen and board conservationist Thomas Fischer; water plan coordinator Jeff Bredberg, county commissioners Dennis Peterson and Harlan Madsen of Kandiyohi County; Doug Hanson (supervisor) and Mary Oslund (employee) of the Kandiyohi County Soil and Water Conservation District; Mathew Johnson and Michael Sharp of the Mid-Minnesota Development Commission (consultants). The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from Kandiyohi County on the planning process.

26. On November 6, 2002, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Kandiyohi County 2003-2012 ten-year Comprehensive Local Water Plan Update and 2003-2007 Focus Plan with the stipulation that Kandiyohi County is required to revise/update the five-year Focus Plan for 2008-2012.

## 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 Kandiyohi County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.

2. The Kandiyohi 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 Update as the Comprehensive Local Water Plan of Kandiyohi County. Dated at St. Paul, Minnesota, this 4th day of December, 2002.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Leland Coe, Chair

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

**December 2002 BWSR Board Meeting**

# OVERVIEW -- KANDIYOHI COUNTY THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN

## Background (Second Generation)

Development of the second generation Kandiyohi County Comprehensive Local Water Plan (Plan) began December 21, 1994, with the passing of a county resolution. On September 19, 1995, Kandiyohi County provided the Board of Water and Soil Resources (BWSR) with its updated Plan. BWSR approved the Plan on December 20, 1995. On January 2, 1996, the Kandiyohi County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2000.

## Plan Update (Third Generation)

On January 4, 2000, Kandiyohi County submitted a resolution to the BWSR requesting a two-year extension to its Plan. On February 23, 2000, the BWSR approved the extension. Kandiyohi County passed a resolution to update their Plan on September 4, 2001. The four counties of Kandiyohi, McLeod, Meeker, and Renville combined their resources and contracted with a private consultant to complete a total revision of each county's Plan. The consultant facilitated the process in coordination with the local water plan coordinator, water planning taskforce, and local/state/federal agency partners. After conducting the public information meeting and a number of taskforce meetings, Kandiyohi County completed the draft third generation Plan and began the preliminary sixty-day review on May 31, 2002. The public hearing was conducted on August 13, 2002. Kandiyohi County submitted its third generation Plan to BWSR on September 11, 2002, to initiate the required ninety-day final state agency review.

## County Description

Kandiyohi County is located in the central part of Minnesota approximately 60 miles west of Minneapolis-St. Paul. There are 22 townships and 12 cities within the county. The City of Willmar is the county seat. Kandiyohi County contains 551,482 acres, of which approximately 68 percent is agricultural land. Primary crops are those of a cash grain operation—corn, soybeans, small grain, and sugar beets. The vast majority of land in the county (97.3 percent) is privately owned. Kandiyohi County's population in 2000 was 41,203 as compared to 38,761 in 1990.

Four major highways are located in Kandiyohi County. U.S. Highway 71 is the major north - south corridor. State Highways 7 and 9 and U.S Highway 12 are the major east - west corridors. State Highway 23 is the major northeast – southwest corridor. Surface water is in five main watersheds: Chippewa River and Hawk Creek (covering 404 square miles), which are part of the Minnesota River Drainage Basin; South Fork of the Crow River, Middle Fork of the Crow River, and North Fork of the Crow River (covering 457 square miles), which are part of the Mississippi River Drainage Basin. There are several Clean Water Partnership and watershed projects taking place within Kandiyohi County, most of which began in 1999.

## Plan Update Review

The third generation Plan reflects current conditions and trends within Kandiyohi County. Major trends include population growth and development pressures in the northern half of Kandiyohi County (less agricultural, more recreational and lakes), continued focus of agricultural production in the southern half of Kandiyohi County, and the overall increasing concern for water quality and quantity. To address these issues, Kandiyohi County has developed a focused, five-year implementation Plan to address the following watershed priority issues.

- Shoreland management
- Wetland preservation and restoration
- Sediment and erosion control
- Development, waste water and storm water
- Plan administration

Requirements under Minnesota Statutes 1990, 103B, have been addressed. They include wellhead protection, sensitive groundwater areas, and wetland prioritization. BWSR established expectations regarding the third generation water plan update. They include an active taskforce; summary of progress (executive summary); establishing a watershed context; reflecting current and future trends; source water; storm water; flood damage reduction; drainage; lakes; wetlands; plan prioritizing. These have been addressed. Kandiyohi County continues to coordinate water plan activities with the numerous watershed projects underway.

BWSR staff has participated with Kandiyohi County and its consultant throughout the revision process attending task force meetings, one-on-one meetings, and other communications. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Kandiyohi County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the Kandiyohi County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that Kandiyohi County is required to revise/update the Focus Plan for 2008-2012.

## Executive Summary

Kandiyohi County adopted the original Comprehensive Local Water Management Plan (CLWP) in December 1991. The first revision was completed by December 1995, and became effective January 1996, with an end date of December 31, 2001. The second revision of the Water Plan was to be completed by December 31, 2000, and effective January 1, 2001, but Kandiyohi County requested, and was granted, a two-year extension from the Board of Water and Soil Resources. The extension was requested based on numerous watershed projects already underway. This third generation Water Plan will be for the time period of January 2003, through December 2012 (ten years).

This third generation Plan is organized and divided into six chapters. Chapter one is the introduction. Chapters two through four include the fifty-five data items required in the Plan. These three chapters are broken down further to include Kandiyohi County's Physical Environment, Land Use and Development, Hydrologic Inventory of Kandiyohi County and Kandiyohi County's Special Land Uses and Conditions. Chapter five, which probably is the most important section of the Plan, identifies goals, objectives and actions pertaining to issues and concerns related to water issues in the County. Chapters six provides details on plan administration.

The CLWP is reviewed by the Water Planning Task Force (WPTF), which sets priorities annually for the upcoming year when the Natural Resource Block Grant (NRBG) is submitted to the BWSR by the Water Planning Coordinator. The Work Plan, as prepared by the Water Planning Coordinator, incorporates all the priorities set forth by the WPTF. The 20-member task force meets quarterly and is appointed by the County Board. Each member shall serve on the task force for no more than a maximum of eight years. The task force represents a wide spectrum of individuals and businesses who are interested in water related activities in Kandiyohi County.

The WPTF implemented a cost share program for individuals and organizations requesting funds to implement projects related to surface and ground water issues. Applicants requesting cost share funds present their project(s) to the WPTF, the task force then gives their recommendation to the County Board for a final decision. In the past, most of the requests for cost share funds came from individual lake associations. In the last few years more and more requests for cost share funds have came from watershed groups. Counties, government agencies, as well as lake associations are working cooperatively with one another in addressing concerns on water quality and quantity management activities inside and outside of Kandiyohi County's boundaries. These partnerships further strengthen our goals in addressing our concerns on water issues by providing additional finances and manpower to implement projects, sharing information, and avoiding duplication of certain tasks. Thus, increasing the efficiency and effectiveness of water planning and implementation.

Kandiyohi County is actively involved and is working cooperatively with other counties on three large watershed projects, the Chippewa River Watershed Project, Hawk Creek Watershed Project, and the Crow River Watershed Project. The three Watershed Projects encompass all of Kandiyohi County. Each of the watershed projects is in various stages of their MPCA Clean

Water Partnership Grants. The Chippewa River Watershed Project and the Hawk Creek Watershed Project are currently in MPCA Phase II Implementation, while the Crow River Watershed Project is a MPCA Phase I Diagnostic/Feasibility Study.

Other ongoing watershed projects in the County include the Diamond Lake Project, Upper Shakopee Watershed Project (USWP) and the Green Lake & Middle Fork Crow River Watershed Project (GLMFCRWP). The USWP includes the lakes of: Games, Norway, Andrew and Florida. The GLMFCRWP includes the lakes of: Green, Monongalia, Calhoun, Long, Nest, George, and Elkhorn. The Diamond Lake Project and GLMFCRWP are funded through a MPCA Clean Water Partnership Grant with cash and/or in-kind services provided by the County, Lake Associations, government agencies, and municipalities.

In 1999, a Wetland Restoration Project installed by the Willmar Senior High School was nominated by the WPTF and was awarded by the Board of Water and Soil Resources as the 1999 Local Water Plan Project of the Year. This Wetland Restoration Project provided wildlife habitat, educational opportunities to students and water quality benefits to nearby Willmar and Foot Lake. Numerous partners provided financial and technical assistance to complete this project.

Many CLWP actions have been accomplished or are being actively pursued in Kandiyohi County. Kandiyohi County has supported and allocated cash and/or in-kind services for the following activities:

**Education & Information**

- Conservation Credit Initiative Program, 1996.
- Seminar held by COLA, 1997.
- University of Minnesota, Jeff Lopez, Manure Management Program, 1997, 1998, 1999.
- Prairie Woods Environmental Learning Center, purchased educational equipment, 1997.
- Eagle Lake Management Plan, 1997.
- Kandiyohi County Area Conservation Association, educational equipment, 1998.
- Kandiyohi County purchased water test monitoring equipment for area lake assn., 1998.
- Member MRJPB, 1999, 2000.
- New London-Spicer School, Wolf Ridge Learning Center, 2000.
- Kandiyohi County Lakes Improvement Assn., Eurasian Millfoil. 2001.

**Inventory & Mapping**

- Abandoned well inventory.
- Kandiyohi County Environmental Service Office purchased G.I.S. system, 1998.
- MPCA Level I & Level II Feedlot Inventory.

## Monitoring & Data Collection

- Middle Crow River Lakes Association, water testing, 1996, 1999.
- Upper Shakopee River, water testing, 1997, 1998, 2000.
- Chippewa River Watershed Project, MPCA Phase I Study, 1997, 1998.
- Crow River Watershed, Phase I Study, 2001.
- Green Lake Property Owners Association, water testing, 1997.
- Hawk Creek River Watershed Project, MPCA Phase I, 1999, 2000.
- Kandiyohi SWCD, Department of Agriculture Groundwater Study, 1999.
- Upper Shakopee Watershed, Minnesota River Grant, 2000.
- Middle Fork Crow River Lake Association, MPCA Phase I, 2000, 2001.
- Eagle Lake, water testing and sampling, 2001.

## Land & Water Treatment

- Sealing Abandoned Well Program (1996, 1997, 1998, 1999, 2000, 2001).
- Nest Lake, Weed Cutter Program.
- Kandiyohi County, Aeration Program (1996, 1997, 1998, 1999, 2000, 2001).
- Middle Fork Crow River Lake Association, installed data logger.
- Installed waterways and terraces at J & J Farms, Inc.
- Tree program to stabilize shoreland areas, 1997.
- A sheet pile structure was installed at inlet of Norway Lake, 1997.
- Eagle Lake, wetland cleanout, 1997.
- Diamond Lake, MPCA Phase II Project, 1997, 1998, 1999, 2000.
- Willmar Senior High, erosion control, Wetland Restoration Project, 1998.
- Norway Lake, reroute tile system for water quality benefits, 1998.
- Roseland Township, stabilize ditch bank, 1998.
- Kandiyohi County SWCD, Grass Lake Project, 1999.
- Schafer, water control structure, 1999.
- Norway Lake, channel stabilization, 2000.
- Prairie Woods Environmental Learning Center, erosion control, 2000.
- Lake Elizabeth, Erosion Project, 2000.
- Provide financial (State Revolving Funds, Grants) and technical assistance for upgrading failing septic systems.
- Upper Shakopee River Watershed Project, Phase II, 2001.
- Chippewa River Watershed Project, Phase II, 2001.
- Hawk Creek Watershed Project, Phase II, 2001.

## Regulation & Planning

- Member Joint Powers Board (Kandiyohi, McLeod, Meeker and Renville County).
- Member on Highway 23 Steering Committee.
- MPCA delegated County for administering Feedlot Program.
- Administer Minnesota Wetland Conservation Act.

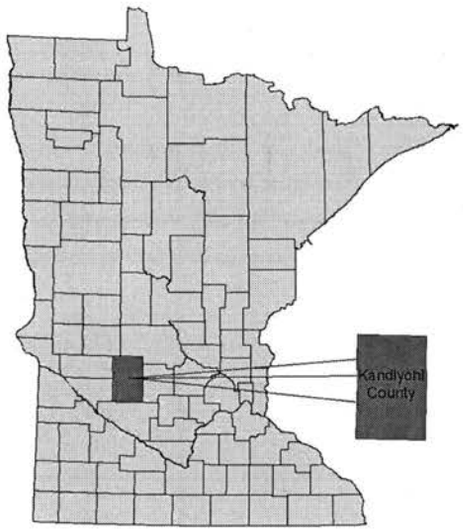
This second generation CLWP has provided many challenges and opportunities for the WPTF and the County as shown above by the list of completed and ongoing accomplishments. The scope of projects in the past emphasized personal agendas concerning water issues on particular projects or individual lakes. Water planning concerns and issues have expanded and focused on a broad scale implementing projects and educating people in a particular watershed. By broadening the scope of work, watershed projects tend to be all encompassing, limiting staff time and requiring more funds to implement and accomplish certain projects, goals and objectives.

On January 29, 2002, the Kandiyohi County WPTF held a public informational meeting regarding the revision and update of the water plan. This meeting provided the public and all local governmental units, as well as State agencies, an opportunity to present information and concerns about water-related issues that they believed should be considered in the revision of the water plan. Based upon issues discussed at the informational meeting, the WPTF established goals, objectives and action items for the Ten Year Implementation Plan. The WPTF also identified five high priority goals to be achieved within the next five years for the protection and management of water and land resources. The high priority goals, which comprise the Five Year Focus Plan, consist of the following objectives:

- Decrease the nutrient and sediment concentration of surface water to the 50 th percentile of the North Central Hardwood Forests and Western Corn Belt Plains Ecoregion.
- Through education and regulation, preserve existing wetlands within the County.
- Provide educational and technical assistance to landowners to restore 1,250 acres of wetlands within the County.
- Through education and regulation, ensure proper rural and urban stormwater management.
- Provide educational and technical assistance to landowners and cities to ensure the compliance of ISTSs and municipal wastewater treatment facilities.
- Through education and regulation, protect shoreland areas within the County.
- Provide opportunities for the general public to become informed on water resource management and the Water Plan.
- Improve communication and cooperation between Federal, State and local agencies and groups.

The updated third generation Comprehensive Local Water Plan, following BWSR approval, will be officially adopted by the Kandiyohi County Board of Commissioners in January of 2003. This revised plan will serve to guide water planning through the year 2012. During this time, opportunities will exist to amend goals, objectives and the work plan, as needed, to incorporate new data and address issues as they emerge. Kandiyohi County will continue to build on its past accomplishments and encourage new programs and opportunities for the effective management and protection of its water and land resources.

**Where in the world is Kandiyohi County?**



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

**December 2002 BWSR Board Agenda Item**

## MCLEOD COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

McLeod County has a Comprehensive Local Water Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources (BWSR) on May 22, 1996. McLeod County submitted a written request for a two-year extension of its Plan on January 21, 2000. BWSR approved the Plan extension on February 23, 2000. On September 11, 2002, McLeod County submitted its third generation Plan to the BWSR. The ninety-day state agency final review process began on September 11, 2002, and ends on December 9, 2002.

On October 23, 2002, brief information regarding the McLeod County Plan revision was provided to the BWSR Board for their review.

On November 7, 2002, the BWSR Board Water Plan Review Committee met in the City of Hutchinson with BWSR staff and representatives from McLeod County to review and discuss the third generation ten-year Comprehensive Local Water Plan and the five-year Focus Plan.

For the December 4, 2002, BWSR Board meeting, two items have been provided for board member information. The first item is a copy of the Executive Summary section of the McLeod County Plan, which briefly describes some major accomplishments in the past seven years and a brief outlook for the upcoming five years. The second item is an overview of the McLeod County Plan, which provides background information.

BWSR staff has reviewed the McLeod County Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the McLeod County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that McLeod County is required to revise/update the five-year Focus Plan for 2008-2012.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at its December 4, 2002, meeting.

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

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In the Matter of Reviewing the Comprehensive Water Plan Update for **McLeod 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

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**Whereas**, the McLeod County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on August 6, 1996, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on May 22, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

**Whereas**, the Plan provided for updating in 2002 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

**Whereas**, the McLeod County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 11, 2002, 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 9, 1999, McLeod County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.

3. On January 21, 2000, the Board received from McLeod County a resolution requesting an extension of their existing Comprehensive Water Plan.

4. On February 23, 2000, the Board approved the extension of the existing McLeod County Comprehensive Plan until December 31, 2002. (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)

5. McLeod County held a public information meeting on January 22, 2002, for purposes of gaining public input into the Plan Update.

6. On May 31, 2002, McLeod County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

7. On May 31, 2002, McLeod County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

8. On August 14, 2002, McLeod County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

9. On September 11, 2002, McLeod County submitted its 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 M.S. 1990, Section 103B.315, Subd. 5.

10. On September 11, 2002, the Board distributed notification of the official 90-day state review and a copy of the McLeod County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.

11. On October 23, 2002, brief information regarding the McLeod County Plan Update was provided to the Board for their review.

12. **Individual Comments:** No individual written comments were received.

13. **County Response to Individual Comments:** Not applicable.

14. **Local Government Unit (LGU) Comments:** Written preliminary review comments were received during July and August of 2002 from the following: High Island Creek Watershed Project coordinator; Crow River Organization of Water Project coordinator; McLeod County Solid Waste Management director; Sibley County local water plan coordinator; McLeod County Soil and Water Conservation District.

15. **County Response to LGU Comments:** On August 21, 2002, McLeod County responded to each LGU and incorporated many of their recommendations, suggestions, corrections, and additions.

16. **Minnesota Department of Agriculture (MDA) Review:** MDA did not provide written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MDA's 103B Technical Review Committee member reminding MDA of the final review period for McLeod County's Plan Update and stated that final written comments had not been received from MDA. Final written comments dated October 28, 2002, were submitted to and received by the Board on November 7, 2002. MDA stated they had reviewed the Plan Update; wished to commend McLeod County on the development of the Plan Update and on progress made in implementation of previous plans; appreciate the opportunity afforded the MDA in reviewing; look forward to cooperating with McLeod County on the implementation of their Plan Update.

17. **Minnesota Department of Health (MDH) Review:** MDH did not provide any written preliminary review comments, but did provide input/information during the updating of data elements in the early stages of Plan Update development. On November 6, 2002, Board staff sent an e-mail to the MDH's 103B Technical Review Committee member reminding MDH of the final review period for McLeod County's Plan Update and stated that final written comments had not been received from MDH. Final written comments dated November 1, 2002, were submitted to and received by the Board on November 7, 2002. MDH stated that there appears to be no inconsistencies with laws or regulations of the MDH; expectations regarding recognition of wellhead protection and source water protection have been adequately addressed; they support approval of the Plan Update.

18. **Minnesota Department of Natural Resources (DNR) Review:** DNR did provide written preliminary review comments on July 19, 2002. On November 6, 2002, Board staff sent an e-mail to the DNR's 103B Technical Review Committee member reminding DNR of the final review period for McLeod County's Plan Update and stated that final written comments had not been received from DNR. Final written comments dated November 1, 2002, were submitted to and received by the Board on November 6, 2002. DNR stated they found the Plan Update to be consistent with state law; apologized for their late response; appreciated the opportunity to provide a liaison to provide input; appreciated McLeod County's willingness to incorporate DNR's recommendations and comments.

19. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA did provide written preliminary review comments on July 17, 2002. On November 6, 2002, Board staff sent an e-mail to the MPCA's 103B Technical Review Committee member reminding MPCA of the final review period for McLeod County's Plan Update and that final written comments had not been received from MPCA. An e-mail response stated that final comments would be provided. Final written comments dated November 19, 2002, were received by the Board on November 20, 2002. MPCA stated they recommend that the Board give final approval of the Plan; have worked closely with McLeod County during preparation of the Plan; are excited about the state-local partnership the Plan fosters; look forward to working further with McLeod County; commend McLeod County for a job well done.

20. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** EQB did provide written preliminary review comments on June 13, 2002. On November 6, 2002, Board staff provided an e-mail to the EQB's 103B Technical Review Committee member reminding EQB of the final review period for McLeod County's Plan Update and that final written comments had not been received from EQB. No final written comments were provided.

21. **Minnesota Geological Survey (MGS) Review:** MGS did not provide any written preliminary review comments. On November 6, 2002, Board staff provided an e-mail to the MGS's 103B Technical Review Committee member reminding MGS of the final review period for McLeod County's Plan Update and that final written comments had not been received from MGS. No final written comments were provided.

22. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff attended McLeod County's task force meetings during the months of March and April of 2002 when the Plan Update's implementation section was developed. On July 25, 2002, and August 5 and 7, 2002, Board staff met one-on-one with McLeod County to review preliminary comments. On August 8, 2002, Board staff provided written preliminary comments on the Plan Update.

23. **County Response to State Agency Comments**: On August 21, 2002, McLeod County made written responses to state agencies regarding the preliminary comments. In its final Plan Update submitted to the Board on September 11, 2002, McLeod County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agencies' comments.

24. **Board Water Plan Review Committee Meeting:** On November 7, 2002, the Board committee met in Hutchinson, Minnesota with Board staff and representatives from McLeod County to review and discuss the Plan Update. Those in attendance were Jerome Deal (watershed member), Victor Ormsby (SWCD member), Sharon Clark (MDA member), and Char Kahler (citizen member) of the Board; the Board's southern region supervisor Jeff Nielsen and board conservationist Thomas Fischer; water plan coordinator Roger Berggren and county commissioner Grant Knutson of McLeod County; Carlie Karg (supervisor) of the McLeod County Soil and Water Conservation District; Mathew Johnson and Michael Sharp of the Mid-Minnesota Development Commission (consultants). The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from McLeod County on the planning process.

25. On November 6, 2002, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the McLeod County 2003-2012 ten-year Comprehensive Local Water Plan Update and 2003-2007 Focus Plan with the stipulation that McLeod County is required to revise/update the five-year Focus Plan for 2008-2012.

## 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 McLeod County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.

2. The McLeod 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 Update as the Comprehensive Local Water Plan of McLeod County. Dated at St. Paul, Minnesota, this 4th day of December, 2002.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

BY: _____
Leland Coe, Chair

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

**December 2002 BWSR Board Meeting**

# OVERVIEW -- MCLEOD COUNTY THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN

## Background (Second Generation)

Development of the second generation McLeod County Comprehensive Local Water Plan (Plan) began November 29, 1994, with the passing of a county resolution. On November 29, 1995, the Board of Water and Soil Resources (BWSR) received from McLeod County a resolution requesting an extension of their existing Plan (due to expire on December 31, 1995) to allow adequate time to complete the updating process (specifically the 90-day state agency review). On November 30, 1995, McLeod County provided the BWSR with its updated Plan. On December 20, 1995, the BWSR approved extending the existing Plan until December 31, 1996. On May 22, 1996, BWSR approved the second generation Plan. On August 6, 1996, the McLeod County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2000.

## Plan Update (Third Generation)

McLeod County passed a resolution to update their Plan on September 7, 1999. On January 21, 2000, McLeod County submitted a resolution to the BWSR requesting a two-year extension to its Plan. On February 23, 2000, the BWSR approved the extension. The four counties of Kandiyohi, McLeod, Meeker, and Renville combined their resources and contracted with a private consultant to complete a total revision of each county's Plan. The consultant facilitated the process in coordination with the local water plan coordinator, water planning taskforce, and local/state/federal agency partners. After conducting the public information meeting and a number of taskforce meetings, McLeod County completed the draft third generation Plan and began the preliminary sixty-day review on May 31, 2002. The public hearing was conducted on August 14, 2002. McLeod County submitted its third generation Plan to BWSR on September 11, 2002, to initiate the required ninety-day final state agency review.

## County Description

McLeod County is located in the south-central part of Minnesota approximately 40 miles west of Minneapolis-St. Paul. There are 14 townships and 9 cities within the county. The City of Glencoe is the county seat. McLeod County contains 323,443 acres of which approximately 79 percent is agricultural land. Primary crops are those of a cash grain operation—corn, soybeans, small grain, and sugar beets. The vast majority of land in the county (98.8 percent) is privately owned. McLeod County's population in 2000 was 34,898 as compared to 32,030 in 1990.

Four major highways are located in McLeod County. State Highway 15 is the major north - south corridor. State Highways 7 and U.S Highway 212 are the major east - west corridors. State Highway 22 is the major southeast - northwest corridor. Surface water is in three main watersheds: South Fork of the Crow River and North Fork of the Crow River (covering 442 square miles), which are part of the Mississippi River Drainage Basin; High Island Creek (covering 63 square miles), which is part of the Minnesota River Drainage Basin. There are several Clean Water Partnership and watershed projects taking place within McLeod County, most of which began in 1999.

## Plan Update Review

The third generation Plan reflects current conditions and trends within McLeod County. Major trends include population growth and development pressures, agricultural production, and the overall increasing concern for water quality and quantity. To address these issues, McLeod County has developed a focused, five-year implementation Plan to address the following watershed priority issues.

- Sediment and erosion control
- Wetland preservation and restoration
- Waste water and storm water
- Manure management
- Agricultural drainage
- Septic Systems (ISTSs)

Requirements under Minnesota Statutes 1990, Section 103B have been addressed. They include wellhead protection, sensitive groundwater areas, and wetland prioritization. BWSR established expectations regarding the third generation water plan update. They include an active taskforce; summary of progress (executive summary); establishing a watershed context; reflecting current and future trends; source water; storm water; flood damage reduction; drainage; lakes; wetlands; plan prioritizing. These have been addressed. McLeod County continues to coordinate water plan activities with the numerous watershed projects underway.

BWSR staff has participated with McLeod County and its consultant throughout the revision process attending task force meetings, one-on-one meetings, and other communications. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of McLeod County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the McLeod County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that McLeod County is required to revise/update the five-year Focus Plan for 2008-2012.

## Executive Summary

In 1989 the McLeod County Board of Commissioners adopted a resolution to develop a Comprehensive Local Water Plan according to Minnesota Statutes 110B. The Plan was to serve two purposes. The first was to identify existing and potential problems and opportunities for the protection, management and development of water and related land resources. The second purpose was to develop goals, objectives and a work plan to implement programs and strategies to promote the sound management of water and land resources for effective environmental protection. The plan focused on surface water, groundwater, related land resources and land use. The original Comprehensive Local Water Plan was approved by the Board of Soil and Water Resources (BWSR) and officially adopted by the McLeod County Board of Commissioners in 1991.

McLeod County revised the Comprehensive Local Water Plan in 1996 and updated the Plan's goals, objectives and action items. In 2002, McLeod County will once again reflect on the potential problems and opportunities for the protection and management of water and land resources. This "third generation" revision will consist of a complete rewrite of the original Water Plan and will build on past accomplishments and events to guide future planning. The Plan will now be updated on or before ten years. The effective date of this version will be from January 2003 to December 31, 2012.

The following are major accomplishments over the last six years:

- McLeod County took the lead to setting up the Crow River Joint Powers Organization that includes all ten counties in the watershed. This provides a watershed basis for water quality improvement projects.

- A new county ISTS Ordinance was developed and implemented that will improve and protect surface and ground water.

- A Coalition of Lake Associations was formed that includes three (3) of the Lake Associations. This will be a good resource for surface water quality improvement projects.

- Became a Delegated Feedlot County in order to assist and educate livestock producers in protecting surface water from manure runoff.

- Enhanced surface water quality by establishing setbacks, through a County Feedlot Ordinance, for manure spreading around sensitive surface water areas.

- Promoted safe drinking water by working with the Minnesota Department of Health and the County Public Health on a yearly well testing program.

- Continued and expanded a water quality monitoring program on lakes and streams.

- Enhanced the protection of surface and ground water by working with the U of M Extension Service on a yearly pesticide container collection program.

- Promoted an educational program on surface and ground water to County residents through radio, newspaper, and informational meetings in cooperation with other departments.

- Established a separate Environmental Services Department with support staff to promote and carry out goals and objectives of the Water Plan.

- Promoted a GIS program in the County to identify and keep track of County ditches and feedlots. This will be an important tool for assessing surface water quality and identifying problem areas.

The County has been successful in achieving its goals and objectives identified in the Water Plan. The County has maintained a County Environmentalist position and has expanded that position to a department with support staff to protect the water quality in the County. The County has updated and made ordinances more restrictive than State requirements, to help protect both surface and ground water. McLeod County is an agricultural County with development pressures from both sides of the County. Both agricultural and development issues are reviewed for impacts to water quality. The County has had some success in reaching its goals and objectives in the Water Plan. The limiting factors in fully achieving the goals and objectives of the Water Plan have been available staff and funding.

On January 22, 2002, the McLeod County Water Plan Task Force held a public informational meeting regarding the revision and update of the water plan. This meeting provided the public and all local governmental units, as well as State agencies, an opportunity to present information and concerns about water-related issues that they believed should be considered in the revision of the water plan. Based upon issues discussed at the informational meeting, the Water Plan Task Force established goals, objectives and action items for the Ten Year Implementation Plan. The Water Plan Task Force also identified four high priority goals to be achieved within the next five years for the protection and management of water and land resources. The high priority goals, which comprise the Five Year Focus Plan, consist of the following objectives:

- Decrease the nutrient and sediment concentration of surface water to the 50 th percentile of the Western Corn Belt Plains and North Central Hardwood Forests Ecoregions.

- Through education and regulation, reduce the nutrient and sediment concentration of runoff from agricultural land.

- Through education and regulation, reduce the water quality impacts associated with increasing development.

- Through education and regulation, preserve existing wetlands within the County.

- Provide educational and technical assistance to landowners to restore 100 acres of wetlands within the County.

- Bring 60 failing ISTSs into compliance per year.

- Provide opportunities for the public to become informed on water resource management and the Water Plan.

- Improve communication and cooperation between Federal, State and local agencies and groups.

The updated third generation Comprehensive Local Water Plan, following BWSR approval, will be officially adopted by the McLeod County Board of Commissioners in January of 2003. This revised plan will serve to guide water planning through the year 2012. During this time, opportunities will exist to amend goals, objectives and the work plan, as needed, to incorporate new data and address issues as they emerge. McLeod County will continue to build on its past accomplishments and encourage new programs and opportunities for the effective management and protection of its water and land resources.

During the next ten years the Environmental Services Department will continue to provide direction and leadership in implementing the goals and objectives of the Water Plan. Greater emphasis will be placed on working from a watershed basis and with other counties in the watershed. This will be a change from only looking at a problem from the continued perspective. The Environmental Services Department will continue to administer State environmental programs. These programs include feedlots, ISTS, wetlands, and shoreland. Successful administration of these programs will be a priority of the County and a means of accomplishing some of the goals of the Water Plan.

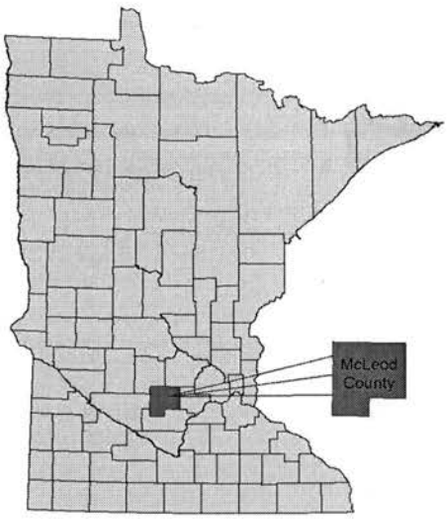
As more water data is collected and/or becomes available the County will continue to maintain a database and share this data with other counties and agencies. The County will continue to monitor and assist in the collection of data. GIS will become more of an important tool in storing and analyzing this data. The feedlot inventory has already been put onto GIS and more information is planned, such as well testing information or identification of sensitive land areas in the County.

The County will continue to promote Countywide recycling and hold collection days for waste and pesticides.

Wetland preservation and restoration has been identified as a major goal in the Water Plan. Work will continue to improve and increase the wetland acreage through voluntary and agency funded incentives.

To accomplish the goals and objectives that have been put into the Water Plan, the County will need to coordinate with all agencies and water organizations. The County will need to be the lead agency in bringing all the agencies and water organizations together. Another vital component that is needed is a continuing educational program. The County will need to keep the public informed and educated on water quality issues and ways to improve or avoid problems. Informational handouts, meetings and demonstrations will be used as a means of education. The Environmental Services Department will need to maintain adequate funding through the resource Block Grants and other funding sources to help make the Water Plan a successful plan.

**Where in the world is McLeod County?**



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

**December 2002 BWSR Board Agenda Item**

## MEEKER COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Meeker County has a Comprehensive Local Water Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources (BWSR) on June 26, 1996. Meeker County submitted a written request for an extension of its Plan on December 19, 2000. BWSR approved the Plan extension on January 24, 2001. The Plan was extended until December 31, 2002. Meeker County submitted its third generation Plan to the BWSR on September 11, 2002. The ninety-day state agency final review process began on September 11, 2002, and ends on December 9, 2002.

On October 23, 2002, brief information regarding the Meeker County Plan revision was provided to the BWSR Board for their review.

On November 7, 2002, the BWSR Board Water Plan Review Committee met in the City of Hutchinson with BWSR staff and representatives from Meeker County to review and discuss the third generation ten-year Comprehensive Local Water Plan and the five-year Focus Plan.

For the December 4, 2002, BWSR Board meeting, two items have been provided for board member information. The first item is a copy of the Executive Summary section of the Meeker County Plan, which briefly describes some major accomplishments in the past seven years and a brief outlook for the upcoming five years. The second item is an overview of the Meeker County Plan, which provides background information.

BWSR staff has reviewed the Meeker County Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Meeker County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that Meeker County is required to revise/update the five-year Focus Plan for 2008-2012.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at its December 4, 2002, meeting.

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

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In the Matter of Reviewing the Comprehensive Water Plan Update for **Meeker 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

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**Whereas**, the Meeker County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on July 18, 1996, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on June 26, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

**Whereas**, the Plan provided for updating in 2002 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

**Whereas**, the Meeker County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 11, 2002, 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 December 21, 2000, the Board received from Meeker County a resolution requesting an extension of their existing Comprehensive Water Plan.

3. On January 24, 2001, the Board approved the extension of the existing Meeker County Comprehensive Plan until December 31, 2002. (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)

4. On August 14, 2001, Meeker County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.

5. Meeker County held a public information meeting on February 5, 2002, for purposes of gaining public input into the Plan Update.

6. On May 31, 2002, Meeker County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

7. On May 31, 2002, Meeker County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

8. On August 15, 2002, Meeker County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

9. On September 11, 2002, Meeker County submitted its 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 M.S. 1990, Section 103B.315, Subd. 5.

10. On September 11, 2002, the Board distributed notification of the official 90-day state review and a copy of the Meeker County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.

11. On October 23, 2002, brief information regarding the Meeker County Plan Update was provided to the Board for their review.

12. **Individual Comments:** No individual written comments were received.

13. **County Response to Individual Comments:** Not applicable.

14. **Local Government Unit (LGU) Comments:** Written preliminary review comments were received during July and August of 2002 from the Crow River Organization of Water Project coordinator.

15. **County Response to LGU Comments:** Meeker County responded to the LGU on August 21, 2002 and incorporated many of their recommendations, suggestions, corrections, and additions.

16. **Minnesota Department of Agriculture (MDA) Review:** MDA did not provide written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MDA's 103B Technical Review Committee member reminding MDA of the final review period for Meeker County's Plan Update and stated that final written comments had not been received from MDA. Final written comments dated October 28, 2002, were submitted to and received by the Board on November 7, 2002. MDA stated they had reviewed the Plan Update; wished to commend Meeker County on the development of the Plan Update and on progress made in implementation of previous plans; appreciate the opportunity afforded the MDA in reviewing; look forward to cooperating with Meeker County on the implementation of their Plan Update.

17. **Minnesota Department of Health (MDH) Review:** MDH did not provide any written preliminary review comments, but did provide input/information during the updating of data elements in the early stages of Plan Update development. On November 6, 2002, Board staff sent an e-mail to the MDH's 103B Technical Review Committee member reminding MDH of the final review period for

Meeker County's Plan Update and stated that final written comments had not been received from MDH. Final written comments dated November 1, 2002, were submitted to and received by the Board on November 7, 2002. MDH stated that there appears to be no inconsistencies with laws or regulations of the MDH; expectations regarding recognition of wellhead protection and source water protection have been adequately addressed; they support approval of the Plan Update.

18. **Minnesota Department of Natural Resources (DNR) Review:** DNR did provide written preliminary review comments on July 19, 2002. On November 6, 2002, Board staff sent an e-mail to the DNR's 103B Technical Review Committee member reminding DNR of the final review period for Meeker County's Plan Update and stated that final written comments had not been received from DNR. Final written comments dated November 21, 2002, were submitted to and received by the Board on November 21, 2002. DNR stated they reviewed the Plan Update and found it to be consistent with state law; apologize for their late response; appreciated the opportunity to participate in the updating; appreciated Meeker County's willingness to consider DNR's recommendations and comments; look forward to working with Meeker County in implementation of the Plan Update.

19. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA did provide written preliminary review comments on July 17, 2002. On November 6, 2002, Board staff sent an e-mail to the MPCA's 103B Technical Review Committee member reminding MPCA of the final review period for Meeker County's Plan Update and that final written comments had not been received from MPCA. E-mail response said final comments would be provided. Final written comments dated November 19, 2002, were submitted to and received by the Board on November 20, 2002. MPCA stated they recommend that the Board give final approval of the Plan; have worked closely with Meeker County during preparation of the Plan; are excited about the state-local partnership the Plan fosters; look forward to working further with Meeker County; commend Meeker County for a job well done.

20. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** EQB did provide written preliminary review comments on June 13, 2002. On November 6, 2002, Board staff sent an e-mail to the EQB's 103B Technical Review Committee member reminding EQB of the final review period for Meeker County's Plan Update and that final written comments had not been received from EQB. No final written comments were provided.

21. **Minnesota Geological Survey (MGS) Review:** MGS did not provide any written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MGS's 103B Technical Review Committee member reminding MGS of the final review period for Meeker County's Plan Update and that final written comments had not been received from MGS. No final written comments were provided.

22. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff attended Meeker County's task force meetings during the months of March and April of 2002 when the Plan Update's implementation section was developed. On July 25, 2002, August 5 and 7, 2002, Board staff met one-on-one with Meeker County to review preliminary comments. On August 8, 2002, Board staff provided written preliminary comments on the Plan Update.

23. **County Response to State Agency Comments**: On August 21, 2002, Meeker County made written responses to state agencies regarding the preliminary comments. In its final Plan Update submitted to the Board on September 11, 2002, Meeker County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agencies' comments.

24. **Board Water Plan Review Committee Meeting:** On November 7, 2002, the Board committee met in Hutchinson, Minnesota with Board staff and representatives from Meeker County to review and discuss the Plan Update. Those in attendance were Jerome Deal (watershed member), Victor Ormsby (SWCD member), Sharon Clark (MDA member), and Char Kahler (citizen member) of the Board; the Board's southern region supervisor Jeff Nielsen and board conservationist Thomas Fischer; county administrator Paul Virnig, water plan coordinator Jan Manley, county commissioners Ron Kutzke and Hugh Wagner of Meeker County; David Schwartz of the Meeker County Extension Office; Chuck Rick (employee) of the Meeker County Soil and Water Conservation District; Mathew Johnson and Michael Sharp of the Mid-Minnesota Development Commission (consultants). The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from Meeker County on the planning process.

25. On November 7, 2002, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Meeker County 2003-2012 ten-year Comprehensive Local Water Plan Update and 2003-2007 Focus Plan with the stipulation that Meeker County is required to revise/update the five-year Focus Plan for 2008-2012.

## 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 Meeker County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.

2. The Meeker 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 Update as the Comprehensive Local Water Plan of Meeker County. Dated at St. Paul, Minnesota, this 4th day of December, 2002.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

BY: _____
Leland Coe, Chair

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

**December 2002 BWSR Board Meeting**

# OVERVIEW -- MEEKER COUNTY
# THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN

## Background (Second Generation)

Development of the second generation Meeker County Comprehensive Local Water Plan (Plan) began November 16, 1994, with the passing of a county resolution. On January 2, 1996, the Board of Water and Soil Resources (BWSR) received from Meeker County a resolution (dated December 20, 1995) requesting an extension of their existing Plan (due to expire on December 31, 1995) to allow adequate time to complete the updating process. On January 24, 1996, the BWSR approved the extension of the Plan until December 31, 1996. On February 26, 1996, Meeker County provided the BWSR with its updated Plan. On June 26, 1996, BWSR approved the second generation Plan. On July 18, 1996, the Meeker County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2000.

## Plan Update (Third Generation)

On December 19, 2000, Meeker County submitted a resolution to the BWSR requesting an extension to its Plan so as to coincide with extensions granted to Kandiyohi, McLeod and Renville counties. On January 24, 2001, the BWSR approved extending the existing Plan until December 31, 2002. Meeker County passed a resolution to update their Plan on August 14, 2001. The four counties of Kandiyohi, Meeker, Meeker, and Renville combined their resources and contracted with a private consultant to complete a total revision of each county's Plan. The consultant facilitated the process in coordination with the local water plan coordinator, water planning taskforce, and local/state/federal agency partners. After conducting the public information meeting and a number of taskforce meetings, Meeker County completed the draft third generation Plan and began the preliminary sixty-day review on May 31, 2002. The public hearing was conducted on August 15, 2002. Meeker County submitted its third generation Plan to BWSR on September 11, 2002, to initiate the required ninety-day final state agency review.

## County Description

Meeker County is located in the south-central part of Minnesota approximately 50 miles west of Minneapolis-St. Paul. There are 18 townships and 9 cities within the county. The City of Litchfield is the county seat. Meeker County contains 412,466 acres of which approximately 70.9 percent is agricultural land. Primary crops are those of a cash grain operation—corn, soybeans, and small grain. The vast majority of land in the county (99 percent) is privately owned. Meeker County's population in 2000 was 22,644 as compared to 20,846 in 1990.

Six major highways are located in Meeker County. State Highways 4, 22, and 15 are the major north - south corridors. State Highways 7 and 55, and U.S Highway 12 are the major east - west corridors. Surface water is in four main watersheds: Sauk River, Clearwater River, North Fork of the Crow River and South Fork of the Crow River (all covering 644 square miles), all of which are part of the Mississippi River Drainage Basin. There are several Clean Water Partnership and watershed projects taking place within Meeker County, most of which began in 1999.

## Plan Update Review

The third generation Plan reflects current conditions and trends within Meeker County. Major trends include population growth and development pressures, agricultural production, and the overall increasing concern for water quality and quantity. To address these issues, Meeker County has developed a focused, five-year implementation Plan to address the following watershed priority issues.

- Erosion and sediment control
- Septic systems (ISTSs)
- Wetland preservation and restoration
- Shoreland management
- Plan administration

Requirements under Minnesota Statutes 1990, 103B, have been addressed. They include wellhead protection, sensitive groundwater areas, and wetland prioritization. BWSR established expectations regarding the third generation water plan update. They include an active taskforce; summary of progress (executive summary); establishing a watershed context; reflecting current and future trends; source water; storm water; flood damage reduction; drainage; lakes; wetlands; plan prioritizing. These have been addressed. Meeker County continues to coordinate water plan activities with the numerous watershed projects underway.

BWSR staff has participated with Meeker County and its consultant throughout the revision process attending task force meetings, one-on-one meetings, and other communications. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Meeker County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Ststutes 1990,103B and Minnesota Rules Chapter 9300 and BWSR's expectations have been met. BWSR staff recommends approval of the Meeker County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that Meeker County is required to revise/update the five-year Focus Plan for 2008-2012.

## Executive Summary

The Meeker County Comprehensive Water Management Plan was developed to identify and address issues surrounding water quality in the County. This involved the input of local constituents, local governments, bordering counties and State agencies. Once these issues were identified an action plan was developed to deal with these issues.

This Water Plan is the second revision and is the third generation Water Plan. Our new Water Plan will be effective January 2003 and will serve to guide water planning over the next ten years, through 2012.

The CLWP is discussed annually with our Water Planning Task Force when we meet to prioritize our NRBG funding requests in January. Water planning activities and the direction the Task Force wants to pursue are discussed and formalized at this meeting. The Water Planning Task Force approaches the County Board of Commissioners for their approval.

**Water Planning 1995 – 2000 Second Generation Accomplishments**

**EDUCATION AND INFORMATION**

The Meeker County Family Health Department participated in the following activities:

- Distributed test kits and well water brochures to pregnant women and families with newborns.
- Conducted public radio shows and submitted newspaper columns discussing well water testing and fish consumption advisories.
- Created a display for WIC/Immunization clinics.
- Distributed Fish Consumption Advisory at the County Fair, licensing sites, and Community Safety Fair.
- Provided onsite sewage education.

The Meeker County Extension Education Program participated in the following activities:

- Abandoned well education.
- Manure Management (Non-point Source) Education.
- Pesticide container pickup program.
- Distributed information on best management practices for farmers.
- Worked with the Meeker County Association of Lakes to produce a septic system handbook for lakeshore owners.
- Distributed information on nitrogen management for corn.

- Education efforts on shock chlorination for home water supplies.

**INVENTORY AND MAPPING**

The Meeker County Planning and Zoning Office accomplished the following:

- Implemented a GIS mapping system.
- Mapped and computerized feedlot inventory information.
- Updated the Comprehensive Land Use Plan.
- Implemented base map pilot project for Litchfield Township.

**MONITORING/DATA COLLECTION**

- Completed diagnostic/feasibility studies on Spring, Long, Dunns, and Richardson Lakes.
- Monitoring efforts for Francis, Long, Minnie Belle, Collinwood, and Stella Lakes.
- Infrared photography for Collinwood Lake.
- Purchased supplies and maintained countywide lake monitoring equipment.

**LAND AND WATER TREATMENT**

- Cosmos Lake Park aeration project.
- Star and Thompson Lakes aeration projects.
- Phase II Lake Minnie Belle project.
- Create wetland and test sediment for Dunns and Richardson Lakes.
- Clear Lake Wetlands Restoration projects.
- Lake Washington holding pond.
- Spring and Long Lakes Phase II grant assistance.
- Implemented countywide hazardous waste disposal days.
- Restructured tile inlet on Lake Minnie Belle.
- Joined with the City of Litchfield to create a 24-hour waste oil disposal site.

## REGULATION AND PLANNING

- Revised Zoning Ordinance to incorporated environmental protections.
- Encouraged changes in ISTS Ordinance.
- Created Conservation Subdivision Ordinance.
- Updated the Meeker County Solid Waste Ordinance.
- Created and hired a zoning specialist position.
- Developed a Feedlot Ordinance.

## PLAN COORDINATION

- Participated in the Crow River Organization of Water

**Meeker County Summary Of Water Related Grants**
**For the Years 1992 through 2001**

| PROJECT/GRANT NAME | COMMENT | AMOUNT |
|---|---|---|
| 1992-2001 NRBG Local Water Planning Grant | This Grant is less now than in 1992 | $327,000 |
| 1992-2001 NBG Meeker County Grant/Match | (1) County matches more now than 1992 | $48,000 |
| 1993-2001 NRBG Wetland Conservation Act | State required us to enforce the Act<br>Grant is exact same as in 1993 | $157,100 |
| 1994-2001 NRBG DNR Shoreland | We have to enforce State rules/laws Grant is exact same as in 1994 | $43,464 |
| 1993 Water Quality Challenge Grant | Used money to do well water testing | $1,700 |
| 1993 Lake Minnie Belle Clean Water Partnership | (2) Phase I Study | $19,139 |
| 1997 Lake Minnie Belle Clean Water Partnership | (2) Used Phase II to implement projects | $76,225 |
| 1997 Lake Minnie Belle MPCA ISTS Loan | (2) Loans available for non-conforming IST | $150,000 |
| 1993 Long & Spring Lakes C. W. P. | (2) Phase I Study | $33,484 |
| 1999 Long & Spring Lakes C. W. P. | (2) Used Phase II to implement projects | $26,689 |
| 1999 Long & Spring Lakes C. W. P. | (2) Additional projects will be completed | $57,270 |
| 2000 Long & Spring Lake 319 Grant | Lake Association received grant | $6,000 |
| 1999 Dunns & Richardson Lakes C. W. P. | (2) Phase I Study | $33,750 |
| 2001 Crow River Watershed C. W. P. | (2) 10 County Phase I | $390,000 |
| Revolving Loan & ISTS Ag BMPs | Loans and Grants thru SWCD | $43,500 |
| **TOTAL FUNDS RECEIVED** | | $1,413,321 |

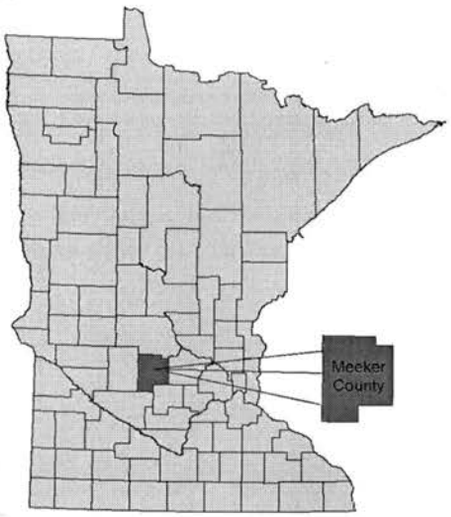
Meeker County had one employee in the Zoning Department in 1991. Today we have four: a full-time ISTS Inspector, a full-time Wetlands Act/Water Planner, a full-time Secretary and a Zoning Administrator. The grant monies to fund these positions have decreased since 1993 and the County, through additional levy monies and increasing fees for services has covered the increased burden created by the State by adding laws and regulations with regards to ISTS, feedlots and wetlands.

On February 5, 2002, the Meeker County Water Plan Task Force held a public informational meeting regarding the revision and update of the water plan. This meeting provided the public and all local governmental units, as well as State agencies, an opportunity to present information and concerns about water-related issues that they believed should be considered in the revision of the water plan. Based upon issues discussed at the informational meeting, the Water Plan Task Force established goals, objectives and action items for the Ten Year Implementation Plan. The Water Plan Task Force also identified five high priority goals to be achieved within the next five years for the protection and management of water and land resources. The high priority goals, which comprise the Five Year Focus Plan, consist of the following objectives:

- Decrease the nutrient and sediment concentration of surface water to the 50 th percentile of the Western Corn Belt Plains and North Central Hardwood Forests Ecoregions.
- Bring 125 nonconforming ISTSs into compliance per year.
- Through education and regulation, protect shoreland areas within the County.
- Through education and regulation, preserve existing wetlands within the County.
- Provide educational and technical assistance to landowners to restore 750 acres of wetlands within the County.
- Increase opportunities for agency and public involvement in water resource management within the County.

The updated third generation Comprehensive Local Water Plan, following BWSR approval, will be officially adopted by the Meeker County Board of Commissioners in January of 2003. This revised plan will serve to guide water planning through the year 2012. During this time, opportunities will exist to amend goals, objectives and the work plan, as needed, to incorporate new data and address issues as they emerge. Meeker County will continue to build on its past accomplishments and encourage new programs and opportunities for the effective management and protection of its water and land resources.

**Where in the world is Meeker County?**



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

**December 2002 BWSR Board Agenda Item**

**RENVILLE COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)**

Renville County has a Comprehensive Local Water Plan (Plan), which was approved by the Minnesota Board of Water and Soil Resources (BWSR) on June 26, 1996. Renville County submitted a written request for a two-year extension of its Plan on February 9, 2000. BWSR approved the Plan extension on February 23, 2000. On September 11, 2002, Renville County submitted its third generation Plan to the BWSR. The ninety-day state agency final review process began on September 11, 2002, and ends on December 9, 2002.

On October 23, 2002, brief information regarding the Renville County Plan revision was provided to the BWSR Board for their review.

On November 6, 2002, the BWSR Board Water Plan Review Committee met in the City of Hutchinson with BWSR staff and representatives from Renville County to review and discuss the third generation ten-year Comprehensive Local Water Plan and the five-year Focus Plan.

For the December 4, 2002, BWSR Board meeting, two items have been provided for board member information. The first item is a copy of the Executive Summary section of the Renville County Plan, which briefly describes some major accomplishments in the past seven years and a brief outlook for the upcoming five years. The second item is an overview of the Renville County Plan, which provides background information.

BWSR staff has reviewed the Renville County Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Renville County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that Renville County is required to revise/update the five-year Focus Plan for 2008-2012.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at its December 4, 2002, meeting.

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

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In the Matter of Reviewing the Comprehensive Water Plan Update for **Renville 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

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**Whereas**, the Renville County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on July 16, 1996, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on June 26, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

**Whereas**, the Plan provided for updating in 2002 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

**Whereas**, the Renville County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 11, 2002, 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 February 22, 2000, the Board received from Renville County a resolution requesting an extension of their existing Comprehensive Water Plan.

3. On February 23, 2000, the Board approved the extension of the existing Renville County Comprehensive Plan until December 31, 2002. (The Board has authorization to grant extensions pursuant to Minnesota Session Law 1995, Chapter 184 Section 24.)

4. On September 25, 2001, Renville County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.

5. Renville County held a public information meeting on February 11, 2002, for purposes of gaining public input into the Plan Update.

6. On May 31, 2002, Renville County completed a draft Plan Update and submitted it to affected local units of government for review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

7. On May 31, 2002, Renville County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

8. On August 12, 2002, Renville County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

9. On September 11, 2002, Renville County submitted its 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 M.S. 1990, Section 103B.315, Subd. 5.

10. On September 11, 2002, the Board distributed notification of the official 90-day state review and a copy of the Renville County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.

11. On October 23, 2002, brief information regarding the Renville County Plan Update was provided to the Board for their review.

12. **Individual Comments:** Written preliminary review comments were received from one Renville County individual on July 31, 2002.

13. **County Response to Individual Comments:** Renville County responded to the individual on August 21, 2002.

14. **Local Government Unit (LGU) Comments:** Written preliminary review comments were received during July and August of 2002 from the following: Sibley County local water plan coordinator; High Island Creek Watershed Project coordinator; Crow River Organization of Water Project coordinator; Hawk Creek Watershed Project coordinator.

15. **County Response to LGU Comments:** Renville County responded to each LGU in late August of 2002 and incorporated many of their recommendations, suggestions, corrections, and additions.

16. **Minnesota Department of Agriculture (MDA) Review:** MDA did not provide any written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MDA's 103B Technical Review Committee member reminding MDA of the final review period for Renville County's Plan Update and stated that final written comments had not been received from MDA. Final written comments dated October 28, 2002, were submitted to and received by the Board on November 7, 2002. MDA stated they had reviewed the Plan Update; wished to commend Renville County on the development of the Plan Update and on progress made in implementation of previous plans; appreciate the opportunity afforded the MDA in reviewing; look forward to cooperating with Renville County on the implementation of their Plan Update.

17. **Minnesota Department of Health (MDH) Review:** MDH did not provide any written preliminary review comments, but did provide input/information during the updating of data elements in the early stages of Plan Update development. On November 6, 2002, Board staff sent an e-mail to the MDH's 103B Technical Review Committee member reminding MDH of the final review period for Renville County's Plan Update and stated that final written comments had not been received from MDH. Final written comments dated November 1, 2002, were submitted to and received by the Board on November 7, 2002. MDH stated that there appears to be no inconsistencies with laws or regulations of the MDH; expectations regarding recognition of wellhead protection and source water protection have been adequately addressed; they support approval of the Plan Update.

18. **Minnesota Department of Natural Resources (DNR) Review:** DNR did provide written preliminary review comments on July 31, 2002. E-mail draft final comments were submitted on October 28, 2002. On November 6, 2002, Board staff sent an e-mail to the DNR's 103B Technical Review Committee member reminding DNR of the final review period for Renville County's Plan Update and stated that final written comments had not been received from DNR. DNR submitted final written comments to Renville County dated November 5, 2002; the Board received a copy on November 19, 2002. DNR thanked Renville County for the opportunity to comment; believes Renville County has done an excellent job in addressing long-term sustainable management of water resources; appreciated the opportunity to participate in development of the Plan; provided numerous minor suggestions for changes to the Plan.

19. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA did provide written preliminary review comments on July 17, 2002. On November 6, 2002, Board staff provided an e-mail to the MPCA's 103B Technical Review Committee member reminding MPCA of the final review period for Renville County's Plan Update and that final written comments had not been received from MPCA. E-mail response stated that final comments would be provided. Final written comments dated November 19, 2002, were received by the Board on November 20, 2002. MPCA stated they recommend that the Board give final approval of the Plan; have worked closely with Renville County during preparation of the Plan; are excited about the state-local partnership the Plan fosters; look forward to working further with Renville County; commend Renville County for a job well done.

20. **Minnesota State Planning Agency/Environmental Quality Board (EQB) Review:** EQB did provide written preliminary review comments on June 13, 2002. On November 6, 2002, Board staff sent an e-mail to the EQB's 103B Technical Review Committee member reminding EQB of the final review period for Renville County's Plan Update and that final written comments had not been received from EQB. No final written comments were provided.

21. **Minnesota Geological Survey (MGS) Review:** MGS did not provide any written preliminary review comments. On November 6, 2002, Board staff sent an e-mail to the MGS's 103B Technical Review Committee member reminding MGS of the final review period for Renville County's Plan Update and that final written comments had not been received from MGS. No final written comments were provided.

22. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff attended Renville County's task force meetings during the months of March and April of 2002 when the Plan Update's implementation section was developed. On July 25, 2002, and August 6 and 7, 2002, Board staff met one-on-one with Renville County to review preliminary comments. On August 8, 2002, Board staff provided written preliminary comments on the Plan Update.

23. **County Response to State Agency Comments**: On August 21 and 28, 2002, Renville County made written responses to state agencies regarding the preliminary comments. In its final Plan Update submitted to the Board on September 11, 2002, Renville County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agencies' comments.

24. **Board Water Plan Review Committee Meeting:** On November 6, 2002, the Board committee met in Hutchinson, Minnesota with Board staff and representatives from Renville County to review and discuss the Plan Update. Those in attendance were Jerome Deal (watershed member), Victor Ormsby (SWCD member), Sharon Clark (MDA member), and Char Kahler (citizen member) of the Board; the Board's southern region supervisor Jeff Nielsen and board conservationist Thomas Fischer; water plan coordinator Diane Mitchell, county commissioners Gale Dahleger, Ralph Novotny and Robert Mehlhouse of Renville County; John Wogen of the Renville County water plan task force; James Schafer (supervisor) and Joe Stangel (employee) of the Renville County Soil and Water Conservation District; Amanda Smith of the Hawk Creek Watershed Project; Mathew Johnson and Michael Sharp of the Mid-Minnesota Development Commission (consultants). The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from Renville County on the planning process.

25. On November 6, 2002, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Renville County 2003-2012 ten-year Comprehensive Local Water Plan Update and 2003-2007 Focus Plan with the stipulation that Renville County is required to revise/update the five-year Focus Plan for 2008-2012.

## 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 Renville County pursuant to Minnesota Statutes 1990, 103B.311, Subd. 4, and Minnesota Rules 9300.0170, Subp. 4.

2. The Renville 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 Update as the Comprehensive Local Water Plan of Renville County. Dated at St. Paul, Minnesota, this 4th day of December, 2002.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

BY: _____
Leland Coe, Chair

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

**December 2002 BWSR Board Meeting**

# OVERVIEW -- THIRD GENERATION RENVILLE COUNTY COMPREHENSIVE LOCAL WATER PLAN

## Background (Second Generation)

Development of the second generation Renville County Comprehensive Local Water Plan (Plan) began November 30, 1994, with the passing of a county resolution. On November 29, 1995, Renville County submitted to the Board of Water and Soil Resources (BWSR) a resolution requesting an extension of their existing Plan. On December 20, 1995, the BWSR approved extending the Plan until December 31, 1996. On March 1, 1996, Renville County provided the BWSR with its updated Plan. BWSR approved the Plan on June 26, 1996. On July 16, 1996, the Renville County Board of Commissioners adopted the Plan and began implementation. This second generation Plan was in effect until December 31, 2000.

## Plan Update (Third Generation)

On February 9, 2000, Renville County submitted a resolution to the BWSR requesting a two-year extension to its Plan. On February 23, 2000, the BWSR approved the extension. Renville County passed a resolution to update their Plan on September 25, 2001. The four counties of Kandiyohi, McLeod, Meeker, and Renville combined their resources and contracted with a private consultant to complete a total revision of each county's Plan. The consultant facilitated the process in coordination with the local water plan coordinator, water planning taskforce, and local/state/federal agency partners. After conducting the public information meeting and a number of taskforce and sub-committee meetings, Renville County completed the draft third generation Plan and began the preliminary sixty-day review on May 31, 2002. The public hearing was conducted on August 12, 2002. Renville County submitted the final third generation Plan to BWSR on September 11, 2002, to initiate the required ninety-day final state agency review.

## County Description

Renville County is located in the south-central part of Minnesota approximately 60 miles west of Minneapolis-St. Paul. There are 28 townships and 10 cities within Renville County. The City of Olivia is the county seat. Renville County contains 631,726 acres, of which approximately 91 percent is agricultural land. Primary crops are those of a cash grain operation—corn, soybeans, small grain, and sugar beets. The vast majority of land in Renville County (99.7 percent) is privately owned. Renville County's population in 2000 was 17,154 as compared to 17,673 in 1990.

Four major highways are located in Renville County. State Highway 4 and U.S. Highway 71 are the major north - south corridors. State Highway 19 and U.S. Highway 212 are the major east - west corridors. Surface water is in four main watersheds: Hawk Creek, Middle Minnesota River, and High Island Creek (covering 725 square miles), which are part of the Minnesota River Drainage Basin; South Fork Crow River (covering 262 square miles), which is part of the Mississippi River Drainage Basin. There are several Clean Water Partnership and watershed projects taking place within Renville County that began in 2000.

## Plan Update Review

The third generation Plan reflects current conditions and trends within Renville County. Major trends include a slowly decreasing population, continued focus on agricultural production, and the increasing concern for water quality and quantity. To address these issues, Renville County has developed a focused, five-year implementation Plan to address the following watershed priority issues.

- Sediment and erosion control
- Waste water and storm water
- Septic systems (ISTS)
- Feedlots
- Groundwater protection
- Biodiversity
- Lake management
- Plan administration

Requirements under Minnesota Statutes 1990, 103B, have been addressed. They include wellhead protection, sensitive groundwater areas, and wetland prioritization. BWSR established expectations regarding the third generation water plan update. They include an active taskforce; summary of progress (executive summary); establishing a watershed context; reflecting current and future trends; source water; storm water; flood damage reduction; drainage; lakes; wetlands; plan prioritizing. These have been addressed. Renville County continues to coordinate water plan activities with the numerous watershed projects underway.

BWSR staff has participated with Renville County and its consultant throughout the revision process attending task force meetings, sub-committee meetings, one-on-one meetings, and other communications. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Renville County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the Renville County 2003-2012 ten-year Comprehensive Local Water Plan and 2003-2007 five-year Focus Plan with the stipulation that Renville County is required to revise/update the Plan's implementation section for 2008-2012.

## Executive Summary

In 1989 the Renville County Board of Commissioners adopted a resolution to develop a Comprehensive Local Water Plan according to Minnesota Statutes 110B. The plan was to serve two purposes. The first was to identify existing and potential problems and opportunities for the protection, management and development of water and related land resources. The second purpose was to develop goals, objectives and a work plan to implement programs and strategies to promote the sound management of water and land resources for effective environmental protection. The plan focused on surface water, ground water, related land resources and land use. The original Comprehensive Local Water Plan was approved by the Board of Soil and Water Resources (BWSR) and officially adopted by the Renville County Board of Commissioners in November of 1991.

Renville County revisited the Comprehensive Local Water Plan in 1996 and updated the plan's goals, objectives and action items. In 2002, Renville County once again began to reflect on the potential problems and opportunities for the protection and management of water and land resources. This "third generation" revision consisted of a complete rewrite of the original water plan and built on past accomplishments and events to guide future planning over the next ten years (2003-2012). Several activities and events have occurred within the past ten years that may influence future water quality and quantity issues. These include, but are not limited to:

- Extensive spring flooding in 1997 and 2001.
- Increased agricultural drainage.
- Completion of a Comprehensive Plan to guide Renville County's economic development, housing, transportation, natural resources and land use decisions.
- The implementation of the Conservation Reserve Enhancement Program (CREP) and the promotion of other conservation programs to prevent soil erosion.
- New or updated land use ordinances including a revised septic ordinance that recognizes the impact failing septic systems have on water quality.
- Completion of a Level II Feedlot Inventory.

In addition, Renville County has benefited from the advancement of Clean Water Partnership projects taking place within three of the County's four major watersheds. Through extensive water quality monitoring and assessment these projects have helped to provide the information necessary to identify the problems and opportunities that are specific to each watershed. These projects are occurring within the Hawk Creek, Crow River and High Island (Lower Minnesota River) watersheds. The Middle Minnesota River watershed, though not covered by a Clean Water Partnership project, has formed a technical team to collaborate on projects that promote the protection and improvement of water quality.

Renville County has proven its dedication to protecting, improving, and enhancing the County's water resources through an active Water Plan Task Force and supportive Board of Commissioners. The

Water Plan Task Force meets quarterly and has utilized Natural Resource Base Grant funds to successfully accomplish numerous priorities in the comprehensive water plan, including:

- Monitoring the water quality and compiling data for Renville County's six creeks.
- Testing private wells for contaminants, such as nitrates and bacteria.
- Providing an on-going cost-share program to seal abandoned wells.
- Purchasing a watershed model to demonstrate the effects of non-point source pollution.
- Participating in Water, Air, Land Knowledge (WALK), an annual field day for elementary students.
- Administering the MN Department of Agriculture BMP Loan Program to promote the purchase of minimum tillage equipment, septic system up-grades and improvements to ag waste systems.
- Providing support to the Clean Water Partnership projects through technical and financial assistance.
- Hiring a seasonal intern to assist with water quality improvement projects, educational activities and water monitoring.
- Publishing a bi-annual newsletter insert that is mailed to all households in Renville County.
- Assisting with collections for hazardous waste, fluorescent bulbs and waste pesticide.
- Encouraging the proper disposal of Household Hazardous Waste (HHW) at Renville County's newly constructed HHW Facility.
- Funding storm drain stenciling projects.
- Providing additional payments as incentive for landowners to establish filter strips on ditch systems entering Lake Allie.
- Lake and stream bank stabilizations projects including rip-rap on Lake Allie and Hawk Creek.

However, Renville County continues to face the challenge of protecting natural resources while promoting its leading economic resource of agricultural production. In addition, water quality improvement projects are often implemented not on the basis of priority but rather by the availability of State grant funds or low interest loan programs.

On February 11, 2002 the Renville County Water Plan Task Force held a public informational meeting regarding the revision and update of the water plan. This meeting provided the public and all local governmental units, as well as State agencies, an opportunity to present information and concerns about water-related issues that they believed should be considered in the revision of the water plan.

Following the informational meeting, a special committee was organized to evaluate information received, establish goals, objectives and action items and develop an implementation program to update the water plan. The Water Plan Task Force reviewed the revisions recommended by the special committee and identified five areas of high priority to be achieved within the next five years for the protection and management of water and land resources. The high priority goals, which comprise the Five Year Focus Plan, consist of the following objectives:

- Decrease the nutrient and sediment concentration of surface water to the 50th percentile of the Western Corn Belt Plains Ecoregion.
- Establish an information base on the existing status of groundwater quality and quantity.
- Provide educational, financial and technical assistance to landowners to ensure that abandoned wells are not a source of groundwater contamination.
- Increase ecosystem stability by managing natural resources for maximum biodiversity.
- Preserve existing wetlands through education and regulation and provide technical assistance to landowners desiring to restore wetlands.
- Provide opportunities for the general public to become informed on water resources management and the water plan.
- Improve communication and cooperation between Federal, State and local agencies and groups, to further water plan goals and objectives.

The updated, third generation Comprehensive Local Water Plan, following Board of Soil and Water Resources (BWSR) approval, will be officially adopted by the Renville County Board of Commissioners in January of 2003. This revised plan will serve to guide water planning through the year 2012. During this time, opportunities will exist to amend goals, objectives and the work plan, as needed, to incorporate new data and address issues as they emerge. Renville County will continue to build on its past accomplishments and encourage new programs and opportunities for the effective management and protection of its water and land resources.

**Where in the world is Renville County?**



DRAFT

# Local Water Management Integration

## Summary of Proposed Changes

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| Issue | Proposed Change | Proposed Specifics |
|---|---|---|
| I. "Too much time is spent gathering general data and doing broad assessments, often at the expense of the issues of concern." | Plan content is ***focused on priority concerns*** including:<br>A. assessments;<br>B. goals; and<br>C. implementation program. | ▪ Data collection and assessments are related to priority concerns. 103B.403 subd. 7, p.29<br>▪ Focused implementation schedule to address priority actions and ongoing coordination. 103B.403, sub.4, p.29 |
| II. "Plan input needs to be early to be meaningful." | Process to ***get public and local and state*** to provide ***input at the beginning*** of the plan update process. | ▪ Required notice of plan update to local & state entities and an invitation to submit priority concerns. 103B.405, subd. 1, p.31<br>▪ Identification of priority concerns is a key stage for agency involvement. 103B.405, subd. 2, p.31<br>▪ Required public meeting. 103B.405, subd. 4, p.31<br>▪ Advisory committee chooses the priority concerns. 103B.193, subd. 6, p.3 & 4 |
| III. "A common understanding of, (and hopefully agreement with) the plan's focus among the interested parties is key." | ***Before the plan is written the priority concerns*** *scoping* document is submitted ***for review and comment*** by state review agencies and BWSR. | ▪ The people and processes involved in choosing the priority concerns is communicated. 103B.402, 2(a), p. 28<br>▪ Required review & comment regarding the priority concerns before the plan contents are written. 103B.405 subd. 6, p. 31. |
| IV. "Ongoing responsibilities and programs not reflected in the priority concerns should be acknowledged in the plan. | ***Coordination of other responsibilities and activities*** will be included in the plan content. | Identify other responsibilities not in the priority concerns implementation program including:<br>▪ related actions to be taken;<br>▪ lead and supporting entities; and<br>▪ estimated cost.<br>103B.403 subd. 5, p. 30 |
| V. "Disagreements should be resolved at the local level whenever possible. | In addition to the BWSR ***dispute resolution*** process (103B.345, p. 27) a ***local process*** is in place. | ▪ Advisory committee develops the process 103B.193, subd. 6(5), p. 3<br>▪ Partners work to resolve disagreements regarding priority concerns. 103B.402, item 2(b), p. 29<br>▪ Resolve inconsistencies between plans (103B.404, subd. 5, p. 30) |

| Issue | Proposed Change | Proposed Specifics |
|---|---|---|
| VI. Coordination:<br><br>A. "Multiple planning efforts are often not coordinated and can result in confusion and duplication"<br><br>B. "Plans for an area need to be reviewed so they are not in conflict." | A. ***Priority concerns implementation schedule***<br><br>B. ***Review of other plans***: local, regional and state for consistency | A.. Implementations schedule coordinates what will get done, who leads and who will support the effort, when it will be done and an estimated cost. 103B.403, subd. 4, p.29.<br><br>B. Plans don't conflict or duplicate efforts:<br>▪ Plans within the same area<br>▪ Plans adjacent to one another<br>▪ Regional, basin and state plans<br>103B.404, p. 30 |
| VII. "Final plan review and approval takes too long" | ***Shortened final review and approval phase*** | ▪ 30 state agency review (can request a 30 day extension) 103B.406, subd 2 p. 31 |
| VIII. "Plans need to be easily amended to address evolving issues." | ***Streamlined Amendments*** | ▪ Locally initiated by petition. 103B.403, subd.6a, p.30.<br>▪ Board initiated when a previously approved plan is inconsistent with other pertinent plans. 103B.403, subd.6b, p.30. |
| IX. "Plans that are not implemented need clear consequences." | ***Failure to Implement*** | Failure to implement can be initiated by:<br>▪ Board resolution<br>▪ A city or county<br>▪ 100 citizen petition applied when Plan is not approved or major actions in plan are not being implemented<br>103B.408, subd. 3, p.32 |
| X. "Surface water and ground water and should be integrated in planning efforts, not segregated as they are now." | Allow ***metro counties to develop plans under the county water planning authorities*** of 103B.311. | Elimination of specific groundwater plan requirement for metropolitan counties. 103B.255, p. 17-19. |
| XI. Financing<br><br>A. " WMO's need the ability to assess for projects on a watershed basis independent of member cities"<br><br>B. "The water planning levy should again be exempt from levy limits as it was originally" | A. ***JPA WMO's listed as a special taxing district***<br><br>B. ***All Counties levy outside of existing levy limits*** | ▪ Identify wmo's in chapter 275.066 to allow them to raise funds on an ad valorem basis see 275.066 p. 37.<br><br>Funds raised by ad valorem taxes via a special tax district to implement an approved, adopted county water plan are outside of levy limits in chapter 103B.335, p. 37. |
| XII. "Much of the existing rules are outdated and unnecessary." | ***Repeal Administrative Rules*** 8410 and 9300 | Replace with revised statute, Board policy, and guidance |

## Highlights of the proposed process to develop and approve a local water management plan under 103B.401-408:

1. A resolution to update the plan is passed by the planning authority and sent to local, regional and state entities, along with an invitation for them to communicate the priority concerns they feel the plan should address and any resources they can offer to address them. [45 days to submit concerns]
2. An advisory taskforce or other forum is appointed by the plan authority to get public input and develop a process to resolve conflicts locally.
3. A public information meeting is held to get input from citizens and interested parties.
4. The taskforce compiles a list of concerns from the input provided by the groups listed in 1 and 3.
5. The taskforce, in consultation with interested parties, prioritizes the concerns.
6. The plan authority chooses a few priority concerns the plan will address.
7. The plan authority submits a priority concerns scoping document to local entities, state review agencies and the Board. Contents of the scoping document include:
    a. a list of the priority concerns the plan will address;
    b. a description of how and why the priority concerns were chosen;
    c. a description of the process followed to get input on priority concerns;
    d. a list of all other concerns submitted to the plan author and an explanation why they were not chosen to be addressed in the plan; and
    e. a description of the process used to resolve any conflicts that arose during the process;
8. Locals entities and state review agencies will have to submit comments on the scoping document to the Board.
9. The Board has 60 days to comment to the plan authority any concerns that will need to be addressed before the plan plan is written and submitted for Board approval.
10. The plan authority requests existing information regarding plans, reports, data analysis, or official controls that relate to the priority concerns. Agencies have 60 days to supply the requested information.
11. The plan authority insures consistency with other pertinent plans and official controls.
12. The plan authority, with assistance from technical experts, develops detailed assessments of the priority concerns.
13. The remainder of the plan is written:
    a. Executive summary (including explanation of any inconsistencies with other plans and attempts to resolve them)
    b. Assessment
    c. Goals
    d. Implementation Schedule for priority concerns (this should be done with other resource managers, both local and state, to maximize resources and minimize duplication)
    e. Other responsibilities and activities coordinated by the plan.
14. The draft plan is submitted for review. Entities that did not submit information at the beginning of the process can only comment as to the plan's compliance with state laws. [30 days]
15. A public hearing is held.
16. The BWSR Board (or possibly a subcommittee of the board) approves or disapproves the final plan. [60 days]
17. The plan authority adopts and implements the plan. [120 days]

OTHER:

- The plan authority can petition the board to amend the plan by sending notice and holding a public hearing.
- A county, city, or 100 citizens can petition the board to investigate a plan authority's failure to implement the plan (can also be initiated by Board resolution).

SE MN CREP
Decision Page Regarding Issues and Proposals From Page 1
November 20, 2002

The SE BALM group has done a great job in putting together a prioritized and targeted proposal for CREP in the lower Mississippi watershed. They have targeted about 95,000 acres for CREP with specific goal allocations of acres to 1) highly erodible land - 40,230 acres; 2) riparian buffers – 25,000 acres; 3) wetland restoration – 20,000 acres; and 4) groundwater protection – 10,500 acres. BALM has proposed that there be different options for the goals in terms of duration of easement and highly erodible lands only 15-year contracts. For most goals BALM has proposed 20-permanent year easements to compliment the 15 year contracts. Only wetland restorations would require a permanent easement as required by law. For all other goals the landowner would have the discretion to choose the option they preferred.

BWSR, NRCS and FSA along with BALM representatives have been meeting over the last few months to finalize some of the details and find some consensus. On November 20, BWSR's CREP Subcommittee met with the State FSA Committee to review the proposal and attempt to come to agreement on policy issues of the plan. We came to agreement on most of the issues:

1) Location Criteria – the four goals and related acres: AGREEMENT

40,230 acres of Highly Erodible Land
25,000 acres of Riparian Corridors
20,000 acres of Wetland Restorations
10,500 acres of Groundwater Protection
95,730

2) Practices Applicable to the Acres - AGREEMENT

| | |
|---|---|
| CP2 - | Permanent Native Grasses |
| CP3 - | Tree Planing |
| CP3A - | Hardwood Tree Planting |
| CP4D - | Permanent Wildlife Habitat |
| CP6 - | Diversion |
| CP9 - | Shallow Water Areas for Wildlife |
| CP12 - | Wildlife Foodplot |
| CP15A - | Permanent Vegetative Cover (Contour grass strips) |
| CP21 - | Filter Strips |
| CP22 - | Riparian Buffer (only on existing cropland) |
| CP23 - | Wetland Restoration |
| CP25 - | Rare and Declining Habitat |
| CP27/28 | Farmable Wetland Pilot Program |

3) Enrollment Treshold of 120 Acres and Local FSA and SWCD Roles – AGREEMENT

4) CRP – 1 Contract Length (10 – 15 years) Managed Haying and Grazing Options – AGREEMENT

5) Contour Buffers and Rotation of Buffer Strips – AGREEMENT

6) Living Snow Fence Inclusion – AGREEMENT

7) RIM Easement Options – PARTIAL AGREEMENT – BALM and BWSR believe the permanent easement option should be part of the mix, however, FSA does not believe permanent should be part of the mix for other than wetland restorations. Over the next few weeks we will be attempting to find some agreement on this issue.

8) RIM Payment Options – this issue is tied to the duration of easement options to be offered. If we had achieved agreement on #7 above, then this would have been easy to address. We have asked Steve Taft, Agricultural Economist from the University to give us some assessment if we do not have permanent as an option.

9) Incentive Payments under CRP – SIP/PIP 25% Incentive – on all practices or just those under current policy – AGREEMENT

10) CRP – SRR Incentive – add at current level, some other level or not at all?

11) Public Comment on Final Proposal – AGREEMENT

The "big" policy issue is related to the offering of permanent easements for riparian buffers and groundwater protection. There are strong feelings on both sides and it's to a great extent a philosophical perspective.

Where to from here??? BWSR Board will be taking up the permanent easement option and payment rate issue at their December 4th Board meeting. Shortly thereafter we will meet again with the FSA Committee to hopefully finalize the remaining issues and proceed to finalization of a draft state/federal agreement. We will be waiting until Governor Pawlenty is in office in early January to formally submit the request to USDA. Since there are no dollars currently available for the state match, we need to have some assurances in the letter of request that the administration will support the funding needed.

## SE MN CREP Conservation Easement Duration Recommendations

| Easement Location/Type | BALMM Recommendations | FSA State Committee Recommendations | BWSR Current Recommendations | Alternative Option |
|---|---|---|---|---|
| Wetland Restoration * 20,000 AC. | Perpetual | Perpetual | Perpetual | Perpetual |
| Riparian Zones 25,000 AC. | Landowner Choice 35 yr., 50 yr., Perpetual | Limited Duration Only 35 yr., 50 yr., (100 yr.?) | Landowner Choice 35 yr., 50 yr., Perpetual | Limited Duration 50 yr., 100 yr. |
| Groundwater Protection 10,500 AC. | Landowner Choice 35 yr., 50 yr., Perpetual | Limited Duration Only 35 yr., 50 yr., (100 yr?) | Landowner Choice 35 yr., 50 yr., Perpetual | Limited Duration 50 yr., 100 yr. |
| Highly Erodible Land | Limited Duration Only 35 yr. | Limited Duration Only 35 yr. | Limited Duration Only 35 yr. | Limited Duration Only 35 yr. |

* Requires perpetual easement by MN Statute

Easement Duration Definitions:
20 yr. Easement + 15 yr. CRP = 35 yr.
35 yr. Easement + 15 yr. CRP = 50 yr.
85 yr. Easement + 15 yr. CRP = 100 yr
Perpetual

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

**In the Matter** of the citizen Petition for Discontinuance of the Hennepin Conservation District pursuant to Minnesota Statutes Section 103C.225.

**ORDER FOR CONTINUED OPERATION OF HENNEPIN CONSERVATION DISTRICT AND DENIAL OF PETITION**

**Whereas**, a citizen Petition to discontinue the Hennepin Conservation District was filed with the Board of Water and Soil Resources (Board) on August 24, 2001, pursuant to Minn. Stat. § 103C.225, Subd. 1, 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 for Termination.** The Petition to discontinue the operation and existence of the Hennepin Conservation District was filed with the Board on August 24, 2001 by Mr. Keefe Schunk, with a total of 39 signatures of Hennepin County citizens.

2. **Petitioner and Others Appearances before Board.** The petitioner, Mr. Schunk, and others appeared before the Board on different occasions to support the Petition. At the regular Board meeting of December 19, 2001, Mr. Schunk, Ms. Leigh Harrod, Hennepin Conservation District Supervisor, and Mr. Lawrence Samstad, Itasca Engineering, spoke. At the regular Board meeting of January 23, 2002, Mr. Schunk and Mr. Samstad spoke. At the regular Board meeting of February 27, 2002, Mr. Samstad and Ms. Harrod spoke. At the regular Board meeting of March 27, 2002, Mr. Samstad spoke.

3. **Board Order to Conduct Referendum.** On March 27, 2002, the Board passed an order to conduct a referendum on the Petition, to be held on or before November 5, 2002, pursuant to Minn. Stat. § 103C.225, Subd. 3.

4. **Board Order for November 5 Referendum.** On May 22, 2002, the Board passed an order to conduct a referendum on the Petition on November 5, 2002, in conjunction with the Hennepin County general election. The order stated the following:

   A. There are tremendous administrative and economic efficiencies and perfections to conducting the referendum in conjunction with the county general election on November 5, 2002.

   B. The petitioners desire the referendum to be held in conjunction with the county general election, which will be conducted next on November 5, 2002.

   C. Conducting the referendum in conjunction with the county general election on November 5, 2002 will be more representative of the citizens of Hennepin County and more fair than conducting a unique referendum.

   D. Conducting the referendum in conjunction with the county general election on November 5, 2002 will meet the full intent of Minn. Stat. § 103C.225, Subd. 3.

   E. Notice of the referendum and publication of the results of the referendum pursuant to Minn. Stat. § 103C.225, Subd. 3 can be fully accomplished by publication in the same manner that Hennepin County publishes the sample ballot and the results of the general election.

5. **Ballot for Referendum.** Appearing on the state general election ballot for Hennepin County for the November 5, 2002 election was the following title, caption and two referendum questions, in the order they appeared on the ballot, pursuant to Minn. Stat. § 103C.225, Subd. 3 (b).

**REGARDING CITIZEN PETITION FOR TERMINATING HENNEPIN CONSERVATION DISTRICT EXISTENCE/OPERATIONS**

To vote, completely fill in the oval next to one or the other.

o For terminating the existence of the Hennepin (Soil and Water) Conservation District.

o Against terminating the existence of the Hennepin (Soil and Water) Conservation District.

6. **Referendum Results.** The results of the November 5, 2002 referendum on the Petition, held in Hennepin County, were certified by the Hennepin County Elections Division as follows:

| | | |
|---|---|---|
| Against terminating | 280,783 | 74.42% |
| For terminating | 96,513 | 25.58% |

7. **Voter Turnout.** A total of 377,296 registered voters cast their votes in the referendum on the Petition. There were 679,019 registered voters in Hennepin County on November 5, 2002, which means 55.56 percent of the registered voters cast their votes on the referendum questions regarding the Hennepin Conservation District.

8. **Attitudes of Land Occupiers.** The attitudes and support for the continued operation and existence of the Hennepin Conservation District by the land occupiers and citizens of Hennepin County was clearly demonstrated by:

A. The result of the referendum, with 74.42 percent of those voting favoring continuance of the Hennepin Conservation District, showed strong support from Hennepin County land occupiers for the continued operation and existence of the Hennepin Conservation District.

B. Many letters of support were sent to Hennepin County and the Hennepin Conservation District before the referendum from federal and state agencies, consultants, teachers, non-profit organizations, lake associations, cooperators, citizens, volunteers, and watershed management organizations.

C. The web site "Friends of HCD" listed support for the District from the following:

- 80 citizens
- Two State Legislators
- Minneapolis Mayor
- County Commissioner
- Developer
- Ten Non-profit organizations
- National Association of Conservation Districts
- Minnesota and Metro Associations of Soil and Water Conservation Districts
- Wetland Delineators Association
- Green Party

D. The Hennepin Conservation District has received numerous awards over the years for their outstanding work in conservation issues, recently receiving awards such as:

- Soil Conservation Society Merit Award
- The Farmer: Superior Rating for accomplishments in soil and water stewardship
- NRCS recognition for 50 years of service to the citizens of Hennepin County
- BWSR recognition for 50 years of service to the citizens of Hennepin County
- MASWCD Outstanding Education Program (1996)
- MASWCD Top 12 Producing Districts in the State for 2000 & 2001
- Partners for Wildlife Regional Director's Award for Outstanding Contributions to Management of Important Resources on Private Lands
- Minnesota Environmental Initiative Award for Watershed Partners work (1999)
- Minnesota Environmental Initiative Award for River Watch Volunteer Monitoring (2002)

9. **Cost of Erosion Control.** The Hennepin Conservation District was established by referendum in 1949. There is a board of five elected supervisors that govern the District. Over the past several years the District has maintained a staff of approximately eleven people. Staff includes a district manager, a natural resources specialist, a conservation specialist, a limnologist, a wetland specialist, a water resource specialist, a GIS coordinator, a professional engineer, an education specialist, a conservation technician, and an office administrator.

The District protects water and soil resources by administering and implementing programs that: 1) assist local units of government in making land use decisions; 2) reduce erosion and control sedimentation and pollutant loading; 3) restore and conserve natural areas; 4) educate the public regarding conservation of natural resources; 5) protect, preserve, and restore wetlands; and 6) identify existing and future resource problems. The annual budget for the District has been in the range of $800,000 to $1,200,000 for the past several years, with about half funded from property taxes. The other half of the budget is funded by such sources as federal, state, foundation, and other grants, the conservation fund, and fees for technical services. There are several erosion control programs and activities that the District is involved in, such as:

A. Urban erosion control. Review site plans for adequate erosion and sediment control practices.

B. Agricultural erosion control. Provide landowners a no-till drill for no tillage farming, prairie restoration, pasture renovation, and conservation easements.

C. Cost-Share Program. Administer cost-share funding for erosion and sediment control projects and water quality improvement projects.

D. Soil Interpretations. Produce reports for requests for technical assistance on hydric soils, suitable areas for development, and prime farmland.

E. Local Water Management Planning. District staff assist cities in the development of local water management plans and review the plans..

F. Environmental Reviews. District staff comment on Environmental Assessment Worksheets (EAW), Combined Project Notifications (CPN), and Alternative Urban Area wide Reviews (AUAR).

G. Agricultural Preserves. District staff assist in the Metropolitan Agricultural Preserves Act.

H. Precipitation Gauge Network. The District maintains a precipitation gauge network in the western part of Hennepin County and reports the data to the State Climatologist's office.

I. Stormwater management. The District reviews plans for flood plain management, stormwater management, wetlands, erosion and sediment control.

J. Wetland Conservation Act. The District performs many duties associated with implementation of the wetland conservation act.

K. Permanent Wetland Preserves. District staff assist landowners with enrollment of eligible acres and adjacent uplands into perpetual conservation easements and perform site inspections.

L. Reinvest in Minnesota (RIM). District staff administrate the RIM program in Hennepin County.

M. Streambank stabilization projects. District staff have coordinated several streambank stabilization projects, many involving bioengineering.

10. **Wealth and Income of Land Occupiers in Hennepin County.** The unequalized and unadjusted total taxable real and personal market value of Hennepin County, used to approximate the wealth and income of land occupiers within the Hennepin Conservation District, was $1,048,786,334 for 2002.

11. **Other Economic and Social Factors.** There are many other economic and social factors that support the continued operation and existence of the Hennepin Conservication District and are relevant to the decision on the Petition, such as:

A. District staff are administrative and technical advisors to the Pioneer-Sarah Creek and Elm Creek Watershed Management Organizations.

B. The District coordinates the River Watch monitoring program with schools and students. Macroinvertebrate monitoring of streams is done by volunteers. Approximately 1,000 students have participated in the program each year for the past several years.

C. The District started a wetland health evaluation project that involves citizens in the monitoring of wetland vegetation and invertebrates to gather baseline data and monitor the health of wetlands over time.

D. The District maintains a website that provides information to the general public regarding the activities of the District.

E. The District publishes a newsletter for the general public and has a River Monitor newsletter to communicate with the teachers and professionals involved with the river monitoring program.

F. District staff have done extensive work on an inventory of wetlands in Hennepin County and are assisting with development of a wetland bank.

G. District staff coauthored a book entitled "Lakescaping for Wildlife and Water Quality".

H. District staff are very active with providing technical assistance and organizaing workshops for bioengineering techniques and aquascaping/lakescaping.

I. The District has been successful in obtaining several grants for various projects and programs from a variety of funding sources.

J. The District is working with several metro greenways projects.

K. DNR permit reviews are routinely completed by the District.

L. The District completes functional assessments of wetlands and performs duties under the Wetland Conservation Act.

M. The District has conducted stewardship and education projects to involve students in hands-on river conservation efforts, such as installing erosion control measures, planting native vegetation in the riparian zone, removal of buckthorn, planting rain gardens, and monitoring erosion rates.

N. District Supervisors and staff have provided educational opportunities and information to public and private entities and to individuals through publication of brochures and a newsletter, legislative activities, Wetland Delineator's Association, water quality fairs, Envirothon, media coverage of projects, school presentations, and watershed organization presentations.

12. **Public Policy**. The Hennepin Conservation District has furthered the public policy set forth in Minn. Stat. § 103A.206 by working with " ... land occupiers to conserve soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, ... preserve wildlife, protect the tax base, and protect public lands." The District has completed agriculture and rural landowner assistance over the past five years, as follows:

- Filter Strips: 44,940 linear ft
- Riparian Buffers: 13,850 linear ft
- Grassed Waterways: 2,541 linear ft
- Wetland Restorations: 13
- Water & Sediment Control basins: 6
- Residue Management: 1,305 ac
- Manure and Nutrient Mgmt.: 1,579 ac
- Diversions: 400 ft
- Livestock Exclusion: 11,990 ft of fencing
- Rock Control Structures: 5
- Ag waste systems: 1
- Field Stripcropping: 29 ac
- Contour Farming: 7 ac
- $160,200 in cost share to landowners from grant funds

Additionally, the District has provided cost-share funds or other grants to assist about 60 backyard livestock owners during the past two years, as follows:

- Filter Strips: 3
- Riparian Buffers: 2

- Rotational Grazing Plans Implemented: 16
- Manure Management Plans: 7
- Critical Area Planting: 1
- Livestock Exclusion: 6

Further, the District has accomplished the following:

- Completed Natural Resource Inventories for several cities/township
- Accepted Donations of Conservation Easements from three landowners
- 400 acres of RIM Easements
- New Hennepin County Soil Survey
- Responsible for major part of effort to revise the BWSR MnRAM
- Worked to devise McRAM program for MCWD
- Developed HCD Wetland Inventory
- Assisted in development of "Restore Your Shore" DNR CD-Rom
- Assisted with second generation watershed plans for several watershed management organizations
- Created and manage comprehensive GIS system
- Reviewed over 500 plans for erosion and sediment control, stormwater management, wetlands, and floodplain management in the past five years

## CONCLUSIONS

1. The Petition to discontinue the operation and existence of the Hennepin Conservation District is valid in accordance with Minn. Stat. § 103C.225.

2. All relevant substantive and procedural requirements of law and rule have been fulfilled.

3. The Board has proper jurisdiction in the matter of making a decision on a petition filed for the discontinuance of a soil and water conservation district.

4. The result of the referendum was 74.42 percent voting against the Petition for discontinuance of the Hennepin Conservation District.

5. The two referendum questions on the Petition were voted on by 55.56 percent of the registered voters in Hennepin County.

6. The attitudes of the land occupiers in Hennepin County showed strong support for the continued operation and existence of the Hennepin Conservation District, which was most clearly evident from the results of the referendum.

7. The wealth and income of Hennepin County is more than sufficient to support the probable expense of erosion-control operations within the Hennepin Conservation District.

8. There are many other economic and social factors that support the continued operation and existence of the Hennepin Conservation District.

9. The continued operation of the Hennepin Conservation District is essential for implementing the public policy set forth in Minn. Stat. § 103A.206.

10. The continued operation of the Hennepin Conservation District is both administratively and economically feasible.

11. The Hennepin Conservation District has made outstanding accomplishments in soil and water conservation, has pioneered resolutions to conservation challenges in urban areas, and is a leader in many areas including aquascaping, lakescaping and bioengineering.

**ORDER**

The Board hereby determines that the continued operation of the Hennepin Conservation District is administratively feasible and orders that the August 24, 2001 Petition for discontinuance be denied, pursuant to Minn. Stat. § 103C.225, Subd. 4 (b).

Dated at Saint Paul, Minnesota this 4th day of December, 2002.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Leland G. Coe, Chair

Resolution #_____

## Resolution Endorsing the Development of a Plan to Certify Delineators in Minnesota

**WHEREAS,** Chapter 382 (Minnesota Laws of 2000) required the BWSR, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota and the Wetland Delineators Association to submit a plan for a professional delineator certification program to the legislature by January 15, 2001; and

**WHEREAS,** A plan for the certification of professional delineators was completed in December 2000 and submitted to the legislature for consideration during their 2001 session. The plan noted that without funding, a delineator certification program could not be initiated. And although legislative funding was sought for implementation of the plan, none was provided. Implementation of the plan has since been idle; and

**WHEREAS,** As stated in the plan "A wetland delineator certification program would provide stability to the implementation of the Wetland Conservation Act and other wetland regulations by formally recognizing individuals uniquely qualified to perform wetland delineations." In addition, consumers will be protected knowing that delineations would be conducted by qualified persons operating under a code of ethics; and

**WHEREAS,** Continued pressure to develop environmentally sensitive lands, including wetlands, and pressure on staff of local government to expedite paperwork has heightened the need for project applications that are technically correct; and

**WHEREAS,** With respect to projects impacting wetlands, a technically correct wetland delineation is essential for efficient implementation of the Wetland Conservation Act and other wetland regulations; and

**WHEREAS,** The UM College of Food, Agriculture and Environmental Science and the Department of Soil, Water and Climate has agreed to consider a proposal from the BWSR to fund the implementation of a wetland delineator certification program.

**THEREFORE BE IT RESOLVED,** That the BWSR endorse development of an implementation plan to certify wetland delineators in Minnesota and authorize staff to enter into agreements and memoranda necessary to implement the plan. The implementation plan will be reviewed for approval at a future BWSR meeting.

**BE IT FURTHER RESOLVED,** That in determining an implementation schedule and budget, BWSR staff consider the difficult fiscal situation currently facing agencies and local government.

_____
Leland Coe, Chairman, BWSR

_____
Date

# A Plan for the Certification of Wetland Delineators in Minnesota

Senate File 83 (Chapter 382, Minnesota Laws of 2000) required the Board of Water and Soil Resources (BWSR), in consultation with the Minnesota Association of Professional Soil Scientists (MAPSS), the University of Minnesota (UM), and the Wetland Delineators Association (WDA) to submit a plan for a professional delineator certification program to the legislature by January 15, 2001.

Representatives of the aforementioned groups and individuals from state and federal agencies, local units of government and private consulting firms met several times during 2000. Staff from the BWSR chaired the meetings. The following text reflects the views of the participants and the process used to reach the recommendations which are at the end of this report.

***Benefits of delineator certification***

- A wetland delineator certification program would provide stability to the implementation of the Wetland Conservation Act and other wetland regulations by formally recognizing individuals uniquely qualified to perform wetland delineations.
- The regulatory process should be more efficient in that wetland delineation and typing determinations should be less frequently questioned.
- Consumers will be protected by knowing that delineations will be conducted by qualified persons operating under a code of ethics.
- The environment will be better served in that the jurisdictional boundaries of wetlands may be more precisely delineated.
- The practice of wetland delineation will be recognized as a distinct skill with economic value in the marketplace.
- Wetland delineators will have the responsibility to maintain and enhance their skills.

***Comparison to other certification programs***

Delineator certification programs of the U.S. Army Corps of Engineers and State of New Hampshire were reviewed. The Minnesota program for the certification of individuals involved with individual sewage treatment systems (ISTS) was also reviewed for its applicability to wetlands. This proposal reflects many aspects of those programs.

***General nature of the proposed certification program***

- With respect to all aspects of delineator certification, no distinction is made between public and private sector delineators.
- Certification will apply only to delineation. However, because wetland regulations often require that a wetland be classified by type (Circular 39 or Cowardin, et al.), it is expected that a certified wetland delineator be competent in wetland typing.

- Certification is required for practitioners from other states who delineate wetlands in Minnesota.

- A wetland delineator certification program would establish appropriate standards for education, experience, and performance for persons completing delineations.
- Delineator certification should become mandatory on July 1, 2004, after a three-year (voluntary) phase-in period. The effect of this is that, except for exempt persons or projects, after July 1, 2004,wetland delineations may be performed only by certified delineators.
- Exemptions: wetlands may be delineated without certification:
    - by individual landowners for projects on their property, and
    - for projects non-regulatory in nature such as wetland inventories.

***Peer review committee***

A code of conduct and ethics agreement must be developed as part of a compliance program. Compliance includes complaints, sanctions, probation, decertification, and the associated protocols and procedures, which will be developed during rulemaking. The BWSR will chair an enforcement/ethics committee with other members nominated by MAPSS, WDA, UM, and representatives of local units of government, private sector delineators, and state and federal agencies. This committee will also evaluate applications and associated documentation concerning training and experience.

***Applicability to federal agencies and regulations***

Endorsement of delineator certification will be sought from federal agencies by use of memoranda of agreement. The memoranda will address participation of federal staff in the planning and conduct of training and the applicability of delineator certification to federal regulations. The BWSR will assume responsibility for this task.

***Implementation of delineator certification***

Administrative tasks, including training, and budget estimates are provided in *Attachment A*. It must be noted that without funding a delineator certification program cannot be initiated. The parties to this report do not exist in sufficient numbers to make this program self-supporting. Regarding a location for the program, the BWSR office in St. Paul is the first choice. Other options discussed included contracting with a private vendor. The BWSR is a preferred location due to its involvement with many aspects of wetland management and regulation. Training is major component of delineator certification, both in terms of initial certification and continuing education. All parties agreed that a major effort should be made to develop a cadre of in-state trainers from among public and private sector professionals. In addition, the University of Minnesota was urged to add to its offerings a course applicable to wetland delineation.

***Specific elements of certification***

Education, training, and experience requirements are summarized in Attachment B. Considerable discussion occurred during the development of these elements. As written, they reflect a balance between stringent requirements which could exclude most

delineators currently practicing and minimal standards that would not screen out incompetent practioners.

***Enactment of the certification program***

- The program would be authorized by legislation in 2001. That legislation would frame the basic principles, establish guidelines for the voluntary (phase I) program, and authorize the BWSR to make appropriate amendments to the rules of the Wetland Conservation Act.
- Rule amendments must be completed and in effect by July 1, 2004.

***Recommendation***

Finding that the establishment of a wetland delineator certification program is in the public interest and would further the management and protection of wetlands, it is the recommendation of the undersigned parties that legislation and an associated appropriation be pursued during the 2001 legislative session.

*Signatures:*

Board of Water and Soil Resources: Ron Harnack, Executive Director

Minnesota Association of Professional Soil Scientists: Jim Arndt, President

University of Minnesota: H.H. Cheng; Head, Department of Soil, Water and Climate

Wetland Delineators Association: Mark Kjolhaug, President

Note: Letters of support and a list of meeting dates and attendees are attached

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## Attachment A
## BUDGET: Wetland Delineator Certification Program

| | Estimated Annual Costs | | |
|---|---|---|---|
| | Phase I (Prior to 7-01-2004) | Phase II (After 7-01-2004) | In-kind contributions |
| • Administrative<br>o Record keeping<br>o Enforcement<br>- Complaints<br>- Investigation<br>• Collection of fees<br>• Develop and administer exams | $100,000<br>• $75,000 professional staff (1 FTE)<br>• $25,000 clerical (0.5 FTE) | $75,000* | |
| • Training<br>o Coordinate curriculum<br>o Organize and arrange training | $50,000** | $50,000** | $50,000 (based on past contributions)<br>Sources:<br>• BWSR<br>• DNR<br>• U of M<br>• Corps of Engineers<br>• NRCS<br>• USFWS |

Assumptions:

- Potentially 500 people will seek to become certified prior to July 1, 2004 (Phase I). The number certified by that date will stay relatively constant thereafter (new certifications may be slightly more than those vacating their certification).
- The certification fee is proposed to be $50.00 per calendar year.
- After July 1, 2004 (phase II), the extent to which certification fees can be considered annual revenue will be predictable. That is not true, however, before July 1, 2004 because the frequency of certification cannot be predicted. Consequently, certification fees are not budgeted as implementation revenue during Phase I. Certification fees collected during Phase I will be used for training and will subsidize participants share of training costs.

Notes:

*Certification fees are estimated to provide $25,000 in annual revenue (500 * $50.00).

**Participants also pay $50,000, or ½ of total training costs. As stated under assumptions, revenue from certifications will be used to subsidize participants share of training costs.

## Attachment B
## SUMMARY OF WETLAND DELINEATOR CERTIFICATION PROGRAM

| ELEMENTS | PHASE I | PHASE II |
|---|---|---|
| Date | 3 years in duration, beginning July 1, 2001 | Beginning July 2, 2004 |
| Voluntary Certification | Yes | |
| Mandatory Certification | | Yes |
| Education and Training | One of the following needed plus experience before exam can be taken:<br>• Broad coursework[1] or<br>• A 4-5 day delineation course | Both of the following plus experience[2] needed before exam can be taken:<br>• Broad coursework and<br>• A 4-5 day delineation course or equivalent training |
| Experience | 3 years (2 years with masters or PhD degree in a related field) | 3 years (2 years with Masters or PhD degree in a related field) |
| Written Examination | Yes | Yes |
| Type of Examination | Basic | Comprehensive |
| Field Examination | No | No |
| Ethics Agreement | Yes | Yes |
| Compliance with sanctions and other enforcement actions | No | Yes |
| References | Yes (names only, letters not needed) | Yes (names only, letters not needed) |
| Continuing education required to maintain certification | Yes | Yes |

Comments:

- Certification gained during phase I carries over to phase II
- Continuing education is defined as *" Pertinent seminars or training sessions totaling 8 or more hours in duration each calendar year."*
- Experience is defined as *"Where wetland management, wetland regulation, wetland delineation or wetland ecology activities are among the primary duties of their employment. A person so employed for one year would have experience equaling one year."*
- Practitioners from other states doing wetland delineations in Minnesota must also be certified.

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[1] Coursework would include wetland specific courses and other classes drawn from physical or biological sciences and engineering.

[2] "in-training" status will be eligible for certification upon proof of experience.

DATE: November 15, 2002

TO: BWSR Board Members

FROM: Tom Mings, BWSR Senior Wetland Specialist

CC: John Jaschke, Land and Water Section Coordinator

SUBJECT: Martin County Wetland Plan

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**Martin County**

The Martin County Comprehensive Wetland Protection and Management Plan is the result of a 4-year effort by the County and Soil and Water Conservation District to provide a wetland decision-making framework that fits the county's diverse land uses and natural resource protection needs. Through the effort of citizens, and representatives of local, state and federal agencies, the county has devised a plan that meets the requirements of Minnesota Rule 8420.0650 governing local wetland plans. This plan uses a modified Minnesota Routine Assessment method (MNRAM) to evaluate the functions of county wetland resources. A panel of local and state resource persons whom have professional knowledge of the County's wetland resources conducted this evaluation. Combined with a values matrix developed through citizen and agency input, wetlands are categorized into one of four types (special protection, high, moderate, and low). Each of these categories contains standards that determine the level of protection afforded to a particular wetland. The goals listed in the plan are generally more restrictive than the replacement standards in the Wetland Conservation Act, especially with regard to replacement location options and mitigation ratios for the most highly valued wetland areas. Input from the Minnesota DNR, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, and the US Army Corps of Engineers played a significant role in the plan's development. It is anticipated that the County Board will adopt this plan via ordinance in the near future. I recommend that the Board approve implementation of this plan with the understanding that the County Board will both adopt this plan, and develop and adopt a wetland protection ordinance that implements this plan in the future.

**Board Resolution No._____**

WHEREAS, Martin County has taken this opportunity to submit their Comprehensive Wetland Protection and Management Plan ("Plan") to the Board of Water & Soil Resources (BWSR) for review and comment at the Board's May 2000 regular meeting; and

WHEREAS, a preliminary overview of the Plan was presented to the Board's Southern Water Planning Subcommittee at their November 6, 2002 meeting; and

WHEREAS, Martin County initiated a plan which utilizes a modification of the Minnesota Routine Wetland Assessment Method (MNRAM) to assess specific functions and values of various wetland types proposed for impacts within the County. This assessment accounts for floral diversity, shoreline protection, surface water quality, flood attenuation, fish and wildlife habitat, and aesthetics/recreation. This plan is a product of a technical committee comprised of Soil and Water Conservation District staff, county staff, representatives of other local governments, U.S. Fish and Wildlife Service, Minnesota Department of Natural Resources, U.S. Army Corps of Engineers, and other resource specialists with specific knowledge about the county's natural resources. The Plan has been developed with the goal of providing a mechanism to guide future wetland decisions within the County; and

WHEREAS, Staff from the MDNR-Section of Wildlife in consultation with other appropriate agency staff, MDNR-Enforcement, and MPCA actively participated in the planning process. The US Army Corps of Engineers also participated providing comments, as they deemed necessary to clarify federal responsibilities under the Clean Water Act. Martin County incorporated all comments received deemed relevant to the improvement of the Plan; and

WHEREAS, the Plan will become effective after development of a Martin County wetland protection ordinance, and adoption of the final plan into the official control which is the Martin County Wetland Protection Ordinance.

NOW THEREFORE, The Board endorses the Plan contingent upon the following conditions:

1. The County Board adopts this Plan within a legally enforceable wetland protection ordinance.

FURTHERMORE, the Board directs staff to assist Martin County in finalizing the Plan and ordinance including, but not limited to: providing suggested language for the ordinance that fulfills the goals of the Wetland Conservation Act and the Plan, other specific suggestions on language in the ordinance, general suggestions on legal considerations related to the ordinance.

Signature_____ Date_____

Leland G. Coe, Chair
MN Board of Water & Soil Resources

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# MARTIN COUNTY WETLAND PROTECTION AND MANAGEMENT PLAN

**APPROVED**
**JULY 23, 2002**

# ACKNOWLEDGEMENTS


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# INTRODUCTION

## PLANNING AUTHORITY

In 1996, the Wetland Conservation Act (WCA) amendments provided local units of government the authority to prepare comprehensive wetland protection and management plans as an alternative to following portions of the state's WCA rules. Local units of government are allowed flexibility in determining wetland replacement standards, specifically in the location of replacement sites, replacement ratios, and the sequencing process. Martin County determined that great benefits would be realized by developing a comprehensive wetland protection and management plan, including:

- Giving the County increased autonomy from the state to manage wetlands according to the County's wetland conditions and priorities
- Creating a customized wetland function and value assessment for the County
- Proactively managing wetlands
- Increasing the extent of wetlands in the County
- Creating an educational tool
- Establishing a wetland restoration database

## PURPOSE

The Martin County Wetland Protection and Management Plan has been prepared according to Minnesota State Statutes Chapter 103G.2243, local comprehensive wetland protection and management plans, and Minnesota Rules Chapter 8420. The purpose of the planning process was to develop a wetland function and value assessment methodology, to establish management strategies for wetland protection, restoration and management, and to fulfill a goal of the County's Comprehensive Local Water Plan "to preserve and protect the wetlands that remain in Martin County."

## BACKGROUND

Originally, wetlands existed on approximately one-third of the County's land area. Federal and state laws passed during the 1800s and early to mid 1900s encouraged draining wetlands. At that time, wetlands were viewed as having no value in their natural, marshy conditions and the state encouraged draining wetlands to enhance their productivity and taxable value. To increase the amount of productive agricultural land in Martin County, extensive drainage ditch and tile systems were developed. Drainage activity in the County began in 1903 and peaked in 1914. A few years later drainage activity slowed statewide due to World War I, federal policies, a ten-year drought, floods, and an agricultural depression. Land values and agricultural commodity prices rose after the war, but drainage work was costly and was limited to improvements of the existing system. Farm prices declined in the mid 1920s and the drought of the 1930s caused a decrease in drainage activities. The drought was over by the late 1930s and agricultural prices increased; however, the existing drainage systems were in poor condition and in need of repair.

# INTRODUCTION

Federal and state laws passed during the 1940s and 1950s supported the repair and improvement of existing systems. Agricultural activity prospered, and the County undertook several drainage improvement projects in the late 1950s and 1960s. Today, there are over 200 drainage systems in the County, which consist of 189 miles of open ditches and thousands of miles of underground tile.

Due to the extensive drainage network, only 5% of the original wetlands remain. Most of the remaining wetlands are located within the shoreland areas of lakes, rivers, and streams. Conversely, few wetlands remain in the upland zones of the shoreland areas.

The value of wetlands has slowly been recognized in public laws and water management. The "Save the Wetlands" program was created in 1951 to acquire wetlands for state wildlife management areas. By 1973, environmental concerns, including wetlands, needed to be considered before establishing or improving drainage systems. The Wetland Conservation Act, enacted in 1991, created a "no net loss of wetlands" policy and provided for the mitigation of drained or filled wetlands.

The western and southern portions of Minnesota that have less than 50% of the original wetlands remaining are state designated high priority regions for preservation, enhancement, restoration, and establishment of wetlands. Counties outside the metropolitan area are responsible for identifying high priority wetland areas in their water management plans. Given that over 95% of the County's original wetlands have been lost, the entire County was designated as a high priority wetland area in its Comprehensive Local Water Plan. The high priority designation means that the County has made a commitment to preserving, enhancing, restoring, and establishing wetlands Countywide.

# WETLAND TYPES AND DEFINITIONS

## WHAT IS A WETLAND?

Wetlands are commonly referred to as swamps, ponds, or marshy areas. While these water resources are indeed wetlands, other wetlands look very different and may not have surface water at all or may only have surface water for part of the year. State law defines wetlands as transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Typically, wetlands must meet three criteria: 1) it must have a predominance of hydric, or wet, soils; 2) it must have standing water or saturated soil for at least part of the growing season to support vegetation adapted for life in saturated soil conditions; and 3) it must support a prevalence of vegetation adapted to wet soil conditions (Mn Rules Chapter 8420.0110 subp. 52).

## WETLAND CLASSIFICATION AND MAPPING METHODS

Two wetland classification methods are commonly used in Minnesota: Circular 39 and Cowardin. The mapping method used for the first wetland protection program and the Department of Natural Resources (DNR) Protected Waters Inventory (PWI) is the *Wetlands of the United States*, published by the U.S. Fish and Wildlife Service Circular 39 in 1956. This method is commonly referred to as Circular 39. Eight wetland types are found within Minnesota. The following is a description of the eight wetland types, as defined in Mn Rules Chapter 8420.0010 subp. 54a. The differences in types is largely attributed to the depth of water and the variety of vegetation.

**Type 1 Wetlands - Seasonally Flooded Basins or Floodplains**
The soil is covered with water or is waterlogged during variable seasonal periods but is usually well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses. Vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.

**Type 2 Wetlands - Wet Meadows**
The soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basis, sloughs, or farmland sags, or may border shallow marshes on the landward side.

**Type 3 Wetlands - Shallow Marshes**
The soil is usually waterlogged early during a growing season, and is often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants, such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side, and are also common as seep areas on irrigated lands.

**Type 4 Wetlands - Deep Marshes**
The soil is usually covered with six inches to three feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, water lilies, or

spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or may border open water in such depressions.

**Type 5 Wetlands - Open Water, Shallow Ponds, and Reservoirs**
The water is usually less than ten feet deep and is fringed by a border of emergent vegetation, similar to open areas of type 4 wetlands.

**Type 6 Wetlands - Shrub Swamps**
The soil is usually waterlogged during the growing season and is often covered with as much as six inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp privet. This type occurs mostly along sluggish streams and occasionally on floodplains.

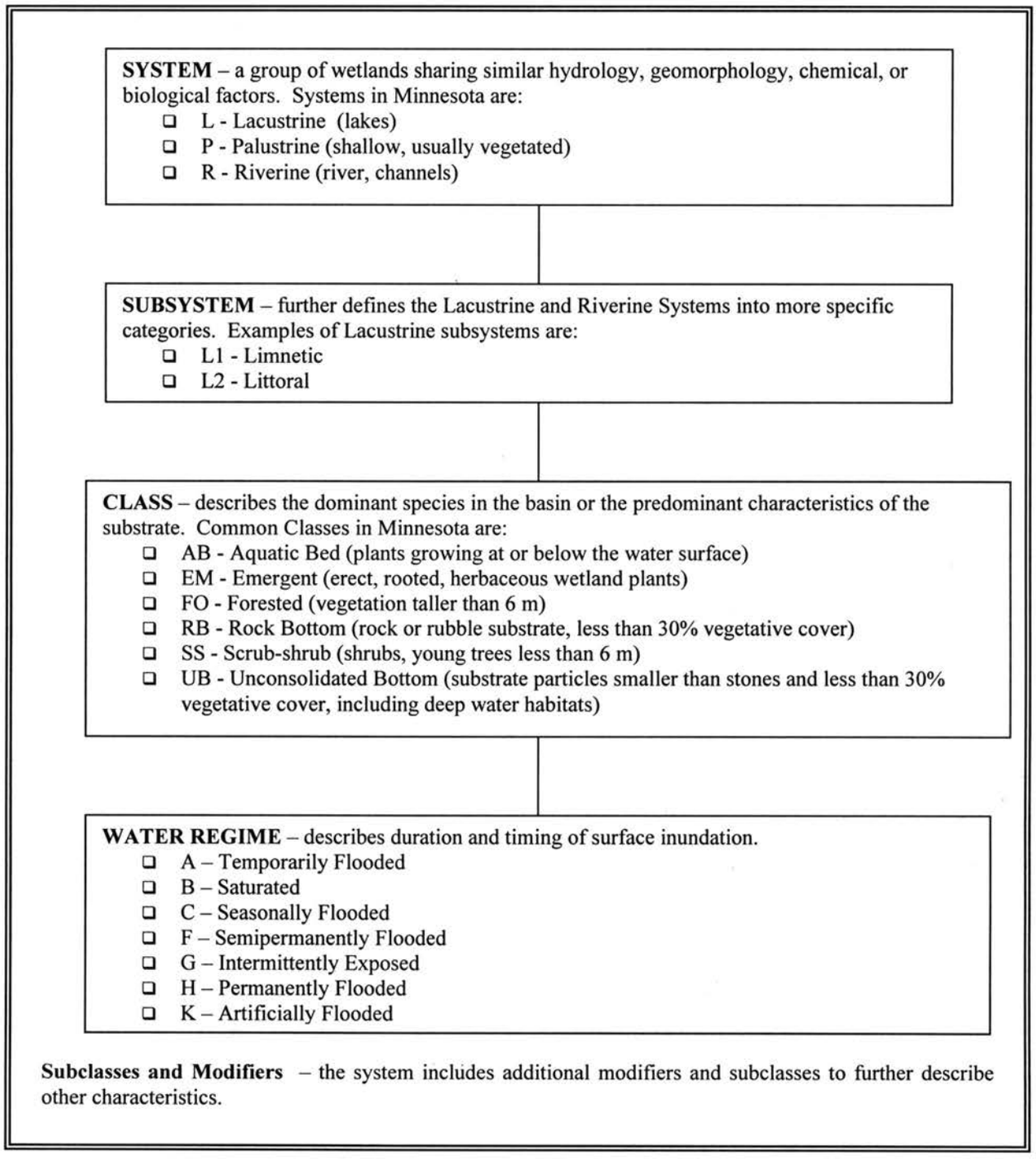
**Type 7 Wetlands - Wooded Swamps**
The soil is waterlogged at least to within a few inches of the surface during the growing season, and is often covered with as much as one foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.

**Type 8 Wetlands - Bogs**
The soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

While the Circular 39 method is used to *map* wetland basins, the 1979 Cowardin et. al. method, *Classification of Wetlands and Deepwater Habitats in the United States*, was published by the U.S. Fish and Wildlife Service for the purposes of *classifying* wetland habitats. The more detailed Cowardin method is used on the National Wetland Inventory (NWI) maps and applies a hierarchical system to wetlands according to the water source, soils, vegetation type, and seasonal flooding. The classification system is shown on Figure 1.

# WETLAND TYPES AND DEFINITIONS

Figure 1. Cowardin System




The two systems do not directly correlate to one another. However, the DNR developed a publication that attempts to show how the two systems relate to one another (Table 1). Typically, a Circular 39 type of wetland may include several different Cowardin classified wetlands. For example the Circular 39 method may classify a wetland system as a Type 4,

whereas, the Cowardin system would assign four classifications, PEMF, PEMC, PSSC, and PEMB, to describe all the components of the wetland system.

Table 1. Comparison of Circular 39 and Cowardin Classification Systems

| CIRCULAR 39 | COWARDIN | | |
|---|---|---|---|
| **Type** | **SYSTEM, Subsystem, Class, Subclass** | **Typical Water Regimes** | **Typical NWI Symbols** |
| Type 1 – Seasonally Flooded Basins or Floodplains | PALUSTRINE (P)<br>Emergent (EM)<br>Forested (FO)<br>Unconsolidated Shore (US) | Temporarily Flooded (A) | PEMA<br>PFOA<br>PUS |
| Type 2 – Wet Meadow | PALUSTRINE (P)<br>Emergent (EM) | Saturated (B) | PEMB |
| Type 3 – Shallow Marsh | PALUSTRINE (P)<br>Emergent (EM)<br>Scrub-Shrub (SS)<br>Unconsolidated Shore (UB) | Temporarily Flooded (A)<br>Seasonally Flooded (C)<br>Semipermanently Flooded (F)<br>Permanently Flooded (H) | PEMC & F<br>PSSH<br>PUBA & C |
| Type 4 – Deep Marsh | LACUSTRINE (L) or<br>PALUSTRINE (P)<br>Littoral (2)<br>Aquatic Bed (AB)<br>Emergent (EM)<br>Unconsolidated Bottom (UB)<br>Unconsolidated Shore (US) | Saturated (B)<br>Semipermanently Flooded (F)<br>Intermittently Exposed (G)<br>Permanetly Flooded (H) | L2ABF<br>L2EMF & G<br>L2US<br>PABF & G<br>PEMG & H<br>PUBB & F |
| Type 5 – Shallow Open Water | LACUSTRINE (L) or<br>PALUSTRINE (P)<br>Limnetic (1)<br>Littoral (2)<br>Aquatic Bed (AB)<br>Emergent (EM)<br>Rocky Shore (RS)<br>Unconsolidated Bottom (UB) | Temporarily Flooded (A)<br>Saturated (B)<br>Intermittently Exposed (G)<br>Permanently Flooded (H) | L1<br>L2ABG & H<br>L2EMA, B & H<br>L2RS<br>L2UB<br>PABH<br>PUBG and H |
| Type 6 – Shrub Swamp | PALUSTRINE (P)<br>Scrub-Shrub (SS)<br>Broadleaf deciduous (1) Dead (5)<br>Deciduous (6) | All regimes except H | PSSA,C, F, & G<br>PSS1,5, & 6B |
| Type 7 – Wooded Swamp | PALUSTRINE (P)<br>Forested (FO)<br>Broadleaf deciduous (1) Dead (5)<br>Deciduous (6) | Saturated (B)<br>Seasonally Flooded (C)<br>Semipermanently Flooded (F) | PFOC and F |
| Type 8 - Bogs | PALUSTRINE (P)<br>Forested (FO)<br>Scrub-Shrub (SS)<br>Needle-leaved deciduous (2)<br>Broad leaved evergreen (3)<br>Needle-leaved evergreen (4)<br>Evergreen (7) | Saturated (B) | PFO2,4, & 7B<br>PSS2,3,4,& 7B |

Source: *Wetland Types and Definitions*, Mn DNR (1996)

# WETLAND INVENTORY

The following inventory data represents the extent of wetlands within the County as of 1993 according to the NWI. The data does not include lakes or reflect wetland restorations via the conservation reserve program (CRP), the conservation reserve enhancement program (CREP), the wetland reserve program (WRP), or other conservation programs. An updated inventory of wetlands was not conducted as a part of the wetland planning process. Table 2 represents the extent of wetlands classified under the Circular 39 system and Table 3 represents the extent of wetlands classified under the Cowardin system. The differences in total wetland areas and wetland acres illustrates that the two classification systems cannot be directly correlated to one another.

Table 2. Circular 39 Wetland Inventory

| **Wetland Type** | **Number of Wetlands** | **Number of Acres** | **Percent of Total Acres** |
|---|---|---|---|
| Type 1 | 890 | 3677.10 | 29.1 |
| Type 1 / 3 | 41 | 166.13 | 1.3 |
| Type 2 | 2 | 72.15 | 0.6 |
| Type 3 | 1710 | 6336.57 | 50.1 |
| Type 3 / 4 | 15 | 164.257 | 1.3 |
| Type 3 / 6 | 55 | 261.63 | 2.1 |
| Type 4 | 65 | 151.51 | 1.2 |
| Type 4 / 3 | 6 | 59.38 | 0.5 |
| Type 5 | 212 | 293.72 | 2.3 |
| Type 5 (L2UBGd & L2UBGh) | 2 | 38.68 | 0.3 |
| Type 5 / 4 | 3 | 208.76 | 1.7 |
| Type 5 (artificially flooded) | 8 | 25.13 | 0.2 |
| Type 6 | 107 | 87.32 | 0.7 |
| Type 6 / 1 | 1 | 1.61 | 0.0 |
| Type 6 / 3 | 8 | 35.03 | 0.3 |
| Type 6 / 7 | 11 | 40.22 | 0.3 |
| Type 7 | 431 | 904.76 | 7.2 |
| Type 7 / 6 | 16 | 97.24 | 0.8 |
| Type 8 | none | none | 0.0 |
| Not addressed in Circular 39 (R2UBG and R2USA) | 11 | 24.45 | 0.2 |
| **Totals** | **3,594** | **12,645.62** | 100.0 |

Table 3. Cowardin Wetland Inventory

| NWI Symbol | Number of Wetlands | Number of Acres |
|---|---|---|
| PAB/EMF | 1 | 2.2 |
| PEM/FO1A | 1 | 21.3 |
| PEM/FO1C | 49 | 142.1 |
| PEM/FO1Cd | 13 | 60.5 |
| PEM/FO1Cx | 2 | 4.2 |
| PEM/SS1C | 49 | 249.3 |
| PEM/SS1Cd | 3 | 8.1 |
| PEM/SS1Cx | 3 | 4.2 |
| PEM/UBF | 13 | 158.4 |
| PEM/UBFx | 2 | 5.8 |
| PEMA | 437 | 554.8 |
| PEMAd | 366 | 2991.8 |
| PEMBd | 2 | 72.1 |
| PEMC | 965 | 1618.9 |
| PEMCd | 293 | 1475.3 |
| PEMCh | 1 | 0.9 |
| PEMCx | 30 | 12.2 |
| PEMF | 275 | 2572.3 |
| PEMFd | 67 | 435.1 |
| PEMFx | 15 | 15.0 |
| PEMG | 8 | 93.0 |
| PEMGx | 1 | 0.9 |
| PFO/SS1C | 14 | 94.3 |
| PFO/SS1Cx | 2 | 2.9 |
| PFO1/EMA | 1 | 2.7 |
| PFO1/EMC | 36 | 139.6 |
| PFO1/EMCd | 2 | 6.5 |
| PFO1/EMCx | 2 | 13.0 |
| PFO1/EMF | 1 | 7.0 |
| PFO1A | 82 | 98.9 |

| NWI Symbol | Number of Wetlands | Number of Acres |
|---|---|---|
| PFO1Ad | 3 | 7.6 |
| PFO1C | 379 | 805.9 |
| PFO1Cd | 32 | 83.2 |
| PFO1Cx | 20 | 15.7 |
| PSS/FO1A | 1 | 1.6 |
| PSS/FO1C | 8 | 34.6 |
| PSS/FO1Cd | 1 | 1.7 |
| PSS/FO1Cx | 2 | 3.9 |
| PSS1/EMC | 8 | 35.0 |
| PSS1A | 1 | 0.1 |
| PSS1C | 89 | 74.4 |
| PSS1Cd | 7 | 9.1 |
| PSS1Cx | 10 | 3.7 |
| PUB/EMF | 5 | 57.2 |
| PUB/EMG | 3 | 208.8 |
| PUBF | 43 | 53.3 |
| PUBFd | 2 | 1.2 |
| PUBFx | 11 | 3.0 |
| PUBG | 36 | 134.2 |
| PUBGd | 1 | 3.2 |
| PUBGh | 2 | 0.8 |
| PUBGx | 173 | 155.5 |
| PUBKGx | 8 | 25.1 |
| R2UBG | 2 | 20.9 |
| R2UBGx | 2 | 1.2 |
| R2USA | 7 | 2.3 |
| L2UBG | 31 | 3105.0 |
| L2UBGd | 1 | 15.0 |
| L2UBGh | 1 | 23.7 |
| **Totals** | **3,625** | **15,750.6** |

The difference in the totals for the two methods illustrates the aforementioned statement that the two systems do not directly correlate to one another.

# WETLAND FUNCTIONS AND VALUES

**Wetland Functions** are defined as the benefits that wetlands provide, as well as the natural processes that occur in wetlands, which vary according to: the type (class) of wetland, the season of the year, the location of the wetland within a watershed, and land uses that affect the hydrological and ecological integrity of the wetland. A single wetland may provide or perform one or more functions. Common wetland functions are listed below:

Water Quality Protection: Wetland plants absorb nutrients during their growth and development. The water leaving the wetland is cleaner because the nutrients are removed. Wetlands also temper water flows, which provides time for sediments to settle out before the water leaves the wetland and enters other wetlands, lakes, or streams.

Floodwater Detention: Wetlands retard flood waters and provide temporary storage of stormwater. This reduces the amount of damage to roads, bridges, crops, etc. by reducing peak discharges.

Aesthetics, Recreation, and Education: Wetlands provide areas to observe plant and animal species. They provide open space amenities to residential and commercial developments. Hunters, fisherman, and wildlife observers visit wetland areas. Wetlands also provide areas to study ecological processes.

Wildlife and Fisheries Habitat: Many species of wildlife spend all or certain seasons of the year in wetland habitats for breeding, brood rearing, feeding, and cover. Fish use wetlands for laying eggs, food, or protection.

Shoreland Stabilization: The vegetation in wetlands reduces the erosive forces of waves on lake and stream banks.

**Public Wetland Values** are typically subjective, non-site specific environmental, economic, and social benefits that are recognized by society and individuals through the functions that occur in wetlands. A public wetland value may apply to one or more wetland functions. Examples of public values are: water quality, water storage, public safety, recreational opportunities, wildlife habitat, biodiversity, breeding areas, and bait supply.

One of the objectives of the planning process was to develop a method to determine the specific functions that a wetland performed. The County developed a customized wetland functional assessment methodology that was derived from the local expertise of the Technical Advisory Committee and three existing methodologies: Minnehaha Creek Watershed District Routine Assessment Method for Evaluating Wetland Functions, the Wisconsin Department of Natural Resources Rapid Assessment Methodology for Evaluating Wetland Functional Values, and the Minnesota Routine Assessment Method for Evaluating Wetland Functions – Version 2.0.

To determine the wetland functions and associated values that are important to Martin County, the Technical Advisory Committee participated in a nominal group process and the results are shown in Table 4. As a large group, the Technical Committee identified wetland functions and discussed the values associated with each function. To prioritize the most important values, each Technical Committee member was given the opportunity to vote on ten (10) most important values. The **bolded** headings represent *Wetland Functions* and the bulleted (▪) items represent

the *Public Wetland Values* associated with each function. The number in parenthesis represents the number of votes each value received from the Technical Committee members.

Table 4. Martin County Wetland Functions and Associated Public Values

| | |
|---|---|
| **Water Quality**<br>▪ Wildlife Habitat (15)<br>▪ Water Quality (10)<br>▪ Water Filtration (10)<br>▪ Nutrient Assimilation (6)<br>▪ Water Supply (5)<br>▪ Sedimentation (4)<br>▪ Recreation (3)<br>▪ Aesthetic Qualities (2)<br>▪ Shoreline Stabilization (2)<br>▪ Erosion Control (1) | **Flood Control**<br>▪ Prevent Downstream Flooding (12)<br>▪ Water Storage (9)<br>▪ Erosion Control (6)<br>▪ Sediment Control (5)<br>▪ Public Safety (3)<br>▪ Road Maintenance Costs (1)<br>▪ Recreational Use (1)<br>▪ Infrastructure (1)<br>▪ Economic Losses for Agriculture and Private Property |
| **Habitat**<br>▪ Breeding Areas/Spawning Areas (7)<br>▪ Bio-diversity (6)<br>▪ Hunting Fishing (6)<br>▪ Wind Block/Soils (6)<br>▪ Endangered/Threatened Species (4)<br>▪ Recreational Areas (2)<br>▪ Aesthetics (2)<br>▪ Mosquito Habitat<br>▪ Continuity<br>▪ Calcareous Fens<br>▪ "It's What's Left"<br>▪ Feeding for Animals | **Education/Recreation**<br>▪ Habitat – Hunting/Fishing (10)<br>▪ Students/Adults close-up hands on educational opportunities (6)<br>▪ Environmental Health Thermometer (2)<br>▪ Endangered and Threatened Species<br>▪ Limited Resource<br>▪ Scientific Natural Areas (SNAs)<br>▪ Hiking<br>▪ Birding<br>▪ Camping<br>▪ Trapping |
| **Commercial Use**<br>▪ Water Quality/Quantity (6)<br>▪ Water Storage (4)<br>▪ Agricultural Land/Farm Values (4)<br>▪ Business Location/Attraction (4)<br>▪ Residential Development (2)<br>▪ Hunting/Fishing (2)<br>▪ Trapping<br>▪ Bait Supply<br>▪ Specialty Crops | **Red Flags**<br>▪ Location – Land Use/Zoning (6)<br>▪ Calcareous Fen (4)<br>▪ Ground Water Fed Wetlands (2)<br>▪ Side Slope Seep Wetlands (2)<br>▪ Endangered/Threatened Species |

The results of the exercise were used to develop the functional assessment methodology and the wetland ranking and classification system that is presented in this plan.

# WETLAND FUNCTIONAL ASSESSMENT

One of the objectives of the planning process was to develop a method to assess wetland functions. The purpose of a wetland functional assessment is to determine the specific functions a wetland performs and the associated public values. The quantitative functional assessment method consists of a series of questions that the wetland evaluator must answer to determine if a wetland represents an exceptional, high, medium, or low ability to perform each of five wetland functions: water quality protection, wildlife and fisheries habitat, flood control and water storage, recreation and education, and commercial use. The method is also used to assess the potential for wetland restoration and enhancement. The final outcome of the assessment is an overall wetland score that is used to determine the appropriate management strategies.

The County developed a customized wetland functional assessment methodology that was derived from the local expertise of the Technical Advisory Committee and three existing methodologies: Minnehaha Creek Watershed District Routine Assessment Method for Evaluating Wetland Functions, the Wisconsin Department of Natural Resources Rapid Assessment Methodology for Evaluating Wetland Functional Values, and the Minnesota Routine Assessment Method for Evaluating Wetland Functions – Version 2.0. The Wetland Functional Assessment Methodology is located in Appendix A.

Typically, the application of the functional assessment will occur as part of the County's development review and approval process for activities that require wetland permits. The functional assessment information is used to educate the applicant, general public, local units of government, agencies, and the WCA administrator about the wetland's functions and values. The assessment information and the goals and policies contained in this plan will be used to determine the appropriate management strategies for wetland preservation, enhancement, restoration, and/or replacement.

The application of the assessment methodology is not limited to the wetland permitting process; rather, the assessment can be used to proactively manage wetlands. The County, local units of government, land management agencies, and citizens have the opportunity to apply the methodology to any wetland, as their respective budgets allow. For example, the assessment could be used to identify restoration sites, designate individual high priority wetlands, or educate development applicants during the pre-planning process.

# WETLAND ISSUES

The following wetland issues were identified by the Technical Advisory Committee at the Kick-Off Work Session or included in the County's Local Water Resources Plan. The wetland protection management goals and policies and wetland classification system strive to address or resolve many of the issues identified below.

**Water Quality**
- Water pollution
- Using wetlands to directly treat stormwater
- Degradation of potable water supply sources
- Decreasing ground water recharge

**Wetland Protection and Restoration**
- Only 5% of original wetlands remain
- Permanent or high water levels affecting wetland functions
- Increasing water flow to wetlands
- Not allowing wetlands to dry out occasionally
- Losing productive wetlands
- Overusing wetlands (recreation, sedimentation)
- Altering one wetland type to create another supposedly more valuable type
- Segregating natural areas
- Wetlands without upland buffers

**Flood Control**
- Flooding
- Damaging wetlands due to use as primary flood control mechanism
- Road damage
- Deterioration of public drainage system
- Loss of nearly all wetlands in the upland zone

**Policy, Process, Planning**
- Being regulatory, rather than goal orientated
- Too much regulation
- Not having public input in the process
- Complex or confusing regulations
- Relaxing the sequencing standards
- Minimizing the importance of wetlands
- Using wetlands as an alternative to legitimate BMPs for various land use activities
- Replacing wetlands outside the affected watershed
- Duplication with other wetland enhancement or protection programs
- Loopholes in the ordinance
- Wetland replacement credit for stormwater facilities

**Shoreland Aesthetics**
- Damaging lakes
- Wind and water erosion
- Degrading shoreland vegetation

**Education**
- Ducks verses Corn argument
- Rural (agriculture) verses urban battles over who is to blame for water quality issues
- Land use practices affect large landscape
- Landowner confusion regarding what a wetland looks like
- Landowner confusion regarding wetland regulations
- Landowners may not recognize that wetlands provide multiple functions and values

**Property Rights/Economics**
- Loss of property rights
- Myth that wetlands degrade the value of property
- Landowner financial impacts
- Increasing the cost of development
- Economic loss to agriculture

**Land Use/Location**
- Too much development on lakes
- Urban sprawl
- Applying different standards to rural and urban land uses
- Prioritizing wetlands in the wrong location
- Giving high quality wetlands a lower priority because they are in the wrong place
- Destroying wetlands for urban development
- Ignoring that the location of a wetland is important to achieve functions (e.g., water storage, water quality)

**Habitat**
- Losing wildlife habitat
- Losing endangered species of grasses

# GOALS AND POLICIES

Goals and Policies are a detailed expression of a community's aspirations for the future and can be considered the heart of the Wetland Protection and Management Plan. The **Goals** and **Policies** provide the framework for the various roles and responsibilities of the County in implementing and achieving these aspirations. The Goals and Policies spell out various roles and responsibilities for the County.

Goal: A general statement of community aspirations and desired objectives that indicates a broad social, economic, or physical state of conditions that the community officially agrees to strive to achieve in a variety of ways, such as through the implementation of the Wetland Protection and Management Plan.

Policies: An officially adopted course or method of action intended to be followed to implement the community Goals.

### WETLAND FUNCTIONS AND VALUES

Goal: Manage wetlands according to the functions they perform and the resultant public values.

Policies:

1. Identify the function of wetlands for water quality protection, wildlife and fisheries habitat, flood control and stormwater retention, recreation and education, and commercial use by applying the County's functional assessment methodology.

2. Develop tools to assist wetland evaluators conducting the functional assessment, such as minor watershed to wetland ratios, ownership data, countywide land use data, etc.

3. Require wetland permit applicants to conduct a functional assessment of the wetland(s) to determine the appropriate strategies to mitigate impacts to the specific wetland function(s).

4. Support the results of the wetland functional assessment by requiring mitigation strategies to be tailored to the specific functions that are proposed to be affected.

5. Encourage the creation of wetland preservation areas, such as upland buffer areas, to preserve wetlands with exceptional or high values to perform specific wetland functions.

6. Identify individual high priority wetlands that have exceptional value to perform a specific wetland function or high values to perform several wetland functions.

7. Work with local agencies, local conservation organizations, and organizations such as SWCD, NRCS, DNR, Ducks Unlimited and Pheasants Forever to identify high priority wetlands on lands they manage.

8. Establish a specific timeframe in which the functional assessment is valid, and require a new assessment if the established timeframe has expired.

### SEQUENCING STANDARDS

Goal: Strengthen the sequencing standards for wetlands with exceptional or high values to perform specific wetland functions.

Policies:

1. Modify the WCA sequencing standards to encourage avoiding impacts to wetlands with exceptional or high values to perform specific wetland functions or, if necessary, encourage on-site mitigation.
2. Support the creation of wetland buffers as restoration credit for on-site mitigation.

### REPLACEMENT STANDARDS

Goal: Increase the extent of wetlands in Martin County, especially in the upland zone.

Policies:

1. Endorse a net-wetland-gain policy for the County.
2. Encourage the replacement of wetlands in the upland zone to be located within the upland zone of the same minor watershed, if feasible. If not, encourage the replacement within the upland zone of the same watershed
3. Support Public Value Credit only for replacement required above a 2:1 ratio for wetland replacement in the upland zone.
4. Support the preference for replacement plans that restore existing wetlands rather than creating new wetlands.

Goal: Support wetland replacement standards and replacement plans that are based on the ability of a wetland to perform specific functions.

Policies:

1. Vary the replacement standards to require a greater than 2:1 replacement for wetlands with exceptional or high values to perform specific functions as a disincentive to impact these wetlands.

2. Vary the replacement standards to require a greater than 2:1 replacement for individual high priority wetlands.

3. Require replacement plans that restore, enhance, or create the specific functions that were affected.

### WETLAND RESTORATION AND ENHANCEMENT

Goal: Create a wetland restoration and enhancement database to streamline the mitigation siting process and simplify wetland management decision-making.

Policies:

1. Identify drained or filled wetland areas and/or areas with hydric soils as potential restoration areas.

2. Identify and record the restoration potential of identified potential restoration areas by applying the County's functional assessment methodology.

3. Identify and record the restoration and/or enhancement potential and baseline information by applying the County's functional assessment methodology during the wetland permitting process.

4. Work to map potential wetland restoration and enhancement sites Countywide.

Goal: Improve the ability of wetlands to perform multiple functions and provide multiple public benefits.

Policies:

1. When public value credits are used, require establishing a diversity of native, non-invasive species.
2. When public value credits are used, require establishing a density of native, non-invasive species.
3. Protect restoration areas by adequately monitoring restoration success and enforcing recommended actions to ensure success.
4. Protect wetland functions by requiring restoration and/or enhancement of the specific wetland functions that are affected by development activities.
5. Support restoration activities that re-establish or enhance multiple wetland functions and public benefits.

Goal: Increase wetland restoration and enhancement activities Countywide

Policies:

1. Educate landowners about wetland banking and the financial incentives realized through restoring or enhancing wetland areas on their property for public value credits.

2. Provide education to wetland permit applicants about restoration programs during the initial project planning process.

3. Maintain the wetland restoration and enhancement database to streamline the wetland permitting process as an incentive to restoring wetlands.

4. Promote restoring existing wetlands rather than creating new wetlands.

### WATER QUALITY

Goal: Maintain or enhance the water quality of lakes, wetlands, and other water resources.

Policies:

1. Identify the ability of each wetland to perform water quality protection by applying the County's functional assessment methodology.

2. Strengthen the water quality protection function of wetlands within wellhead protection zones and within two (2) miles of a surface water supply source for potable uses.

3. Encourage water quality mitigation strategies that:

    a. Increase the density of wetland vegetation to reduce water energy and allow suspended materials to settle;

    b. Establish upland buffers, comprised of native vegetation, to slow and filter overland flow.

4. Amend the County's Zoning Ordinance to require the creation and maintenance of wetland buffers.

5. Encourage pre-treatment of stormwater runoff to prevent the direct discharge of stormwater to wetlands.

6. Work with local units of government within the County to establish land use controls that enhance wetland functions for water quality protection.

### WILDLIFE AND FISHERIES HABITAT

Goal: Maintain or improve fish and wildlife habitat that is interconnected to wetlands.

Policies:

1. Identify the ability of each wetland to provide fish and wildlife habitat by applying the County's functional assessment methodology.

2. Modify the WCA sequencing standards to encourage on-site mitigation of impacts to wetlands with exceptional value for habitat by repairing, rehabilitating, or restoring the affected habitat area, where feasible.

3. Encourage wetland habitat mitigation strategies that:

    a. Restore rare natural communities, rare wetland types, and rare habitat

    b. Establish buffers for wildlife habitat

    c. Improve the habitat function of wetlands known to be used by rare species

4. Encourage the use of the two-cell stormwater pond design that can provide quality habitat.

### RECREATION AND EDUCATIONAL OPPORTUNITIES

Goal: Maintain or increase the recreational and educational opportunities associated with wetlands.

Policies:

1. Identify the ability of each wetland to provide recreational and educational opportunities by applying the County's functional assessment methodology.

2. Support new public lands, including: parklands, wildlife management areas, and scientific and natural areas, to protect individual high priority wetlands.

3. Support new public lands to provide opportunities for observing plant and animal species, studying various ecological processes, and for hunting, trapping, fishing, birding, and photography.

4. Manage access to wetlands located on public lands to deter the public from impacting wetlands using mitigation strategies such as:

    a. Establishing trails that guide visitors around ecologically sensitive areas

    b. Providing trash and recycling containers

    c. Closing access if the functions of the wetland begin to degrade

    d. Limiting the size of visitor groups

### FLOOD CONTROL AND WATER STORAGE

Goal: Maintain and increase the ability of wetlands to help store water and control flood events.

Policies:

1. Identify the ability of each wetland to provide flood control and water storage by applying the County's functional assessment methodology.

2. Identify drained or filled wetland areas within the upland zone as potential restoration areas.

3. Identify areas of the public drainage system that are overloaded as high priority areas for the creation of wetlands for water storage.

4. Support the restoration and creation of wetlands in the upland zone as water storage areas.

5. Encourage water storage performance standards to protect water quality by:

    a. Establishing adequate wetland vegetation density to decrease water energy, allow settling of suspended materials, and assimilate nutrients

    b. Establishing an adequate upland vegetative buffer to slow and filter overland flow

    c. Monitoring the quality of water to ensure performance standards are adequate

    d. Requiring pretreatment of stormwater before discharging it into a wetland

### COMMERCIAL USE

Goal: Decrease the amount of degradation and the number of wetlands affected by non-wetland dependant commercial uses.

Policies:

1. Encourage new non-wetland dependant commercial uses to avoid wetlands and their upland buffers.

2. Educate landowners about tax incentives that provide compensation for protecting wetland areas.

3. Continue to support the WCA sequencing standards that require restoration to mitigate wetland impacts within cultivated fields.

4. Promote the use of agricultural best management practices for row-crops (i.e. soybeans or corn) and non-row crops (hay or pasture/grazing) that do not modify or control wetland hydrology or vegetation.

### LANDOWNER EDUCATION

Goal: Educate landowners about wetland functions and the public benefits of wetlands.

Policies:

1. Provide landowners with educational materials regarding all the functions and public values provided by wetlands.

2. Provide functional assessment workshops for landowners to learn about the assessment methodology, how to use the assessment to determine the functions of wetlands on their property, the Wetland Protection and Management Plan, and incentives to protect wetlands.

3. Develop and distribute best management practices for landowners with wetlands on their property, such as establishing natural upland buffers and proper lawn care.

4. Continue to educate farmers about agricultural best management practices.

5. Encourage the development of landowner education resources on the County's website.

### GOVERNMENT OFFICIAL EDUCATION

Goal: Educate government officials about the Wetland Protection and Management Plan, wetland functions, public benefits of wetlands, wetland protection and management strategies, WCA regulations, and WCA administration, especially the wetland permitting process.

Policies:

1. Provide government officials with learning opportunities, such as reading materials, workshops, and functional assessment field trips to wetland areas, to prepare them to thoroughly review and take action on disputed WCA decisions.

2. Encourage the use of County staff reports to the County Board and Planning Commission regarding development activities involving wetland areas as a tool for wetland education.

3. Promote the participation of government officials at educational seminars hosted by agencies or the Government Training Service regarding topics such as: land use planning, zoning, natural resource planning, environmental review, and stormwater management.

# WETLAND MANAGEMENT CLASSIFICATION

The purpose of a wetland classification system is to categorize wetlands in order to appropriately apply similar protection, management, restoration, enhancement, and replacement strategies to wetlands with comparable functional assessment scores. The classification system is based on the overall wetland score derived through the wetland functional assessment process. Major benefits of a wetland classification system are to customize wetland management to the County's needs, to simplify the wetland permitting process, and to make the creation of an ordinance to implement this plan more straightforward.

### WETLAND MANAGEMENT CATEGORIES

The wetland management categories were determined by using the overall wetland score derived through the wetland functional assessment process. The overall scores will range from a minimum of 0.4 to a maximum of 8. The minimum score of 0.4 represents a wetland with low abilities to perform the assessed wetland functions. A wetland with a score of 8 means that the wetland has an exceptional or high value to perform all functions assessed. A range of overall wetland scores corresponds to each of the wetland management categories. The overall score ranges were derived by multiplying the individual functional score ranges (0.1 – 2.0) by five (all five functions were assessed). If commercial use was not applicable, then the individual functional score ranges were multiplied by four (only four functions were assessed). The range is modified so a wetland does not receive a lower score if it is not used for commercial purposes. The "Scoring Guidance" section of the functional assessment in Appendix A should be used as a reference to better understand the translation of overall wetland scores into wetland management categories. The scores and corresponding wetland management categories are shown in Table 5.

Table 5. Wetland Management Categories and Overall Wetland Scores

| Wetland Management Categories | Overall Wetland Score | Overall Wetland Score (If Commercial Use function is NA) |
|---|---|---|
| **Protect** | > 3.25 | > 2.60 |
| **Improve** | 1.61 - 3.25 | 1.30 - 2.60 |
| **Manage** | 0.50 - 1.60 | 0.40 - 1.29 |

**PROTECT.** Wetlands classified as "protect" should be managed to protect existing high or exceptional functions and values. These wetlands will have an exceptional or high ability to perform more than one wetland function. Typically, these wetlands are still in their natural state, have diversity of plant species, and show little impact from surrounding land uses. Other significant features may be related to rare species and habitat, proximity to surface water supply sources, archeological or historic sites, and location within publicly owned land.

**IMPROVE.** Wetlands classified as "improve" should be managed to protect existing exceptional or high performing functions, enhance medium performing functions, and restore functions that have been degraded. These wetlands will have a range of abilities to perform wetland functions. The wetland may represent an exceptional ability to perform one function, but low or medium abilities to perform others. These wetlands typically will show some impact from surrounding

land uses that affect its ability to perform functions such as protecting water quality, providing habitat, or offering recreation or educational opportunities.

**MANAGE.** Wetlands classified as "manage" should be managed to enhance or restore existing wetland functions that have been degraded. Typically, these wetlands will only represent a low or medium ability to perform wetland functions due to significant impacts from surrounding land uses such as urban development and agriculture. The land use impacts may include water quality degradation, excessive nutrient loading, soil erosion and sedimentation. Consequently, these wetlands may represent a loss of plant diversity, overcrowding by invasive species, and may not provide wildlife or fisheries habitat. Typically, these wetlands would require intensive enhancement and restoration plans to return them to their original state.

### SUMMARY OF WETLAND MANAGEMENT STRATEGIES

The Goals and Policies section outlines specific management strategies for modifying WCA standards, for wetland enhancement and restoration, for landowner education, and for management and mitigation strategies for each of the five wetland functions. Table 4 summarizes the recommended strategies for managing wetlands according to the wetland category. These strategies can be used for management activities, such as guiding the standards for the Wetland Protection and Management Ordinance, reviewing wetland permit applications, developing and reviewing wetland replacement plans and, in general, administering WCA. The specific mitigation strategies for each wetland function and restoration and enhancement strategies are outlined in the Goals and Policies section and are not included in the summary below.

Table 6. Wetland Management Strategies Summary

| Management Category | Management Strategies |
|---|---|
| **Protect** | ▪ Designate as individual high priority wetlands<br>▪ Require greater than 2:1 replacement ratio<br>▪ Strengthen sequencing standards to require on-site mitigation<br>▪ Mitigation strategies should enhance existing functions and restore degraded functions |
| **Improve** | ▪ Designate as individual high priority wetland if the wetland has exceptional or high value to perform a wetland function<br>▪ Require greater than 2:1 replacement ratio if an exceptional or high wetland function will be affected<br>▪ Mitigation strategies should enhance existing functions, restore degraded functions, or replace affected functions |
| **Manage** | ▪ Mitigation strategies should enhance existing functions and restore degraded functions |

# IMPLEMENTATION

The implementation section is intended to provide the steps necessary to accomplish the goals and carry out the policies of the Wetland Protection and Management Plan. The implementation program summarizes the activities, resources, and schedules for recommended actions.

## WETLAND PERMITTING

Several local, state, and federal agencies are involved in the wetland permitting process. Minnesota has a combined local/state/federal wetland permit application form to streamline the permitting process. The Martin County Soil and Water Conservation District provides guidance to proposers of projects that may affect wetlands.

The ***County*** will continue to be the Local Government Unit responsible for administering WCA in Martin County. All wetland permits will be reviewed and approved by the County in accordance with the Wetland Protection and Management Ordinance, which will be based on this Plan. All wetland permit applicants will be required to conduct a wetland functional assessment using the County's methodology, which is included in Appendix A. If required, all wetland replacement plans will be reviewed and approved by the County in accordance with the Wetland Protection and Management Ordinance.

The ***Minnesota DNR*** administers the Public Waters Work Permit Program, which applies to wetlands identified on the Protected Waters Inventory (PWI). The PWI includes all types 3, 4, and 5 wetlands, as defined by Circular 39, that are 10 acres or more in size in unincorporated areas or 2.5 acres or more in size in incorporated areas.

The ***U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS)*** works with landowners who alter wetlands for agricultural purposes. They help landowners or prospective buyers of agricultural land understand federal laws that apply to wetlands and their eligibility to for many USDA benefits.

Work in any wetland typically requires a permit from the ***U.S. Army Corps of Engineers (ACOE),*** despite any permits required by the County, DNR, or NRCS. In 2000, the ACOE issued a general permit authorizing certain minor activities that are authorized without any requirement to apply to or contact the ACOE, provided that the activities are conducted in compliance with all the General Permit (GP)/Letter-of-Permission (LOP) -98-MN conditions. GP/LOP-98-MN also provides abbreviated, Section 404 LOP evaluation procedures for almost all other activities that would impact less than two acres of wetland area.

The ***Minnesota Pollution Control Agency (MPCA)*** certifies all ACOE permits comply with state water quality standards. ACOE permits are not valid until the MPCA certifies them.

# IMPLEMENTATION

## WETLAND MANAGEMENT

The following table is a summary of the recommended implementation program for the continuing management of wetlands in Martin County.

Table 7. Implementation Program

| Activity | Resources | Schedule |
|---|---|---|
| Adopt the Wetland Protection and Management Plan (contingent upon BWSR approval). Adopt the Plan, by reference, into the County's Comprehensive Local Water Resources Plan. | County | Summer 2002 |
| Prepare and adopt Wetland Protection and Management Ordinance (contingent upon BWSR approval). | County, with technical support from BWSR, DNR, SWCD | Fall 2002 |
| Send the Wetland Protection and Management Plan and Ordinance to BWSR for review and approval. | County, BWSR | Fall 2002 |
| Incorporate appropriate information from the Wetland Protection and Management Plan and Ordinance in the updated Comprehensive Land Use Plan. | County | Fall 2002 |
| Develop tools to assist wetland evaluators performing the functional assessment, such as minor watershed to wetland ratios, ownership data, countywide land use maps, etc. | County | Fall 2002 |
| Develop and maintain wetland restoration and enhancement database. Maps potential restoration areas. | County | Ongoing |
| Identify potential restoration areas using 1) the County Soil Survey and/or GIS to identify hydric soils; 2) records of known filled or drained areas; and 3) records of overloaded ditches. | County, SWCD, Drainage Administration | Fall 2002 |
| Prepare and mail newsletter to agencies to request that they perform functional assessments for wetlands on lands they manage. | County | Fall 2002 |
| Provide educational opportunities for Government Officials. | County | Fall 2002 |
| Prepare and mail newsletter for public education regarding wetland functions and values, the importance for protecting and managing wetlands, and wetland protection programs. | County, SWCD | Winter 2003, then annually or biannually |
| Develop landowner education resources on the County's website regarding wetland functions and values, the importance for protecting and managing wetlands, and wetland protection programs. | County | Winter 2003 |
| Conduct functional assessment for wetlands on County owned land. Enter information in wetland restoration database. | County | Spring – Summer 2003 |
| Conduct functional assessment for wetlands identified as potential restoration areas. Enter information in wetland restoration database. | County, USFWS, DNR, TPL, other land management agencies | Spring – Summer 2003 |
| Conduct functional assessment for wetlands on publicly owned land. Send information to County for entry into wetland restoration database. | County, USFWS, DNR, TPL, other land management agencies | Spring – Summer 2003 |
| Provide technical assistance to local units of government that would like to develop land use controls to better protect wetlands, such as wetland buffer requirements. Provide "wetland protection workshops" for government officials. | County, BWSR, DNR, SWCD | Ongoing |
| Monitor wetland replacement plan implementation. | County | Ongoing |
| Review and update the Wetland Plan and Ordinance. | County, agencies | 2007 |

# APPENDIX A

# MARTIN COUNTY
# WETLAND FUNCTIONAL ASSESSMENT METHODOLOGY

# APPENDIX B
# NATIONAL WETLANDS INVENTORY

# APPENDIX C
# MINOR WATERSHEDS

| Martin County Assessment Methodology for Evaluating Wetland Functions | | | |
|---|---|---|---|
| **General Information** | | | |
| | **1** | Project number or name: | |
| | **2** | Location (section, township, range): | |
| | **3** | Local Government Unit: | |
| | **4** | Major watershed: | |
| | **5** | minor watershed: | |
| | **6** | Evaluator(s): | |
| | **7** | Date of site visit: | |
| | **8** | NWI/Cowardin classification(s): | |
| | **9** | Circular 39 classification(s): | |
| | **10** | Estimated size of wetland (acres): | |
| | **11** | Description of seasonality limitations of this inspection due to the time of year of the evaluation and/or current hydrologic and climatologic conditions (e.g., after heavy rains, snow or ice cover, during drought year, during spring flood): | |
| | **12** | Is the wetland within a shoreland area identified in a zoning ordinance? | Yes or No (circle one) |
| | **13** | Is the wetland within a floodplain area identified in a zoning ordinance or map? | Yes or No (circle one) |

**Scoring Guidance**

Each of the five wetland functions, (water quality, flood control, habitat, recreation & education, commercial use), will receive an individual score. This score will represent the average score for the assessment questions listed under each function. The score will range from 0.1 to 1.0 signifying low to high, respectively. When an exceptional rating applies, a score of 2.0 will be given to the applicable function to emphasize the rarity. Furthermore, the sum of the five functional scores will equal the overall score for the entire wetland. The overall scores will range from 0.5 to 8.0 and the scores will correspond to the wetland classification of Protect, Manage, and Utilize.

| **Value: Ques. Score** | | **Individual Function Score (average)** | |
|---|---|---|---|
| **Exceptional:** | 2.0 | 2.00 | |
| **High:** | 1.0 | 0.66 - 1.00 | |
| **Medium:** | 0.5 | 0.33 - 0.65 | |
| **Low:** | 0.1 | 0.10 - 0.32 | |

**Summary of Functional Values**

| | **Function: Functional Index Score** | **Comments** |
|---|---|---|
| | Water Quality Protection:____ | |
| | Wildlife & Fisheries Habitat:____ | |
| | Flood Control & Low Flow Augmentation:____ | |
| | Recreation & Education:____ | |
| | Commercial Use:____ | |
| | Overall Wetland Score:____ | |

**Wetland Classification**

| **Classification Categories** | **Overall Wetland Score** | **Overall Wetland Score, if commercial use function is not applicable** |
|---|---|---|
| **Protect** | > 3.25 | > 2.60 |
| **Improve** | 1.61 - 3.25 | 1.30 - 2.60 |
| **Manage** | 0.50 - 1.60 | 0.40 - 1.29 |

| Site Description | | | |
|---|---|---|---|
| **I. Hydrologic Setting** | **A** | Describe the geomorphology of the wetland (e.g., depressional, riverine, lake fringe, extensive peatlands, floodplain, slope): | Comments: |
| | **B** | Has the wetland hydrology been altered by ditching, tiles, dams, culverts, well pumping, diversion of surface flow, excavations, changes to runoff within the watershed? (circle those that apply) | Comments: |
| | **C** | Hydrology source is primarily: ground water only, surface water only, both, or unknown? (circle one) | Additional observations/descriptions: |
| | **D** | Describe the topographic setting. Does the wetland have an inlet, outlet, or both? (circle one) | Additional observations/descriptions: |
| | **E** | If the wetland has standing water, what is the average depth in inches? | ____ inches. Additional observations/descriptions: |
| **II . Vegetation** | **A** | Identify the type and amount of vegetation communities present by dominant species in each community: | Comments: |
| | _% | floating leaved dominants: | |
| | _% | submerged aquatic dominants: | |
| | _% | herbaceous ground layer dominants: | |
| | _% | emergent dominants: | |
| | _% | shrub dominants: | |
| | _% | deciduous tree dominants: | |
| | _% | coniferous tree dominants: | |
| | _% | other (including altered conditions): | |
| | **B** | Natural vegetation altered: ___% of area | |
| | **C** | Invasive/exotic species: ___% of area | |
| **III. Soils** | **A** | NRCS Soil Map Classification, soil texture, drainage characteristics: | |
| | | WETLAND Area: | |
| | | Adjacent UPLAND Area (within 500 feet): | |

| | | | |
|---|---|---|---|
| **IV. Surrounding Land Uses** | **A** | What is the estimated area of the wetland minor watershed in acres? | *GUIDANCE: refer to 1989 Martin County Land Use Map or local unit of government's land use map, if available.* |
| | **B** | What are the surrounding land uses? (Estimated % of wetland minor watershed) | |
| | | Developed (industrial, commercial, residential) | |
| | | Agricultural: cropland | |
| | | Agricultural: grazing | |
| | | Agricultural: feed lot | |
| | | Forested | |
| | | Grassed (includes recreation areas/parks) | |
| | | Water and wetlands | |
| | | Highways/roads | |
| | | Other (specify) | |
| **V. Site Sketch (below)** | | | |

| FUNCTIONAL ASSESSMENT | | | |
|---|---|---|---|
| The following assessment requires the evaluator to examine site conditions that provide evidence that a given functional value is present, and to assess the ability of the wetland to perform the function. The evaluator will need to determine if the site conditions present indicate that the wetland has a low, medium, high, or exceptional ability to perform the specified function given the criteria listed next to each assessment question. Using the scoring worksheet and the scoring guidance on page 1, the evaluator will assign a score to each assessment question and average the scores for each wetland function to determine the individual function score. The evaluator will also record an overall wetland score, which is the sum of the individual function scores. The individual function scores and the overall wetland score should be recorded on the page 2 summary. | | | |
| **Functions to Evaluate** | **Assessment Questions** | | **Functional Assessment Criteria** |
| **Red Flags** | **1** | Is there surface water supply source for potable use within 2 miles or is the wetland within a Wellhead Protection Area? | If Yes, Water Quality Protection function evaluation is Exceptional (individual function score of 2.0) |
| | **2** | Is the wetland known to be used by rare species or species that are state or federally listed? | If Yes, Wildlife & Fish Habitat function evaluation is Exceptional (individual function score of 2.0) |
| | **3** | Is the wetland or a portion of it a rare natural community, rare wetland type (i.e. calcareous fen, groundwater fed wetland) or rare habitat? (This information may come from sources such as, the MN Natural Heritage Database or the County Biological Survey) | If Yes, Wildlife & Fish Habitat function evaluation is Exceptional (individual function score of 2.0) |
| | **4** | Is the entire wetland within public ownership for conservation purposes? | If Yes, Recreation & Education function evaluation is Exceptional (individual function score of 2.0) |
| | **5** | Does the wetland contain, or is the wetland adjacent to, an archeological or historic site, as designated by the State Historic Preservation Office? | If Yes, Recreation & Education function evaluation is Exceptional (individual function score of 2.0) |
| | **6** | Is the wetland located within, or adjacent to, a federal, state, county, or local wildlife management area, waterfowl production area, scientific and natural area, or other type of officially delineated wildlife management area? | If Yes, Wildlife & Fish Habitat function evaluation is Exceptional (individual function score of 2.0) |
| | **7** | Is the wetland located within the upland zone (i.e. the wetland is not located within the shoreland area) | If Yes, Flood Control & Water Storage function evaluation is Exceptional (individual function score of 2.0) |

| Functions to Evaluate | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| **Water Quality Protection** | **1** | Are there lakes, watercourses or water supply sources down gradient in the local watershed? | Exceptional = Surface water supply source within 2 miles downstream or wetland is within a Wellhead Protection Area (individual function score of 2.0) |
| | | | High = One or more listed resources within 2 to 5 miles downstream |
| | | | Medium = One or more listed resources within 5 to 10 miles downstream |
| | | | Low = No significant resources are located within 10 miles downstream |
| | **2** | Describe stormwater runoff detention/water quality treatment prior to discharging into the wetland: | High = Receives significant volumes of untreated/undetained stormwater directly, in relation to the wetland size |
| | | | Medium = Receives moderate volumes of directed stormwater in relation to wetland size, which has received some treatment (sediment removal) and runoff detention |
| | | | Low = Does not receive directed stormwater, or receives low volumes of directed stormwater in relation to wetland size, or stormwater is treated to approximately the standards of the National Urban Runoff Program (NURP); runoff rates controlled to nearly predevelopment conditions |
| | | *GUIDANCE : Review local unit of government's storm sewer maps* | |
| | **3** | Do surrounding or upstream land uses have potential to deliver nutrient and/or sediment loads? Describe dominant land use and condition of the upland minor watershed, or within 500 feet of the wetland if the landscape is flat, that contribute to the wetland: | High = watershed conditions highly modified; e.g., >40% impervious surfaces, (i.e. < 1/4-acre lots, industrial , commercial), intensive agriculture or grazing with high amount of bare ground, no residue management on moderate or steep slopes, intensive mining activities, very large watershed |
| | | | Medium = watershed conditions somewhat modified; e.g., 21-40% impervious (i.e. medium density residential 1/4 to 1-acre lots); moderate intensity grazing or haying with some bare ground; conventional till with residue management on moderate slopes; no till on steep slopes |
| | | | Low = watershed conditions essentially unaltered; <20% impervious (i.e. low density residential > 1-acre lots); land use development minimal; idle lands, lands in hay or forest or low intensity grazing; or small watershed |
| | **4** | Does wetland have significant vegetative density to decrease water energy and allow settling of suspended materials? | High = Dense Vegetation, > 20 feet wide |
| | | | Medium = Combination of vegetation and open water, 5-20 feet wide |
| | | | Low = Primarily open water, less than 5 feet wide |
| | | *GUIDANCE: The selection should represent the average vegetative conditions of the wetland. For example, if 1/2 of the wetland is farmed and the other 1/2 has dense vegetation, the selection would be medium, which represents the average. This question does not apply to flow through wetlands.* | |
| | **5** | Are algal blooms, heavy macrophyte growth, or other signs of excess nutrient loading to the wetland apparent? | High = No evidence of excess nutrient loading (e.g. evidence of diverse, native vegetative community) |
| | | | Medium = Monotypic vegetation (e.g. reed canary grass, cattail, purple loosestrife) |
| | | | Low = Algal mats present or evidence of excessive submergent macrophyte growth |
| | | *GUIDANCE: Relate the above signs of excess nutrient loading to surrounding land use or ask local residents or government staff if assessment is not conducted during late summer or fall. This question is not applicable if the wetland is farmed.* | |

| | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| | 6 | Does the wetland have an adjacent upland vegetative buffer which slows and filters overland flow? | High = Buffer composed of vegetation that is not manicured, is >50 feet wide, and is present around the majority of the wetland edge; or buffer is 25-50 feet wide and is present around the entire wetland |
| | | | Medium = Buffer is 25-50 feet wide and is present around more than 1/2 of the wetland edge, or is <25 feet wide but present around the entire wetland |
| | | | Low = Buffer is <25 feet wide and is not contiguous or present around <50% of the wetland edge |
| | 7 | Does the ratio of surface water resource acres (including wetlands and lakes) to minor watershed acres ratio promote adequate water quality protection? | High = Surface water resources make up more than 7% of the watershed area |
| | | | Moderate = Surface water resources make up 3-7% of the watershed area |
| | | | Low = Surface water resources make up less than 3% of the watershed area |
| | 8 | Is the wetland fringing deepwater habitat, a lake, or adjacent watercourse? (Yes or No) | If no, enter "not applicable" and skip to Wildlife/Fisheries Habitat Section. If yes, answer the following Water Quality questions (9, 10 & 11) |
| | | *GUIDANCE: if a road separates the wetland from the above features the answer should be "no"* | |
| | 9 | Does the wetland width between the shoreline/streambank and deep water/stream allow adequate residence time so that sediments are able to settle? | High = Wetland width > 30 feet |
| | | | Medium = Wetland width 10 - 30 feet |
| | | | Low = Wetland width < 10 feet |
| | 10 | Describe the emergent vegetation type and resistance: | High = Dominance or emergent species with strong stems present all year, and/or dense root mats in the wash zone (e.g. cattails, shrubs) that are resistant to erosive forces |
| | | | Medium = Presence of some emergent species with strong stems or dominance of weak-stemmed emergent species persisting most of the year, and/or moderately dense root mats in the wash zone (e.g. bulrushes, grasses) that are resistant to erosive forces |
| | | | Low = Presence of some weak-stemmed emergent species, and/or no dense root mats in the wash zone (e.g. rushes) |
| | 11 | Describe the erosion potential at the site: | High = sandy soils or evidence of erosion or slope failure; strong wave action or water current; frequent boat traffic |
| | | | Medium = Evidence or potential for erosion or slope failure; moderate wave action or water current; moderate boat traffic |
| | | | Low = No evidence of past erosion or slope failure; negligible erosive forces (little open water or wave action); minimal to no boat traffic |

| Functions to Evaluate | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| **Wildlife & Fisheries Habitat** | **1** | Is the wetland located within or adjacent to a federal, state, county, or local wildlife management area, waterfowl production area, scientific natural area, or other types of official wildlife management areas? | If Yes, Wildlife & Fish Habitat function evaluation is Exceptional (individual function score of 2.0). |
| | **2** | Is the wetland, or a portion of it, a rare natural community, rare wetland type (i.e. calcareous fen, groundwater fed wetland) or rare habitat? (This information may come from sources, such as the MN Natural Heritage Database or the County Biological Survey) | If Yes, Wildlife & Fish Habitat function evaluation is Exceptional (individual functional score of 2.0). |
| | **3** | Is the wetland within a shoreland area of a lake or stream that supports native fish species? | High = The wetland is lacustrine/riverine or is contiguous with a permanent waterbody or watercourse and provides spawning/nursery habitat, or refuge for native fish species in adjacent lakes, rivers or streams |
| | | | Medium = The wetland is intermittently connected to a permanent or seasonal waterbody or watercourse that supports native fish populations as a result of colonization during flood events |
| | | | Low = The wetland is minimally isolated from a permanent waterbody or watercourse |
| | **4** | Is the wetland part of a larger wetland complex? | High = There are at least 4 wetlands within 0.5 mile radius |
| | | | Medium = There are 2-3 wetlands within 0.5 mile radius |
| | | | Low = There are less than 2 wetlands within 0.5 mile radius |
| | **5** | Are there significant barriers that restrict wildlife migration and movement and/or fish passage? Describe barriers present between the wetland and other habitat areas communities: | High = No barriers or minimal barriers present; i.e. unpaved roads, low density housing (> 1 acre lots), golf courses, utility easements, or railroads |
| | | | Medium = Moderate barriers present; i.e. 2-lane paved roads, moderate density housing (1/2 to 1 acre lots), residential golf courses, low dikes |
| | | | Low = Large barriers present; i.e. 4-lane or wider paved roads, parking lots, high density residential (<1/2 acre lots), industrial and commercial development |
| | **6** | Does the wetland contain a number of diverse vegetative cover types and species? Is the vegetation interspersed with the open water? Describe the biodiversity: | High = Wetland contains more than 3 cover types, more than 4 species in each cover type, vegetation is heavily interspersed with open water (edge) |
| | | | Medium = Wetland contains at least 3 cover types, between 3-4 species in each cover type, vegetation is interspersed with open water (minimal edge) |
| | | | Low = Wetland is dominated by one cover type (> 80% of areal cover), less than 3 species are present, vegetation is not interspersed with open water (lack of edge) |
| | | *GUIDANCE: The selection should represent the average vegetative conditions of the wetland. For example, if 1/2 of the wetland is farmed and the other 1/2 has high biodiversity, the selection would be medium, which represents the average.* | |

| | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| | 7 | Is the wetland connected to other habitat areas via a wildlife corridor, streams/creeks, ditches, railroad tracks, or fence lines? | High = The wetland is connected to another habitat area with a forested/shrub/native prairie corridor at least 50 feet wide and contains diverse species (at least 5) or a corridor that is > 100 feet wide and contains less than 5 species (see *habitat area* definition at bottom of last page) |
| | | | Medium = The wetland is connected to part of a habitat area with a corridor between 20 - 50 and contains diverse species (at least 5) or a corridor that is 50-100 feet wide and contains less than 5 species |
| | | | Low = The wetland is completely isolated by development |
| | 8 | Describe the wetland buffer for wildlife habitat: | High = Diverse habitat (at least 5 species): grasslands, forest, scrub, or open water buffers wider than 100 feet for more than 50% of the wetland circumference, or a grassland, forest, scrub, or open water buffers at least 50 feet in width around 95% of the wetland circumference. Non-diverse habitat (less than 5 species): grasslands, forest, scrub, or open water buffers wider than 150 feet for more than 50% of the wetland circumference, or a grassland, forest, scrub, or open water buffers at least 100 feet in width around 95% of the wetland circumference |
| | | | Medium = Diverse habitat: grasslands, forest, scrub, or open water buffers wider than 100 feet for more than 25% of the wetland circumference, or a grassland, forest, scrub, or open water buffers at least 50 feet in width around 50% of the wetland circumference. Non-diverse habitat: grasslands, forest, scrub, or open water buffers wider than 150 feet for more than 25% of the wetland circumference, or a grassland, forest, scrub, or open water buffers at least 100 feet in width around 50% of the wetland circumference |
| | | | Low = Paved areas, residential uses, or agricultural uses are less than 25 feet from the wetland for more than 95% of the circumference of the wetland |

| Functions to Evaluate | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| **Flood Control & Water Storage** | **1** | Is the wetland located within the upland zone, (i.e. the wetland is not located within the shoreland area)? | If Yes, Flood Control & Water Storage function evaluation is Exceptional (individual function score of 2.0) |
| | **2** | Describe upland soils (clays or shallow bedrock, silts or loams, sands): | High = Clays or shallow to bedrock (Hydrologic soil groups C, D, A/D, B/D, C/D) |
| | | | Medium = Silts or loams (Hydrologic soil group B) |
| | | | Low = Sands (Hydrologic soil group A) |
| | **3** | Overland flow affects wetland flood storage capabilities and overland flow is affected by changes in upstream vegetation. Describe the dominant land uses and condition of the upland within the minor watershed that contributes to the wetland: | High = watershed conditions highly modified; e.g. >25% impervious surfaces, (i.e. high density residential < 1-acre lots, industrial , commercial), intensive agriculture or grazing with high amount of bare ground, no residue management on moderate or steep slopes, intensive mining activities, very large watershed |
| | | | Medium = watershed conditions somewhat modified; e.g., 10-24% impervious (i.e. medium density residential 1- to 5-acre lots); moderate intensity grazing or haying with some bare ground; conventional till with residue management on moderate slopes; no till on steep slopes |
| | | | Low = watershed conditions essentially unaltered; e.g.,<10% impervious (i.e. low density residential > 5-acre lots); land use development minimal; idle lands, lands in hay or forest or low intensity grazing; or small watershed |
| | **4** | Describe the wetland surface and subsurface outlet characteristics: | High = Has no outlet or unaltered outlet conditions or natural outflow elevation lowered or raised to upper temporary wetland (wet meadow) zone; minimal evidence of subsurface drainage (tile) |
| | | | Medium = Constructed, reduced capacity outlet, below of the temporary wet meadow zone; moderate indications of subsurface drainage |
| | | | Low = Excavated or enlarged outlet constructed below the bottom of the wet meadow zone; strong indications of subsurface drainage; outlet removes most/all long-term and temporary storage |
| | **5** | For "flow through" wetlands, describe the function level of the wetland in retarding surface water flow in relation to primary wetland vegetation cover types: | High = Dense vegetation |
| | | | Medium = Combination of vegetation and open water |
| | | | Low = Primarily open water |
| | | | NA = Not applicable, wetland is not flow through |
| | **6** | Does the wetland directly receive significant, moderate, or no volumes of untreated/undetained stormwater? | High = Receives significant volumes of untreated/undetained stormwater directly, in relation to the wetland size |
| | | | Medium = Receives moderate volumes of directed stormwater in relation to wetland size, which has received some treatment (sediment removal) and runoff detention |
| | | | Low = Does not receive directed stormwater, or receives low volumes of directed stormwater in relation to wetland size, or stormwater is treated to approximately the standards of the NURP; runoff rates controlled to nearly predevelopment conditions |

| | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| | 7 | Does the density of wetlands within the minor watershed provide an opportunity for contributing to floodwater detention? | High = Wetlands make up less than 1% of the minor watershed |
| | | | Medium = Wetlands make up 1-10% of the minor watershed |
| | | | Low = Wetlands make up more than 10% of the minor watershed |
| | 8 | Considering the location of the wetland in relation to the minor watershed, is the wetland important for attenuating or storing flood or stormwater peaks? | High = Located in the upper 1/3 of the watershed |
| | | | Medium = Located in the middle 1/3 of the watershed |
| | | | Low = Located in the lower 1/3 of the watershed |
| | 9 | Is there flood damage potential (to crops, structures, etc.) within the minor watershed? | High = History of flood damages or frequent flooding events |
| | | | Medium = Potential future flood damages due to planned future changes in land use from low intensity to higher intensity uses or moderate flood damage to crops |
| | | | Low = No flood damage history, and no land use changes are planned |

| Functions to Evaluate | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| **Recreation & Education** | **1** | Does the wetland contain or is the wetland adjacent to an archeological or historic site as designated by the State Historic Preservation Office? | If Yes, Recreation & Education function evaluation is Exceptional (functional index score of 2.0) |
| | **2** | Is the wetland in public or conservation ownership? | Exceptional = Completely contained within publicly owned land for conservation purposes (functional index score of 2.0) |
| | | | High = <100%, but >50% contained within publicly owned land or within a conservation easement |
| | | | Medium = Less than 50%, but > 1% contained within publicly owned land or entirely within |
| | | | Low = Privately owned or not within a conservation easement |
| | **3** | Is the wetland visible from any of the following vantage points: roads, waterways, trails, public lands, houses, and/or businesses? | High = 3 or more of the categories apply |
| | | | Medium = 2 of the above categories apply |
| | | | Low = 1 or none of the categories apply |
| | **4** | Is the wetland in/near any population centers so as to generate recreation/educational/cultural use? | High = Wetland is within the corporate boundary of a City or within a rural population center/hamlet |
| | | | Medium = Wetland is within 10 miles of the corporate boundary of a City or a rural population center/hamlet |
| | | | Low = Wetland is greater than 10 miles from the corporate boundary of a City or within a rural population center/hamlet |
| | **5** | Does the public have access to the wetland from public roads or waterways? | High = Direct access through a public facility with an established parking area or boat access |
| | | | Medium = Cumbersome access from a public facility (i.e. no established trails to or near wetland) or no public parking or boat access available |
| | | | Low = No public access available |
| | **6** | Is the wetland relatively free of obvious human influences, such as buildings, roads, agriculture, pollution, trash, exotic species? | High = No structures, pollution, invasive vegetation or other alteration present in the wetland area |
| | | | Medium = Wetland area only moderately disturbed by structures, pollution, invasive vegetation or alteration |
| | | | Low = Wetland is composed extensively of invasive vegetation, signs of extensive pollution/trash, agricultural use, or multiple structures present |
| | **7** | Is the wetland and its adjacent areas assumed to be currently used for (or have the potential to be used for): 1) education/scientific study; 2) hiking, biking, skiing; 3) hunting, fishing, trapping; 4) boating, canoeing; or 5) wildlife observation, exploration, play, photography? | High = Is assumed to be used for activities in 3 or more categories listed |
| | | | Medium = Is assumed to be used for activities in 2 or more categories listed |
| | | | Low = Is assumed to be used for 1 or none of the activities listed |

| Functions to Evaluate | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| **Commercial Use** | **1** | Is, or has, the wetland been used to provide a commercial crop, agricultural commodity, or a non-commercial consumptable product? | If Yes, continue to Commercial Use Questions 2 & 3. If no, enter "not applicable" |
| | **2** | Is the vegetation or hydrology controlled or modified to sustain the commercial crop, product, or agricultural commodity? | High = Wetland produces a commercial crop, product or agricultural commodity dependant upon the wetland, including wild rice or cranberries. **OR** Wetland produces non-row crops using BMPs or an approved management plan that includes practices that do not modify or control hydrology or vegetation (e.g. fish and seed production, bait) |
| | | | Medium = Wetland produces non-row crop commodities (e.g., hay, pasture/grazing) using BMPs or an approved management plan that minimally modifies or controls hydrology or vegetation |
| | | | Low = Wetland used for the production of row crops (e.g., soybeans, corn) or non-row crops without using BMPs or an approved management plan |
| | | *GUIDANCE: To determine if the wetland is used for seed production, contact the DNR Wildlife Office. To determine if the wetland is used for bait or fish production contact the DNR - Fisheries Office.* | |
| | **3** | Is, or has, the commercial use permanently or temporarily diminished the wetland's functional level? | High = Commercial use has not permanently diminished the wetland's functional level, hydrology and vegetation have not been permanently or temporarily controlled or modified to sustain the commercial use |
| | | | Medium = Commercial uses has somewhat diminished the wetland's functional level; hydrology and/or vegetation have been temporarily controlled or modified to sustain the commercial use |
| | | | Low = Commercial uses has diminished the wetland's functional level; hydrology and/or vegetation have been permanently controlled or modified to sustain commercial use |

| Functions to Evaluate | Assessment Questions | | Functional Assessment Criteria |
|---|---|---|---|
| **Restoration/ Enhancement Potential** | **1** | Does the wetland have the potential for hydrologic or vegetative restoration or enhancement without flooding roads, houses, septic systems, golf courses, or other permanent infrastructure within the restoration area? (Active agricultural fields are acceptable uses within potential restoration areas.) | If Yes, answer the following questions |
| | **2** | Describe the estimated size of the potential wetland restoration area, including the potential adjacent vegetated buffer area: | High = More than 5 acres |
| | | | Medium = 1-5 acres |
| | | | Low = Less than 1 acre |
| | **3** | Is there the potential to restore the natural hydrology regime and vegetation or jurisdictional wetlands that have been degraded by prior drainage, diversion of the natural watershed, or filling? If yes, indicate the proportion of the restoration area that would likely receive New Wetland Credit (NWC). | High = Between 25% and 50% of the potential restoration area |
| | | | Medium = Between 10% and 25% of the potential wetland restoration area |
| | | | Low = Less than 10% of the potential wetland restoration area |
| | | | N/A = Not applicable |
| | **4** | Rate the potential ease of wetland restoration and the chance of success: | High = Minimal effort (e.g., crop cessation) and success is likely. Requires breaking tile line and/or plugging ditch |
| | | | Medium = Some effort (e.g., private drainage system) and moderate success likely. Requires breaking multiple tile lines, plugging ditch(es) |
| | | | Low = Diking, berming and/or excavation and grading required, part of a public drainage system, isolated wetland, success uncertain |
| | **5** | Indicate the potential for establishing Public Value Credits through vegetative buffer establishment or water quality ponding: | High = More than 75% of the potential wetland restoration area |
| | | | Medium = Between 25% and 75% of the potential wetland restoration area |
| | | | Low = Less than 25% of the potential wetland restoration area |
| | **6** | Circle the types of hydrologic alteration present: | Ditching, Drain Tiles, Ground Water Pumping, Lowered Outlet Elevation, Watershed Diversion |
| | **7** | Indicate the potential restoration wetland classification according to Circular 39 & Cowardin et al., 1979: | |

| Definitions | |
|---|---|
| **Flood Damage** | Damage directly caused by a flood event, which result in a physical change to property. (Derived from FEMA-National Flood Insurance Program) |
| **Flood Event** | A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties from: overflow of inland or tidal waters; unusual and rapid accumulation or runoff of surface waters from any sources; mudflow; or collapse or subsidence of land along the shore of a lake or similar body of water, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above. (FEMA-National Flood Insurance Program) |
| **Frequent Flood Event** | Q2 (Two-year event) = 2.9 inches of rain in a 24 hour period OR a Q5 (Five-year event) = 3.7 inches of rain in a 24 hour period |
| **Habitat Area** | Any vegetated area (forested, shrub, or herbaceous) that might provide habitat for species using both wetland and upland ecosystems. Developed or heavily disturbed areas such as farmland, urban, or residential lands are generally not considered habitat areas. A habitat area must be at least 150 feet wide. Buffers may be used in the areal estimate. (Washington State Department of Ecology) |
| **Minor watershed** | Defined on "Minor Watersheds" map |
| **New Wetland Credit (NWC)** | Wetland replacement credit that can be used for any portion of wetland replacement |
| **Permanent or Conservation Easement** | An easement managed by non-profit, local, state, and/or federal agencies or organizations |
| **Public Value Credit (PVC)** | Wetland replacement credit that can only be used for the portion of wetland replacement required above a 1:1 ratio. (MN Rules 8420.0110 Subp. 37a) For example, PVC can includes areas established as permanent vegetated upland buffers adjacent to the wetland |
| **Shoreland Area** | Within 1,000 feet from the ordinary high water level of a lake or within 300 feet from a river or stream. Most remaining wetland within the County are within the shoreland area. |
| **Surface Water Supply Source** | The source includes both inner and outer source water management areas |
| **Water Supply Source** | Surface water (inner source water management area) or wellhead protection area |

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

**In the Matter** of submission of a PL566 Application by the Pelican River Watershed District to BWSR for approval and assignment of a priority rating

**ORDER FOR APPROVAL PULIC LAW 566 APPLICATION AND ASSIGNING STATE PRIOROTIY RATING**

draft

**Whereas**, In accordance with provisions of the United States Department of Agricultures, Small Watershed Protection Act (Public Law 566), the Pelican River Watershed District has submitted an application for PL566 planning and financial assistance to BWSR for its approval and submission to the Minnesota Natural Resources Conservation Service (NRCS), and

**Whereas**, the Board must assign a priority ranking to the watershed, and

**Whereas,** the Board has completed its review of the application;

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

## FINDINGS OF FACT

1. On October 30, 2002 the BWSR received the Federal Small Watershed Protection Act (PL566) application for assistance for the Upper Pelican River Watershed, including Campbell Lake, Floyd Lakes, Rice Lakes, Rice lake Wetland, and Detroit lakes sub-watersheds, in Becker County, Minnesota from the Pelican River Watershed District.

2. The application is submitted jointly by the Pelican River Watershed District, the City of Detroit Lakes, and the Becker County Soil and Water Conservation District.

3. The Ottertail River Watershed has been given a high ranking for watersheds in need of restoration and/or watershed in need of action to sustain water quality by the MPCA in the Minnesota Unified Watershed Assessments for the 1998 Clean Water Action Plan.

## CONCLUSIONS

1. The application has been completed and properly submitted to BWSR pursuant to part 503.24 of the USDA National Watershed Manual

2. All relevant substantive and procedural requirements have been fulfilled.

3. The Board has proper jurisdiction in the matter of making a decision on the submission of a Federal Small Watershed Protection Act application for assistance.

**ORDER**

The Board herby approves the Federal Small Watershed Protection Act (PL566) application for assistance for the Upper Pelican River Watershed and assigns it a high priority ranking.

Dated at Saint Paul, Minnesota this 4th day of December 2002.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Leland G. Coe, Chair

# Summary of Proposed SWCD Statute Changes

These changes address issues surfaced by the BWSR, the MASWCD and others. The major changes are listed—some details are absent.

## Policy

1. New policy statement. It begins with a positive statement whereas the existing policy begins with a negative statement. It makes clear the connection between private lands and public benefits and is broadly enabling without changing the basic focus of SWCDs. The statement benefited from working out language with the DNR.
2. Protecting and improving water quality is added to the list of resource issues that benefit from district involvement.

## Funding

1. Levy authority for districts. Two funds would be authorized: a Basic Operating Levy and a Construction and Project Match Fund. In recognition of the current role of the county in funding SWCDs, and in the interest of maintaining a good working relationship, the county would approve implementation of the new levy authority. A levy rate and maximum cap would be established. Each county would have three options: to continue to fund their local SWCD the way they do now out of the county levy; to authorize the SWCD to implement the new levy authority; or a combination of both.

## Modernize Elections and Governance Language

1. Change references from "land occupiers" to "registered voters" where elections are involved.
2. Take the state board out of local elections processes for district referendums and clearly assign these responsibilities to county elections officials.
3. Change the process to initiate consolidation or division of districts. Delete the "25 landowners may petition" and replace it with two options: 25% of registered voters may petition or the affected district board(s) may request by resolution accompanied by a cooperation and combination plan.
4. Change the process to discontinue districts—delete the "25 landowners may petition" authority and replace it with 25% of registered voters or a resolution of the board of the affected district. The state board would go through a decision making process that would include discretion over whether a referendum would be required. In any case the powers, duties and responsibilities of the district including the duties of the district board are perpetual.
5. District creation—may never need to happen but if it does, the state board appoints the first district board to serve until general elections. Current practice is to appoint two supervisors and elect three at a special election.

6. All districts would have the option to establish supervisor election districts similar to the method by which county commissioners are elected.
7. Maximum daily compensation for supervisors would be established in statute instead of having the rate set by the state board subject to "state boards in general" maximums.
8. The removal of supervisor process is made consistent with that used for other county officers.
9. BWSR is given authority to suspend procedural laws and rules to facilitate a consolidation or reorganization requested by a district. Due process and an agreement would be requirements.

**Land Use**

1. Allows a willing district to accept direct delegation of official controls related to soil and water conservation (no joint powers agreement required).

:Summary of Proposed SWCD Statute Changes.doc
11.22.02

| | | |
|---|---|---|
| Overarching language that applies thru section 103B.410 | 103B.190 | Local water management program policy. |
| | 103B.191 | Purpose. |
| | 103B.192 | Definitions. |
| | 103B.193 | Plan Requirements. |
| Metropolitan section: wd's, wmo's and county authorities | 103B.201 | Metropolitan surface water management program purpose. |
| | ~~103B.205~~ | ~~Definitions.~~ |
| | 103B.211 | Joint powers watershed management organization. |
| | 103B.215 | Boundary change of watershed districts. |
| | 103B.221 | Termination of watershed district. |
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| | 103B.335 | Tax levy authority. |
| | 275.066 | Special taxing districts; definition. |



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103B.190 Local Water Management Policy

It is the policy of the state that protection of water and related resources will be primarily coordinated through Local Water Management Plans. The plans are developed and implemented by local units of government, with input from citizens and representatives of the state.

103B.191 Purpose of the local water management plan. The purpose of the local water management plan is to:

(a) provide a forum to identify priority water management concerns;
(b) identify goals to address the priority concerns;
(c) coordinate actions to address the priority concerns; and
(d) coordinate and implement state programs and initiatives at the local level.

103B.192 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to sections 103B.190 to 103B.410.

Subd. 2. Board. "Board" means the board of water and soil resources unless the context indicates otherwise.

Subd. 3. Capital improvement program. "Capital improvement program" means an itemized program for at least a five year prospective period, and any amendments to it, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization.

Subd 4: Implementation Program. "Implementation Program" means the part of the plan that includes actions to be taken to carry out the goals and objectives, along with information regarding the party responsible to complete the action, supporting parties, estimated costs, estimated completion dates and information pertaining to capital improvement projects.

Subd. 5. Groundwater system. "Groundwater system" means one of the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled "Designation of Principal Water Supply Aquifers in Minnesota" (August 1981), and its revisions.

Subd. 6. Local comprehensive plan. "Local comprehensive plan" has the meaning given it in section 473.852, subdivision 5.

Subd. 7. Local government unit. "Local government unit" "local unit of government" or "local government" means municipalities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under section 471.59, lake improvement districts, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level.

Subd. 8: Local water management plan. "Local water management plan" means a plan addressing water and related land resources and is developed, reviewed and approved pursuant to sections 103B.193 and 103B.401 to 103B.408.

Subd. 9. Metropolitan area. "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

Subd. 10. Metropolitan local government unit. "metropolitan local government unit" or "metro local government unit" or "metro local unit" has the meaning given it in section 473.852.

Subd. 11. Municipality. "Municipality" has the meaning given it in 473.301.

Subd. 12. Official controls. "Official controls" has the meaning given it in section 473.852.

Subd. 13 Plan authority. "Plan authority" means those local government units coordinating planning under sections 103B.193 and 103B.401 to 103B.408.



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Subd. 14: Priority concerns . "Priority concerns" means issues, resources, subwatersheds or demographic areas that are identified as a priority by the plan authority .

Sub. 15: Priority concerns scoping document. "Priority concerns scoping document" means the list of the chosen priority concerns and a detailed account of how those concerns were identified and chosen.

Subd. 16. State review agencies. "State review agencies" means the Board of Water and Soil Resources, the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Department of Transportation, the Metropolitan Council for lands within the metropolitan area and other agencies granted state review status by a resolution of the Board.

Subd. 17. Subwatershed unit. "Subwatershed unit" means a hydrologic area less than the entire area under the jurisdiction of a watershed management organization.

Subd. 18. Township. "township" has the meaning given it within the definition of Municipality in 473.301

Subd. 19. Watershed. "Watershed" means a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns.

Subd. 20. Watershed district. "Watershed district" means a district established under chapter 103D.

Subd. 21. Watershed management organization. "Watershed management organization" or "organization" means a watershed district wholly within the metropolitan area or a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district for a watershed and that has the characteristics and the authority specified under section 103B.211. Lake improvement or soil and water conservation districts are not watershed management organizations.

Subd. 22. Watershed units. "Watershed units" means each of the 81 major watershed units identified in the state watershed boundaries map prepared pursuant to the requirements of Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying database, and the revisions of that database

103B.193. Local water management plan requirements.

Subdivision. 1: Watershed districts and watershed management organizations. All watershed districts and watershed management organizations in the metropolitan area must adopt a Board approved local water management plan pursuant to sections 103B.190 –193, 103B.201-.231 and 103B.401–408. Watershed Districts not located in the metropolitan area shall adopt a Board approved local water management plan pursuant to sections 103D.401 – 103D.405 in accordance with sections 103B.190 – 103B.193 and 103B.401 – 103B.408.

Subd. 2: Counties. All counties that adopt a state approved local water management plan are subject to the provisions of sections 103B.190 –193, 103B.311-.335 and 103B.401 –408.

Subd. 3: Soil and water conservation districts. All soil and water conservation districts that adopt the local water management plan as their comprehensive plan are subject to the provisions of 103B.410.

Subd. 4. Effective dates. Local water management plans shall be effective for a maximum period of ten years with a required amendment to the implementation program as defined in section103B.192 Subd.4 at least every five years. The board may extend the effective date of the plan two years. Beginning on July 1, 2004 the Board shall review all local water management plans developed by local government units subdivisions 1 and 2 of this section and sections 103B.409 and 103B.410 for conformity with the requirements defined in section 103B.401-408.

Subd. 5. Authority to implement the plan. Watershed districts, watershed management organizations, counties, and delegated soil and water conservation districts with a locally adopted and state approved water management plan have the duty and authority to exercise any and all powers, as necessary to assure implementation.



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Subd. 6. Advisory Taskforce. The plan authority shall appoint a taskforce to serve at the request of the governing board. The taskforce shall:

1. Solicit and consider input from citizens, and local, regional and state entities.
2. Identify priority water management concerns.
3. Address coordination of plans that affect water management.
4. Assure that the process for developing a water management plan is followed.
5. Develop a conflict resolution process.
6. Review the water management plan and annually adopt and submit to the board a workplan and budget.

In lieu of appointing an advisory taskforce the plan authority may utilize an existing commission or committee, or other means to gather public input and comply with this section.

103B.201 Metropolitan water management program purpose.

The purposes of the water management programs required by sections 103B.205 to 103B.255 are to:

(1) protect, preserve, and use natural surface and groundwater storage and retention systems;

(2) minimize public capital expenditures needed to correct flooding and water quality problems;

(3) identify and plan for means to effectively protect and improve surface and groundwater quality;

(4) establish more uniform local policies and official controls for surface and groundwater management;

(5) prevent erosion of soil into surface water systems;

(6) promote groundwater recharge;

(7) protect and enhance fish and wildlife habitat and water recreational facilities; and

(8) secure the other benefits associated with the proper management of surface and ground water, including cooperatively managing the area where ground water and surface water interact.

HIST: 1990 c 391 art 2 s 5; 1990 c 601 s 6

~~103B.205 Definitions.~~

~~Subdivision 1. Applicability. The definitions in this section apply to sections 103B.211 to 103B.255.~~

~~Subd. 2. Board. Board means the board of water and soil resources unless the context indicates otherwise.~~

~~Subd. 3. Capital improvement program. Capital improvement program means an itemized program for at least a five year prospective period, and any amendments to it, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization.~~

~~Subd. 4. Groundwater plan. Groundwater plan means a county plan adopted under section 103B.255.~~

~~Subd. 5. Groundwater system. Groundwater system means one of the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled Designation of Principal Water Supply Aquifers in Minnesota (August 1981), and its revisions.~~

~~Subd. 6. Local comprehensive plan. Local comprehensive plan has the meaning given it in section 473.852, subdivision 5.~~



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~~Subd. 7. Local government unit. Local government unit or local unit has the meaning given it in section 473.852.~~

~~Subd. 8. Metropolitan area. Metropolitan area has the meaning given in section 473.121, subdivision 2.~~

~~Subd. 9. Minor watershed units. Minor watershed units means the drainage areas identified and delineated as such pursuant to Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a).~~

~~Subd. 10. Official controls. Official controls has the meaning given it in section 473.852.~~

~~Subd. 10a. State review agencies. State review agencies means the commissioners of natural resources, the pollution control agency, agriculture, and health.~~

~~Subd. 10b. Subwatershed unit. Subwatershed unit means a hydrologic area less than the entire area under the jurisdiction of a watershed management organization.~~

~~Subd. 11. Watershed. Watershed means a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and which cross the borders of two or more local government units.~~

~~Subd. 12. Watershed district. Watershed district means a district established under chapter 103D.~~

~~Subd. 13. Watershed management organization. Watershed management organization or organization means a watershed district wholly within the metropolitan area or a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district for a watershed and that has the characteristics and the authority specified under section 103B.211. Lake improvement or conservation districts are not watershed management organizations.~~

HIST: 1990 c 391 art 2 s 6; 1990 c 601 s 7; 1995 c 184 s 1,31

103B.211 Joint powers watershed management organization.

Subdivision 1. Authority. (a) 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~~3~~, 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 and 103B.193, 103B.231 and 103B.401-.408.

(2) the authority to review and approve municipal or township water management plans as provided in section 103B.235;

(3) the authority of a watershed district under chapter 103D to regulate the use and development of land in the watershed when one or more of the following conditions exists:

(i) the metropolitan local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a ~~local~~ municipal or township water management plan approved and adopted in accordance with the requirements of section 103B.235 or has not adopted the implementation program described in the plan;

(ii) an application to the metropolitan local government unit for a permit for the use and development of land requires an amendment to, or variance from, the adopted ~~local~~ municipal or township water management plan or implementation program of the local government unit; or

(iii) the metropolitan local government unit has authorized the organization to require permits for the use and development of land;



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(4) the authority of a watershed district under section 103D.625, to accept the transfer of drainage systems in the watershed, to repair, improve, and maintain the transferred drainage systems, and to construct all new drainage systems and improvements of existing drainage systems in the watershed, provided that: (i) projects may be carried out under the powers granted in sections 103B.205 to 103B.255 or chapter 103D or 103E; and (ii) proceedings of the board with respect to the systems must be in conformance with the ~~watershed~~ local water management plan adopted under sections 103B.231and 103B.406;

(5) the authority of a watershed district under section 103D.911 to adopt a budget and decide on the total amount necessary to be raised from ad valorem tax levies to meet the budget;

(6) the authority of a watershed district under section 103D.915 to certify its budget with the auditor of each county having territory within the joint powers watershed management organization;

(7) the authority of a watershed district under section 103D.901 to file approved assessment statements with each affected county; and

(8) other powers necessary to exercise the authority under clauses (1) to (3), including the power to enter into contracts for the performance of functions with governmental units or persons.

(b) The board of water and soil resources ~~shall~~ may adopt policies or rules prescribing minimum requirements for the content of watershed management organization joint powers agreements.

(c) Decisions by a joint powers board may not require more than a majority vote, except a decision on a capital improvement project, which may require no more than a two-thirds vote.

Subd. 2. Review of watershed boundaries. Before commencing planning under sections 103B.~~235~~193 and 103B.231, a watershed management organization established pursuant to section 471.59 and this section shall submit a map delineating the boundaries of the watershed to the board of water and soil resources for review and comment on the conformance of the boundaries with the requirements of sections 103B.205 to 103B.25~~5~~3. The board shall have 60 days to comment.

Subd. 3. Jurisdiction over nonmembers. (a) A watershed management organization established by agreement pursuant to subdivision 1 may exercise the authority provided in the agreement throughout the watershed delineated, including territory in statutory and home rule charter cities and towns that are not members of the organization, if the cities and towns that are not members consent to the exercise of authority within their jurisdictions and if the membership of the organization includes:

(1) the county or counties having jurisdiction over all of the territory of the watershed that is within the cities and towns that are not members of the organization; and

(2) either cities and towns having jurisdiction over at least 50 percent of the land area of the watershed and comprising at least three-quarters of all of the cities and towns having territory in the watershed, or cities and towns having jurisdiction over at least 75 percent of the land area of the watershed.

(b) The county or counties identified in paragraph (a), clause (1), are responsible for watershed management activities and may exercise authority under sections 103B.205 to 103B.25~~5~~3 in and for consenting cities and towns that are not members of the organization.

Subd. 4. Appropriations from small watercourses. (a) This subdivision applies in Hennepin and Ramsey counties to the following public waters:

(1) a public water basin or wetland wholly within the

county that is less than 500 acres; or

(2) a protected watercourse that has a drainage area of less than 50 square miles.

(b) An appropriation of water that is below the minimum established in section 103G.271, subdivision 4, for a nonessential use, as defined under section 103G.291, is prohibited unless a permit is obtained from the watershed district or watershed management organization having jurisdiction over the public water basin, wetland, or watercourse. The watershed district or watershed management organization may impose a fee to cover the cost of



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issuing the permit. This subdivision must be enforced by the home rule charter or statutory city where the appropriation occurs. Violation of this subdivision is a petty misdemeanor, except that a second violation within a year is a misdemeanor. Affected cities shall mail notice of this law to affected riparian and adjoining landowners.

Subd. 5. Repealed, 1991 c 199 art 1 s 16

HIST: 1990 c 391 art 2 s 7; 1990 c 601 s 8; 1991 c 199 art 1 s 15; 1995 c 184 s 2

103B.215 Boundary change of watershed districts.

Subdivision 1. Procedure. The boundaries of a watershed district wholly within the metropolitan area may be changed pursuant to this section or chapter 103D.

Subd. 2. Petition. (a) The governing board of a watershed management organization may petition the board of water and soil resources for an order changing the boundaries of a watershed district wholly within the metropolitan area, by adding new territory to the district or by transferring territory that is within the district to the jurisdiction of another watershed management organization.

(b) The petition must:

(1) describe with particularity the change in boundary requested, the territory affected, and the reasons for the change;

(2) show that the change is consistent with the purposes and requirements of sections 103B.205 to 103B.2553; and

(3) identify property subject to section 103B.225.

(c) The petition must be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred.

Subd. 3. Notice. (a) Upon the filing of a sufficient petition, the board shall give notice of the filing of the petition by publication once each week for two successive weeks in a legal newspaper in each county affected and by mail to the county auditor of each county affected and to the chief official of each statutory or home rule charter city and township affected.

(b) The notice must describe the action proposed by the petition and invite written comments on the petition for consideration by the board. The notice must announce that any person who objects to the action proposed in the petition may submit a written request for hearing to the board within 20 days of the last publication of the notice of the filing of the petition, and that if no timely request for hearing is received the board will make a decision on the petition pursuant to this subdivision without conducting the public hearing required under chapter 103D.

Subd. 4. Decision on petition. (a) If a timely request for hearing is not received, the board shall make a decision on the petition without a hearing within 30 days after the last publication of the notice.

(b) If one or more timely requests for hearing are received the board shall hold a hearing on the petition and shall follow the procedures in chapter 103D regarding notice and conduct of hearings.

(c) After completing the procedures required by this subdivision, the board shall, by its findings and order, make the boundary change requested if the board determines that:

(1) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition;

(2) the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and

(3) the change can be accomplished in conformance with section 103B.225.



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(d) The board shall file a certified copy of the findings and order with the secretary of state. The order making the change must conform to section 103B.225. The order making the change may amend the order prescribing the distribution of managers of the district.

HIST: 1990 c 391 art 2 s 8

103B.221 Termination of watershed district.

Subdivision 1. Procedure. A watershed district wholly within the metropolitan area may be terminated pursuant to this section or chapter 103D.

Subd. 2. Petition. Proceedings for termination under this subdivision must be initiated by a petition to the board of water and soil resources filed jointly by the governing bodies of all statutory and home rule charter cities and towns having jurisdiction over territory within the watershed.

Subd. 3. Hearing. Upon the filing of a sufficient petition, the board shall hold a hearing in accordance with the procedures prescribed in chapter 103D, to take testimony on the determinations required to be made by the board.

Subd. 4. Determination and order.

(a) Following the hearing, the board shall, by its findings and order, terminate the district as requested if the board determines:

(1) that the local government units having jurisdiction over territory within the watershed have formed a joint powers organization for the watershed pursuant to section 103B.211;

(2) that upon termination of the district the members of the joint powers organization, jointly or severally, are willing and able to assume ownership of the district's assets and the responsibility for managing and maintaining the district's projects as necessary to accomplish the purposes of sections 103B.205 to 103B.2553 and to implement the ~~watershed~~ local water management plan of the joint powers organization to be developed pursuant to sections 103B.193, 103B.235 and 103B.401-408; and

(3) that the termination can be accomplished in conformance with section 103B.225.

(b) The board shall file a certified copy of the findings and order with the secretary of state. The order terminating the district must transfer the assets of the district to the joint powers organization or its members. The order must conform to section 103B.225.

HIST: 1990 c 391 art 2 s 9

103B.225 Boundary change and termination effect on benefits and damages.

(a) The addition or transfer of property or termination of a district under sections 103B.215 and 103B.221 must not affect the benefits or damages for any improvement previously constructed by the district having jurisdiction over the property before the board's order takes effect. The property affected is and remains liable for its proper share of any outstanding indebtedness of the watershed district applying to the property before the board's order, and levies and assessments for the indebtedness continue in force until the debt is fully paid.

(b) In order to satisfy the requirements of this section, the board may prescribe conditions on the boundary change or termination or may prescribe a later effective date for the termination of specified powers of a watershed district.

HIST: 1990 c 391 art 2 s 10



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103B.227 Watershed management organizations.

Subdivision 1. Appointment of members. Watershed management organizations shall notify the board of water and soil resources of member appointments and vacancies in member positions within 30 days. Appointing authorities shall fill vacant positions by 90 days after the vacancy occurs.

Subd. 2. Notice of board vacancies. Appointing authorities for watershed management organization board members shall publish a notice of vacancies resulting from expiration of members' terms and other reasons. The notices must be published at least once in a newspaper of general circulation in the watershed management organization area. The notices must state that persons interested in being appointed to serve on the watershed management organization board may submit their names to the appointing authority for consideration. After December 31, 1999, staff of local government units that are members of the watershed management organization are not eligible to be appointed to the board. Published notice of the vacancy must be given at least 15 days before an appointment or reappointment is made.

Subd. 3. Removal. Appointing authorities may remove members of watershed management organization boards for just cause. The board of water and soil resources shall adopt rules prescribing standards and procedures for removing members of watershed management organization boards for just cause.

Subd. 4. Newsletter. A watershed management organization shall publish and distribute at least one newsletter or other appropriate written communication each year to residents. The newsletter or other communication must explain the organization's water management programs and list the officers and telephone numbers.

Subd. 5. Requests for proposals for services. A watershed management organization shall at least every two years solicit interest proposals for legal, professional, or technical consultant services before retaining the services of an attorney or consultant or extending an annual services agreement.

Subd. 6. Repealed, 1995 c 184 s 32

Subd. 7. Drainage systems. Watershed management organizations may accept transfer of drainage systems under sections 103B.205 to 103B.25~~5~~3.

HIST: 1990 c 601 s 9; 1999 c 231 s 126

103B.231 ~~Watershed plans.~~ Plan requirements in the metropolitan area.

Subdivision 1. Requirement. (a) A ~~watershed management~~ local water management plan is required for watersheds comprising all minor watershed units wholly or partly within the metropolitan area. For minor watershed units having more than 90 percent of their area within the metropolitan area, the ~~watershed~~ local water management plan must be prepared, adopted, and implemented in accordance with the requirements of sections 103B.193, 103B.205 to 103B.25~~5~~3 and 103B.401-408.

(b) Minor watershed units having 90 percent or less of their area within the metropolitan area shall prepare a plan or have the county prepare a water~~shed~~ management plan for their area in accordance with the requirements of sections 103B.101, 103B.193 ~~and~~ 103B.205 to 103B.~~355~~335, as determined by the board of water and soil resources.

Subd. 2. Optional participation in metropolitan water management organization. Local government units outside of the metropolitan area, having territory that is within a watershed part of which is subject to the requirements of this section, may enter into an agreement under section 103B.211. A local government unit that enters into an agreement under this subdivision has the duties imposed and the authority granted in sections 103B.205 to 103B.~~255~~253.

Subd. 3. Responsible units. (a) Where a watershed management organization exists, the plan for the watershed must be prepared and adopted by the organization.



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(b) A watershed management organization may request a county to prepare all or part of a plan.

(c) A county may delegate the preparation of all or part of a plan to the county soil and water conservation district.

(d) Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.

(e ) Appeals from the board of water and soil resources determination are made in the same manner as appeals under section 103B.345, subdivision 5.

(f) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 103B.205 to 103B.253.

Subd. 4. Planning authority upon termination of a water management organization. ~~(b)~~ (a)If a watershed management organization located wholly outside of Hennepin and Ramsey counties, is terminated, or the board of water and soil resources determines a plan is not being implemented in accordance with ~~its rules~~ section 103B.408, the county or counties containing the watershed unit shall either petition for the establishment of a watershed district, or prepare, adopt, and implement the ~~watershed~~ local water management plan and for this purpose the county or counties have the planning, review, permitting, and financing authority of a watershed management organization specified in sections 103B.193, 103B.211 to 103B.~~255~~335.

(b) If a watershed management organization within the metropolitan area and wholly or partly within Hennepin or Ramsey counties is terminated or the board of water and soil resources determines a plan is not being implemented, the county or counties shall petition for the establishment of a watershed district under chapter 103D, provided that a district established pursuant to a petition:

(1) may not cross a primary river or a river forming the boundary between a metropolitan county and a county outside the metropolitan area; and

(2) may not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river.

~~(c) A watershed management organization may request a county to prepare all or part of a plan.~~

~~(d) A county may delegate the preparation of all or part of a plan to the county soil and water conservation district.~~

~~(e) Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or part of a plan to the city or town.~~

(~~f~~c) If the board of water and soil resources determines that a watershed management organization or county has not developed a draft plan, is not implementing the plan, has not delegated implementation of the plan, and has not petitioned for the creation of a watershed district:

(1) state agencies may withhold from local government units state funding for water programs for projects within the watershed;

(2) state agencies may withhold from local government units delegation of state water resource regulatory authority within the watershed;

(3) state agencies may suspend issuance of water-related

permits within the watershed; and

(4) the board may request state agencies to withhold portions of state aid funding used for the installation of curb and gutter and other drainage facilities of public transportation projects within the watershed.

The provisions of this paragraph apply until the board of water and soil resources determines that a plan is being implemented ~~in accordance with its rules~~.

~~(g) Appeals from the board of water and soil resources determination are made in the same manner as appeals under section 103B.345, subdivision 5.~~



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~~Subd. 3a. Priority schedule. (a) The board of water and soil resources in consultation with the state review agencies and the metropolitan council shall develop a priority schedule for the revision of plans required under this chapter.~~

~~(b) The prioritization should be based on but not be limited to status of current plan, scheduled revision dates, anticipated growth and development, existing and potential problems, and regional water quality goals and priorities.~~

~~The schedule will be used by the board of water and soil resources in consultation with the state review agencies and the metropolitan council to direct watershed management organizations of when they will be required to revise their plans.~~

~~(d) Upon notification from the board of water and soil resources that a revision of a plan is required, a watershed management organization shall have 24 months from the date of notification to revise and submit a plan for review.~~

~~(e) In the event that a plan expires prior to notification from the board of water and soil resources under this section, the existing plan, authorities, and official controls of a watershed management organization shall remain in full force and effect until a revision is approved.~~

~~(f) A one-year extension to submit a revised plan may be granted by the board.~~

~~(g) Watershed management organizations submitting plans and draft plan amendments for review prior to the boards priority review schedule, may proceed to adopt and implement the plan revisions without formal board approval if the board fails to adjust its priority review schedule for plan review, and commence its statutory review process within 45 days of submittal of the plan revision or amendment.~~

~~Subd. 4. General standards. (a) The watershed management plan must specify the period covered by the plan and must extend at least five years but no more than ten years from the date the board approves the plan. Plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of board approval.~~

~~(b) The plan must be reviewed for consistency with an adopted county groundwater plan, and revised to the degree necessary to become compliant with the groundwater plan no later than two years after adoption by the county. A one-year extension may be granted by the board. Upon the request of a watershed management organization, the county shall provide a written statement that:~~

~~(1) identifies any substantial inconsistencies between the watershed plan and the groundwater plan and any substantial adverse effects of the watershed plan on the groundwater plan; and~~

~~(2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.~~

~~The plan shall contain the elements required by subdivision 6. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 103B.205 to 103B.255, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.~~

~~(dg) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 103B.205 to 103B.255.~~

~~(e) Watershed management organizations shall coordinate their planning activities with contiguous watershed management organizations and counties conducting water planning and implementation under sections 103B.101 and 103B.301 to 103B.355.~~

~~Subd. 5. Repealed, 1995 c 184 s 32~~

~~Subd. 6. Contents. (a) The plan shall:~~

~~(1) describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;~~



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~~(2) present information on the hydrologic system and its components, including drainage systems previously constructed under chapter 103E, and existing and potential problems related thereto;~~

~~(3) state objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics;~~

~~(4) set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement;~~

~~(5) describe the effect of the plan on existing drainage systems;~~

~~(6) identify high priority areas for wetland preservation, enhancement, restoration, and establishment and describe any conflicts with wetlands and land use in these areas;~~

~~(7) describe conflicts between the watershed plan and existing plans of local government units;~~

~~(8) set forth an implementation program consistent with the management plan, which includes a capital improvement program and standards and schedules for amending the comprehensive plans and official controls of local government units in the watershed to bring about conformance with the watershed plan; and~~
~~(9) set out procedures and timelines for amending the plan.~~
~~(b) The board shall adopt rules to establish standards and requirements for amendments to watershed plans. The rules must include:~~

~~(1) performance standards for the watershed plans, which may distinguish between plans for urban areas and rural areas;~~

~~(2) minimum requirements for the content of watershed plans and plan amendments, including public participation process requirements for amendment and implementation of watershed plans;~~

~~(3) standards for the content of capital improvement programs to implement watershed plans, including a requirement that capital improvement programs identify structural and nonstructural alternatives that would lessen capital expenditures; and~~
~~(4) how watershed plans are to specify the nature of the official controls required to be adopted by the local units of government, including uniform erosion control, stormwater retention, and wetland protection ordinances in the metropolitan area.~~

~~Subd. 7. Review of the draft plan. (a) Upon completion of the plan but before final adoption by the organization, the organization must submit the draft plan for a 60-day review and comment period to all counties, the metropolitan council, the state review agencies, the board of water and soil resources, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed.~~

Subd. 5. Additional coordination in plan review. A metropolitan local government unit that expects that substantial amendment of its local comprehensive plan will be necessary to bring ~~local water~~ municipal or township management into conformance with the watershed plan must describe as specifically as possible, within its comments, the amendments to the ~~local~~ municipal or township plan that it expects will be necessary. If the county has a groundwater plan, policy or ordinance the county must review and comment on the consistency of the local water management ~~watershed~~ plan with the county groundwater plan, policy or ordinance. Differences among local governmental agencies regarding the plan must be mediated. Notwithstanding sections 103D.401, 103D.405, and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the councils review of the comprehensive plans of metropolitan local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to local comprehensive plans. The council shall advise the board of water and soil resources on whether the plan conforms with the management objectives and target pollution loads stated in the councils water resources plan and shall recommend changes in the plan that would satisfy the councils plan.

~~(b) The watershed management organization must respond in writing to any concerns expressed by the review agencies within 30 days of receipt thereof.~~



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~~The watershed management organization must hold a public hearing on the draft plan no sooner than 30 days and no later than 45 days after the 60-day review period of the draft plan.~~

Subd. 6. Capital improvement plan review. The board or boards of the affected counties shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 103B.251 or 103D.901, subdivision 2. Each county has up until the date of the public hearing on the draft plan to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the board of water and soil resources for review pursuant to subdivision 9.

~~Subd. 8. Review by metropolitan council and state review agencies. After completion of the review under subdivision 7, the draft plan, any amendments thereto, all written comments received on the plan, a record of the public hearing, and a summary of changes incorporated as a result of the review process shall be submitted to the metropolitan council, the state review agencies, and the board of water and soil resources for final review. The state review agencies shall review and comment on the consistency of the plan with state laws and rules relating to water and related land resources. The state review agencies shall forward their comments within 45 days after they receive the final review draft of the plan to the board. A state review agency may request and receive up to a 30-day extension of this review period from the board.~~

~~Subd. 9. Approval by the board. After completion of the review under subdivision 8, the board shall review the plan for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D.~~ If the capital improvement program is the subject of a dispute between counties, the board of water and soil resources shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved. The board shall complete its review under this section within 90 days. (part of Subd. 6 above)

~~Subd. 10. Adoption and implementation. (a) The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 9 and approval of the plan by the board of water and soil resources.~~

Subd. 7. Additional watershed district authority. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 103D requiring the managers to wait upon petitions for projects, to submit projects for review by the board of water and soil resources, and to limit the cost and purposes of projects.

~~(b) The board of water and soil resources shall adopt rules establishing standards and criteria for making determinations of whether watershed management organizations and counties are implementing watershed plans as required under subdivision 1.~~

~~Subd. 11. Amendments. To the extent and in the manner required by the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, the metropolitan council, the state review agencies, and the board of water and soil resources for review in accordance with the provisions of subdivisions 7, 8, and 9. Amendments necessary to revise the plan to be consistent with the county groundwater plan, as required by subdivision 4, must be submitted for review in accordance with subdivisions 7, 8, and 9. Minor amendments to a plan shall be reviewed in accordance with standards prescribed in the watershed management plan.~~

~~**Subd. 12. Repealed, 1995 c 184 s 32**~~

~~Subd. 13. Appeals of plan failures. Persons aggrieved by an alleged failure to comply with the provisions of an approved plan may request review by the board of water and soil resources. The board shall establish a procedure for resolving disputes and making a determination on whether the plan is being implemented.~~

~~Subd. 14. Annual report. The board of water and soil resources shall adopt rules establishing:~~



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~~(1) requirements for annual watershed management organization financial reports to the board, including a report on administrative, project, and other expenditures;~~

~~(2) standards for annual financial audits by certified public accountants, procedures for the board to follow before ordering state financial and performance audits as determined by the board, and procedures for charging the costs of financial and performance audits to the watershed management organization; and~~

~~(3) requirements for the content of annual activity reports to the board, which must include the number and type of permits issued, complaints received, plan and ordinance violations, projects constructed, new officers installed, variances granted, status of local unit adoption and enforcement of model ordinance requirements, and financial conditions of the watershed management organization.~~

~~HIST: 1990 c 391 art 2 s 11; 1990 c 601 s 10-19; 1991 c 354 art 2 s 2; 1995 c 184 s 3-10; 1996 c 305 art 1 s 27; 1998 c 312 s 1~~

103B.235 ~~Local~~ Municipal or township water management plans.

Subdivision 1. Requirement. (a) After the ~~watershed~~ local water management plan is approved and adopted, or amended, pursuant to sections 103B. 193. 103B.231 and 103B.406, the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a ~~local~~ municipal or township water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the ~~watershed~~ local water management plan within one year prior to the required submittal date of local comprehensive plan to the Metropolitan Council pursuant to MS 473and ~~the time period prescribed in the implementation program of the watershed local water management plan and, as necessary~~, shall prepare or cause to be prepared amendments to the local comprehensive plan.

(b) Each town within the counties of Anoka, Carver, Dakota, Scott, and Washington authorized by general or special law to plan and regulate the use of land under sections 462.351 to 462.364 shall by resolution determine whether to prepare the ~~local~~ municipal or township water management plan itself or to delegate all or part of the preparation of the plan to the county.

(c) Towns within counties that have adopted comprehensive plans applicable to the town must use county preparation of their plan to the maximum extent possible.

Subd. 2. Contents.

(a) Each ~~local~~ municipal or township water management plan, in the degree of detail required in the ~~watershed~~ local water management plan, shall:

(1) describe existing and proposed physical environment and land use;

(2) define drainage areas and the volumes, rates, and paths of stormwater runoff;

(3) identify areas and elevations for stormwater storage adequate to meet performance standards established in the ~~watershed~~ local water management plan;

(4) define water quality and water quality protection methods adequate to meet performance standards established in the ~~watershed~~ local water management plan;

(5) identify regulated areas; and

(6) set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.

(b) The board of water and soil resources ~~shall~~ may adopt rules establishing minimum ~~local~~ municipal or township plan standards and a model environmental management ordinance for use by metro local government units in



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implementing municipal or township ~~local water~~ plans. ~~The standards apply to plan amendments made to conform to changes in the watershed local water management plans that are adopted under the board rules required by section 103B.231 subdivision 6 and 103B.190,.~~

Subd. 3. Review. After consideration but before adoption by the governing body, each metropolitan local government unit shall submit its water management plan to the watershed management organization for review for consistency with the ~~watershed~~ local water management plan adopted pursuant to sections 103B.193 and 103B.231. If the county or counties having territory within the local government unit have a state-approved and locally adopted ~~groundwater~~ local water management plan, the metro local government unit shall submit its plan to the county or counties for review. The county or counties have 45 days to review and comment on the plan. The organization shall approve or disapprove the ~~local~~ municipal or township plan or parts of the plan. The organization shall have 60 days to complete its review; provided, however, that the watershed management organization shall, as part of its review, take into account the comments submitted to it by the metropolitan council pursuant to subdivision 3a. If the organization fails to complete its review within the prescribed period, the local plan shall be deemed approved unless an extension is agreed to by the metropolitan local unit.

Subd. 3a. Review by metropolitan council. Concurrently with its submission of its ~~local~~ municipal or township water management plan to the watershed management organization as provided in subdivision 3, each metropolitan local unit of government shall submit its water management plan to the metropolitan council for review and comment by the council. The council shall have 45 days to review and comment upon the ~~local~~ municipal or township plan or parts of the plan with respect to consistency with the council's comprehensive development guide for the metropolitan area. The council's 45-day review period shall run concurrently with the 60-day review period by the watershed management organization provided in subdivision 3. The metropolitan council shall submit its comments to the watershed management organization and shall send a copy of its comments to the metropolitan local government unit. If the metropolitan council fails to complete its review and make comments to the watershed management organization within the 45-day period, the watershed management organization shall complete its review as provided in subdivision 3.

Subd. 4. Adoption and implementation. After approval of the ~~local~~ municipal or township plan by the organization, the metropolitan local government unit shall adopt and implement its plan within 120 days and shall amend its official controls accordingly within 180 days.

Subd. 5. Amendments. To the extent and in the manner required by the organization, all amendments to ~~local~~ municipal or township water management plans shall be submitted to the organization for review and approval in accordance with the provisions of subdivisions 3 and 3a for the review of plans.

HIST: 1990 c 391 art 2 s 12; 1990 c 601 s 21; 1995 c 176 s 1-3; 1995 c 184 s 11

~~103B.239 Rule review.~~

~~The board of water and soil resources shall review the rules relating to sections 103B.205 to 103B.255 at least once every five years and adopt necessary amendments.~~

HIST: 1990 c 601 s 20

103B.241 Levies.

Subdivision 1. ~~Watershed~~ Local water management plans and projects. Notwithstanding chapter 103D, a metropolitan local government unit or watershed management organization may levy a tax to pay the increased costs of preparing a plan under sections 103B.193 and103B.231or for projects identified in an approved and adopted plan necessary to implement the purposes of sections 103B.191 and 103B.201. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this



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section. Watershed management organizations and local government units may accumulate the proceeds of levies as an alternative to issuing bonds to finance improvements.

Subd. 2. Priority programs; soil and water conservation districts. A county may levy amounts necessary to pay the reasonable increased costs to soil and water conservation districts of administering and implementing priority programs identified in an approved and adopted plan.

HIST: 1990 c 391 art 2 s 13; 1990 c 601 s 22; 1992 c 511 art 2 s 2; art 5 s 2; 1995 c 184 s 12

103B.245 Special tax district; local government unit.

Subdivision 1. Watershed management tax district. (a) Any metropolitan local government unit planning for water management under sections 103B.191-193, 103B.231and 103B.235 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections and 103B.193,103B.231and 103B.235.

(b) Any metropolitan local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with sections 103B.193, 103B.231and 103B.406, and which has a ~~local~~ municipal or township water management plan adopted in accordance with section 103B.235 may establish a watershed management tax district in the territory within the watershed or a subwatershed unit in the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities.

(c) A county or counties required by section 103B.231, subdivision ~~3~~ 4, to prepare, adopt, and implement a ~~watershed~~ local water management plan shall apportion the costs of planning, capital improvements, and maintenance proportionate to benefits. The county may apportion the costs among the subwatershed units in the watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.

(d) Notification of new watershed management tax districts established under this subdivision must be made to the county auditor by July 1 in order to be effective for taxes payable in the following year.

Subd. 2. Procedure. The district shall be established by ordinance adopted after a hearing. Notice of the time, place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the metropolitan local government unit, ending at least seven days before the day of the hearing. The ordinance shall describe with particularity the territory or area to be included in the district. After adoption, the ordinance shall be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.

Subd. 3. Tax. After adoption of the ordinance under subdivision 2, a metropolitan local government unit may annually levy a tax on all taxable property in the district for the purposes for which the tax district is established. The tax may not exceed 0.02418 percent of market value on taxable property located in rural towns other than urban towns, unless allowed by resolution of the town electors. The proceeds of the tax shall be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the metropolitan local unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district.

Subd. 4. Bonds. After adoption of the ordinance under subdivision 2, and after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, the metropolitan local government unit may issue obligations in the amount it deems necessary to pay in whole or in part the capital cost incurred and estimated to be incurred in making the project. The obligations shall be payable out of the proceeds of the tax levied pursuant to subdivision 3. The metropolitan local unit may by resolution of its governing body adopted prior to the sale of obligations pledge the full faith, credit and taxing power of the local unit to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are insufficient to pay principal and interest. The amount of any taxes which are required to be levied outside of the



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territory of the tax district or taken from the general funds of the local unit to pay principal and interest on the obligations shall be reimbursed to the metropolitan local unit from taxes levied within the territory of the tax district. Obligations shall be issued in accordance with chapter 475, except that an election is not required and the amount of any obligations shall not be included in determining the net indebtedness of the local unit under the provisions of any law or charter limiting indebtedness.

HIST: 1990 c 391 art 2 s 14; 1990 c 601 s 23; 1994 c 416 art 1 s 1; 1995 c 184 s 13,14

103B.251 Capital improvements by watershed management organizations.

Subdivision 1. General authority. The authority provided to watershed districts in this section is in addition to the authority provided in chapter 103D. A watershed management organization which has adopted a ~~watershed~~ local water management plan in accordance with section 103B.231and 103B.406, subd.6 may certify for payment by the county as provided in this section all or any part of the cost of a capital improvement contained in the capital improvement program of the plan.

Subd. 2. County board to receive plan for improvement. A copy of the plan for the improvement shall be forwarded to the county board.

Subd. 3. Improvement hearing notice. (a) The organization shall then hold a public hearing on the proposed improvement, following publication once each week for two successive weeks before the date of the hearing in a legal newspaper published in the county or counties in which a part or all of the affected waters and lands are located. The last publication shall occur not more than 30 days nor less than ten days before the hearing.

(b) The notice shall state the time and place of hearing, the general nature of the proposed improvement, the estimated cost, and the method by which the cost of the improvement is to be paid, including the cost to be allocated to each county or minor watershed unit under subdivision 5.

(c) least ten days before the hearing, notice by mail shall be given to the counties and to each home rule charter or statutory city or town located wholly or partly within the territory of the watershed management organization.

(d) Failure to give mailed notice or defects in the notice shall not invalidate the proceedings.

Subd. 4. Improvement hearing. At the time and place specified in the notice the organization shall hear all parties interested in the proposed improvement. If upon full hearing the organization finds that the improvement will be conducive to public health and promote the general welfare, and is in compliance with sections 103B.205 to 103B.255~~3~~ and the plan adopted pursuant to sections 103B.231 and 103B.406 subd.6, it shall make findings accordingly, determine the cost of the improvement, and certify the cost before October 1 to the county or counties for payment.

Subd. 5. Apportionment of costs. If the territory of the watershed management organization extends into more than one county, the cost of the improvement shall be certified to the respective county boards in the proportions prescribed in the capital improvement program of the organization. The certification of the watershed management organization may apportion the cost among some or all of the subwatershed units in the watershed and for this purpose may require the establishment of more than one tax district in the watershed.

Subd. 6. County payment. Each county receiving certifications for payment from watershed management organizations under this section shall promptly after September 30 of each year provide funds to meet its proportionate share of the cost of the improvements as shown in the certifications by organizations received during the prior 12 months. In an emergency and after receipt of certification the county shall provide funds at other times. When an organization anticipates an emergency it shall promptly inform the county and provide it with appropriate information.

Subd. 7. Bonds. In order to make the payment required by subdivision 6, the county board of each county may issue general obligation bonds of the county in the amount necessary to pay all or part of the cost of projects



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certified to the county board or to refund general obligation bonds issued for this purpose. The bonds shall be sold, issued, and secured in accordance with the provisions of chapter 475 for general obligation bonds, except as otherwise provided in this subdivision. No election shall be required.

Subd. 8. Tax. (a) For the payment of principal and interest on the bonds issued under subdivision 7 and the payment required under subdivision 6, the county shall irrevocably pledge and appropriate the proceeds of a tax levied on all taxable property located within the territory of the watershed management organization or subwatershed unit for which the bonds are issued. Each year until the reserve for payment of the bonds is sufficient to retire the bonds, the county shall levy on all taxable property in the territory of the organization or unit, without respect to any statutory or other limitation on taxes, an amount of taxes sufficient to pay principal and interest on the bonds and to restore any deficiencies in reserves required to be maintained for payment of the bonds.

(b) The tax levied on rural towns other than urban towns may not exceed 0.02418 percent of taxable market value, unless approved by resolution of the town electors.

(c) If at any time the amounts available from the levy on property in the territory of the organization are insufficient to pay principal and interest on the bonds when due, the county shall make payment from any available funds in the county treasury.

(d) The amount of any taxes which are required to be levied outside of the territory of the watershed management organization or unit or taken from the general funds of the county to pay principal or interest on the bonds shall be reimbursed to the county from taxes levied within the territory of the watershed management organization or unit.

Subd. 9. Maintenance levy. For the purpose of creating a maintenance fund to be used for normal and routine maintenance of a work of improvement constructed in whole or part with money provided by the county pursuant to subdivision 6, the board of managers of a watershed district, with the approval of the county, may impose an ad valorem levy on all property located within the territory of the watershed district or subwatershed unit. The levy shall be certified, levied, collected, and distributed as provided in sections 103D.915 and 103D.921, and shall be in addition to any other money levied and distributed to the district. The proceeds of the levy shall be deposited in a separate maintenance and repair account to be used only for the purpose for which the levy was made.

HIST: 1990 c 391 art 2 s 15; 1990 c 601 s 24-26; 1995 c 184 s 15,16

103B.252 Emergency projects.

Subdivision 1. General authority. Notwithstanding chapter 103D, a metropolitan local government unit or a watershed management organization which has an approved and adopted plan may undertake and perform emergency projects under this section.

Subd. 2. Declaration of emergency. If the joint powers board, watershed district managers, or metropolitan local government unit find that conditions exist that present a clear and imminent danger to the health or welfare of the people of the watershed management organization or metropolitan local government unit, and that to delay action would prejudice the interests of the people of the watershed management organization or metropolitan local government unit, or would likely cause permanent harm, the joint powers board, watershed district managers, or metropolitan local government unit may declare the existence of an emergency and designate the location, watershed or subwatershed unit, nature, and extent of the emergency.

Subd. 3. Project order. If an emergency has been declared to the extent necessary to protect the interests of the watershed management organization or the metropolitan local government unit, the joint powers board, watershed district managers, or local government unit may order that the work be done under the direction of the joint powers board, watershed district managers, or local government unit and their engineer, without a contract.

HIST: 1995 c 184 s 17



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103B.253 County levy authority.

Notwithstanding any other law to the contrary, a county levying a tax under section 103B.241, 103B.245, or 103B.251 shall not include any taxes levied under those authorities in the levy certified under section 275.07, subdivision 1, paragraph (a). A county levying under section 103B.241, 103B.245, or 103B.251 shall separately certify that amount and the auditor shall extend that levy as a special taxing district levy under sections 275.066 and 275.07, subdivision 1, paragraph (b).

HIST: 1Sp2001 c 5 art 3 s 3

~~103B.255 Groundwater plans~~.

~~Subdivision 1. Authority. A metropolitan county may prepare and groundwater plans in accordance with this section.~~

~~Subd. 2. Responsible units. The county may prepare and adopt the plan or, upon request of a soil and water conservation district, the county may delegate to the soil and water conservation district the preparation and adoption of all or part of a plan and the performance of other county responsibilities regarding the plan under this section and section 103B.231.~~

~~Subd. 3. Local coordination. To assure the coordination of efforts of all units of government during the preparation and implementation of watershed and groundwater plans, the county shall conduct meetings with local units of government and watershed management organizations and may enter into agreements with local units of government and watershed management organizations establishing the responsibilities during the preparation and implementation of the water plans.~~

~~Subd. 4. Assistance. The county may contract with the Minnesota geological survey, the United States Geological Survey, a soil and water conservation district, or other public or private agencies or persons for services in performing the countys responsibilities regarding the plan under this section and section 103B.231. Counties may enter into agreements with other counties or local units of government under section 471.59 for the performance of these responsibilities. To assist in the development of the groundwater plan, the county shall seek the advice of the advisory committee, the Minnesota geological survey, the departments of health and natural resources, the pollution control agency, and other appropriate local, state, and federal agencies.~~

~~Subd. 5. Advisory committees. (a) The county shall name an advisory committee of 15 members. The committee must include representatives of various interests, including construction, agriculture, hydrogeology, and well drilling. At least four members of the committee must be from the public at large with no direct pecuniary interest in any project involving groundwater protection. At least seven members must be appointed from watershed management organizations, statutory and home rule charter cities, and towns, and these local government representatives must be geographically distributed so that at least one is appointed from each county commissioner district.~~

~~(b) The county shall consult the advisory committee on the development, content, and implementation of the plan, including the relationship of the groundwater plan and existing watershed and local water management plans, the effect of the groundwater plan on the other plans, and the allocation of costs and governmental authority and responsibilities during implementation.~~

~~Subd. 6. General standards. (a) The groundwater plan must specify the period covered by the plan and must extend at least five years but no more than ten years from the date the board approves the plan. The plan must contain the elements required by subdivision 7. Each element must be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 103B.205 to 103B.255, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated groundwater management problems in the county.~~



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~~(b) To the fullest extent possible in a manner consistent with groundwater protection, a county shall make maximum use of existing and available data and studies in preparing the groundwater plan and incorporate into its groundwater plan relevant data from existing plans and studies and the relevant provisions of existing plans adopted by watershed management organizations having jurisdiction wholly or partly within the county.~~

~~Subd. 7. Contents. A groundwater plan must:~~

~~(1) cover the entire area within the county;~~

~~(2) describe existing and expected changes to the physical environment, land use, and development in the county;~~

~~(3) summarize available information about the groundwater 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 groundwater from pollution and for various types of land uses in environmentally sensitive areas, critical areas, or previously contaminated areas;~~

~~(6) describe relationships and possible conflicts between the groundwater plan and the plans of other counties, local government units, and watershed management organizations in the affected groundwater system;~~

~~(7) set forth standards, guidelines, and official controls for implementation of the plan by watershed management organizations and local units of government; and~~
~~(8) include procedures and timelines for amending the groundwater plan.~~

~~Subd. 8. Review of the draft plan. (a) Upon completion of the groundwater plan but before final adoption by the county, the county shall submit the draft plan for a 60-day review and comment period to adjoining counties, the metropolitan council, the state review agencies, the board of water and soil resources, each soil and water conservation district, town, statutory and home rule charter city, and watershed management organization having territory within the county. The county also shall submit the plan to any other county or watershed management organization or district in the affected groundwater system that could affect or be affected by implementation of the plan. Any political subdivision or watershed management organization that expects that substantial amendment of its plans would be necessary in order to bring them into conformance with the county groundwater plan shall describe as specifically as possible, within its comments, the amendments that it expects would be necessary and the cost of amendment and implementation. Reviewing entities have 60 days to review and comment. Differences among local governmental agencies regarding the plan must be mediated. Notwithstanding sections 103D.401, 103D.405, and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided in section 473.175 for review of the comprehensive plans of local government units. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to watershed plans and local comprehensive plans. The council shall advise the board of water and soil resources on whether the plan conforms with the management objectives stated in the councils water resources plan and shall recommend changes in the plan that would satisfy the councils plan.~~

~~(b) The county must respond in writing to any concerns expressed by the reviewing agencies within 30 days of receipt thereof.~~

~~The county shall hold a public hearing on the draft plan no sooner than 30 days and no later than 45 days after the 60-day review period of the draft plan.~~

~~Subd. 9. Review by metropolitan council and state agencies. After completion of the review under subdivision 8, the draft plan, any amendments thereto, all written comments received on the plan, a record of the public hearing, and a summary of changes incorporated as part of the review process must be submitted to the metropolitan council, the state review agencies, and the board of water and soil resources for final review. The state review agencies shall review and comment on the consistency of the plan with state laws and rules relating to water and related land resources. The state review agencies shall forward their comments to the board within 45 days after they receive the final review draft of the plan. A state review agency may request and receive up to a 30-day extension of this review period from the board.~~



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~~Subd. 10. Approval by board. After completion of the review under subdivision 9, the board of water and soil resources shall review the plan as provided in section 103D.401. The board shall review the plan for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. The board may not prescribe a plan but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D.~~

~~Subd. 11. Adoption and implementation. The county shall adopt and implement its groundwater plan within 120 days after approval of the plan by the board of water and soil resources.~~

~~Subd. 12. Amendments. To the extent and in the manner required by the adopted plan, all amendments to the adopted plan must be submitted to the towns, cities, counties, the metropolitan council, the state review agencies, and the board of water and soil resources for review in accordance with the provisions of subdivisions 8 to 10.~~

~~Subd. 13. Property tax levies. A metropolitan county may levy amounts necessary to administer and implement an approved and adopted groundwater plan. A county may levy amounts necessary to pay the reasonable increased costs to soil and water conservation districts and watershed management organizations of administering and implementing priority programs identified in the county's groundwater plan.~~

HIST: 1990 c 391 art 2 s 16; 1992 c 511 art 2 s 3; 1995 c 184 s 18-23

~~103B.301 Title.~~

~~Sections 103B.301 to 103B.355 may be cited as the "Comprehensive Local Water Management Act."~~

HIST: 1990 c 391 art 2 s 17

~~103B.305 Definitions.~~

~~Subdivision 1. Applicability. The definitions in this section apply to sections 103B.301 to 103B.355.~~

~~Subd. 2. Board. Board means the board of water and soil resources.~~

~~Subd. 3. Comprehensive water plan. Comprehensive water plan means the plan adopted by a county under sections 103B.311 and 103B.315.~~

~~Subd. 4. Groundwater systems. Groundwater systems means the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled Designation of Principal Water Supply Aquifers in Minnesota (August 1981), and its revisions.~~

~~Subd. 5. Local units of government. Local units of government means municipalities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under section 471.59, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level.~~

~~Subd. 6. Municipality. Municipality means a statutory or home rule charter city.~~

~~Subd. 7. Official controls. Official controls means ordinances and regulations that control the physical development of the whole or part of a local government unit or that implement the general objectives of the local government unit.~~

~~Subd. 8. Related land resources. Related land resources means land affected by present or projected management practices that have significant effects on the quantity and quality, or use of groundwater or surface water.~~

~~Subd. 9. Watershed management organization. Watershed management organization has the meaning given in section 103B.205, subdivision 13.~~



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~~Subd. 10. Watershed units. Watershed units means each of the 81 major watershed units identified in the state watershed boundaries map prepared pursuant to the requirements of Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying database, and the revisions of that database.~~

HIST: 1990 c 391 art 2 s 18

103B.311 County water planning and management.

Subdivision 1. County duties. ~~Each county is encouraged to develop and implement a comprehensive water plan~~. Each county that develops and implements a Board approved plan has the duty and authority to:

(1) prepare and adopt a ~~comprehensive~~ local water management plan that meets the requirements of this section, ~~and section~~ 103B.~~315;~~.193 and 103B.401-408.

(2) review water and related land resources plans and official controls submitted by local units of government to assure consistency with the ~~comprehensive~~ local water management plan; and

(3) exercise any and all powers necessary to assure implementation of comprehensive the local water management plans.

Subd. 2. Delegation. The county is responsible for preparing, adopting, and assuring implementation of the comprehensive water plan, but may delegate all or part of the preparation of the plan to a local unit of government, a regional development commission, or a resource conservation and development committee. The county may not delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that does not possess those powers.

~~Subd. 3. Coordination. (a) To assure the coordination of efforts of all local units of government within a county during the preparation and implementation of a comprehensive water plan, each county intending to adopt a plan shall conduct meetings with other local units of government and may execute agreements with other local units of government establishing the responsibilities of each unit during the preparation and implementation of the comprehensive water plan.~~

~~(b) Each county intending to adopt a plan shall coordinate its planning program with contiguous counties. Before meeting with local units of government, a county board shall notify the county boards of each county contiguous to it that the county is about to begin preparing its comprehensive water plan and is encouraged to request and hold a joint meeting with the contiguous county boards to consider the planning process.~~

Subd. ~~4.~~ 3 Local ~~W~~water management plan requirements. (a) A county ~~comprehensive~~ local water management plan must:

(1) cover the entire area within a county;

(2) address water ~~problems~~ management in the context of watershed units and groundwater systems;

(3) be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management; and

(4) be consistent with existing comprehensive ~~water~~ plans and official controls in the plan's jurisdiction. ~~prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and~~

~~(5) the comprehensive water plan must specify the period covered by the comprehensive water plan and must extend at least five years but no more than ten years from the date the board approves the comprehensive water plan. Comprehensive water plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of board approval. A two-year extension of the revision~~



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~~date of a comprehensive water plan may be granted by the board, provided no projects are ordered or commenced during the period of the extension.~~

~~(b) Existing water and related land resources plans, including plans related to agricultural land preservation programs developed pursuant to chapter 40A, must be fully utilized in preparing the comprehensive water plan. Duplication of the existing plans is not required.~~

~~Subd. 5. Watershed district and intercounty joint powers board plans and rules. A county must incorporate into its comprehensive water plan any existing plans and rules adopted by a watershed district or intercounty joint powers board having jurisdiction wholly or partly within the county. A county may change the plans and rules it incorporates if the county demonstrates in its comprehensive water plan why the changes are necessary and if the changes are agreed to by each county that is:~~

~~(1) responsible for the appointment of a manager serving on the watershed board; or~~

~~(2) represented on the joint powers board.~~

~~Subd. 6. Scope of plans. Comprehensive water plans must include:~~

~~(1) a description of the existing and expected changes to physical environment, land use, and development in the county;~~

~~(2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;~~

~~(3) objectives for future development, use, and conservation of water and related land resources, including objectives that concern water quality and quantity, and sensitive areas, wellhead protection areas, high priority areas for wetland preservation, enhancement, restoration, and establishment, stormwater management for developing areas, and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve the objectives;~~

~~(4) a description of potential changes in state programs, policies, and requirements considered important by the county to management of water resources in the county;~~

~~(5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;~~

~~(6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;~~

~~(7) a program for implementation of the plan that is consistent with the plans management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and the schedule, components, and expected state and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section; and~~

~~(8) a procedure for amending the comprehensive water plan.~~

~~Subd. 7. Data acquisition. The data collected under this section that has common value as determined by the commissioner of administration for natural resources planning must be provided and integrated into the Minnesota land management information systems geographic and summary databases according to published data compatibility guidelines.~~

~~HIST: 1990 c 391 art 2 s 19; 1991 c 345 art 2 s 13; 1991 c 354 art 2 s 3; 1992 c 514 s 14; 1995 c 184 s 24,25~~

~~103B.315 Comprehensive water plan review and adoption.~~



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~~Subdivision 1. Local review. When the comprehensive water plan is completed, but before its final adoption by the county board, the county board shall submit the comprehensive water plan for review and comment to:~~

~~(1) all local units of government wholly or partly within the county;~~

~~(2) the applicable regional development commission, if any;~~

~~(3) each contiguous county and watershed management organization; and~~

~~(4) other counties or watershed management organizations within the same watershed unit and groundwater system that may be affected by proposals in the comprehensive water plan.~~

~~Subd. 2. Comments to county board. (a) A local unit of government must review the comprehensive water plan and existing water and related land resources plans or official controls and in its comments describe in a general way possible amendments to its existing plans or official controls, and an estimate of the fiscal or policy effects that would be associated with those amendments, to bring them into conformance with the comprehensive water plan.~~

~~(b) A county or watershed management organization within the same watershed unit or groundwater system must review comprehensive water plans received and describe in its comments possible conflicts with its existing or proposed comprehensive water plan and suggest measures to resolve the conflicts.~~

~~The regional development commission shall review the plan under section 462.391, subdivision 1.~~

~~Subd. 3. Local review period. Comments under subdivision 2 must be submitted to the county board within 60 days after receiving a comprehensive water plan for comment, unless the county board of the county that prepared the plan determines that good cause exists for an extension of this period and grants an extension.~~

~~Subd. 4. Public hearing. The county board shall conduct a public hearing on the comprehensive water plan pursuant to section 375.51 after the 60-day period for local review and comment is completed but before submitting it to the state for review.~~

~~Subd. 5. State review. (a) After conducting the public hearing but before final adoption, the county board must submit its comprehensive water plan, all written comments received on the plan, a record of the public hearing under subdivision 4, and a summary of changes incorporated as a result of the review process to the board for review. The board shall complete the review within 90 days after receiving a comprehensive water plan and supporting documents. The board shall consult with the departments of agriculture, health, and natural resources; the pollution control agency; the environmental quality board; and other appropriate state agencies during the review.~~

~~(b) The board may disapprove a comprehensive water plan if the board determines the plan is not consistent with state law. If a plan is disapproved, the board shall provide a written statement of its reasons for disapproval. A disapproved comprehensive water plan must be revised by the county board and resubmitted for approval by the board within 120 days after receiving notice of disapproval of the comprehensive water plan, unless the board extends the period for good cause. The decision of the board to disapprove the plan may be appealed by the county to district court.~~

~~Subd. 6. Adoption and implementation. A county board shall adopt and begin implementation of its comprehensive water plan within 120 days after receiving notice of approval of the plan from the board.~~

~~Subd. 7. Amendments. Amendments to a comprehensive water plan must be submitted to local units of government and to the board in the same manner as a comprehensive water plan.~~

~~HIST: 1990 c 391 art 2 s 20; 1991 c 345 art 2 s 14~~

103B.321 Duties of the board.

Subdivision 1. General. The board<u>'s responsibilities administering 103B.190-.410 are</u> ~~shall~~:



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(1) develop guidelines for the contents of ~~comprehensive~~ local water management plans that provide for a flexible approach to meeting the different water and related land resources needs of ~~counties and watersheds across the state~~ citizens, local governments and state agencies;

(2) coordinate assistance of state agencies to ~~counties and other~~ local units of government involved in preparation of ~~comprehensive~~ local water management plans, including identification of pertinent data and studies available from the state and federal government;

~~(3) conduct an active program of information and education concerning the requirements and purposes of sections 103B.301 to 103B.355 in conjunction with the association of Minnesota counties;~~

~~(4)~~3) determine contested cases under section 103B.345;

~~(5)~~ (4) establish a process for review of ~~comprehensive~~ local water management plans that assures the plans are consistent with state law;

~~(6) report to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture as required by section 103B.351; and~~

~~(7)~~ 6 make grants to counties for ~~comprehensive~~ local water management planning and~~,~~ implementation of priority actions identified in approved plans~~, and sealing of abandoned wells~~.

Subd. 2. Board policies ~~Rrulemaking~~. The board may establish policies ~~adopt rules~~ to implement sections ~~103B.301 to 103B.355~~ 103B190-.193, and 103B.211 to 103B.410.

~~Subd. 3. Local advisory committee. The board shall use a committee, consisting of persons representing counties, soil and water conservation districts, municipalities, and townships and persons interested in water planning, to assist the board in the water planning process. Members must be appointed, serve, and be paid their expenses but may not receive other compensation, pursuant to section 15.014.~~

HIST: 1990 c 391 art 2 s 21; 1991 c 254 art 2 s 36; 1999 c 86 art 3 s 8

103B.325 Consistency of local plans and controls with the ~~comprehensive~~ local water management plan.

Subdivision 1. Requirement. Local units of government shall amend existing water and related land resources plans and official controls as necessary to conform them to the applicable, approved ~~comprehensive~~ local water management plan following the procedures in this section.

Subd. 2. Procedure. Within 90 days after local units of government are notified by the county board of the adoption of a ~~comprehensive~~ local water management plan or of adoption of an amendment to a ~~comprehensive~~ local water management plan, the local units of government exercising water and related land resources planning and regulatory responsibility for areas within the county must submit existing water and related land resources plans and official controls to the county board for review. The county board shall identify any inconsistency between the plans and controls and the ~~comprehensive~~ local water management plan and shall recommend the amendments necessary to bring local plans and official controls into conformance with the ~~comprehensive~~ local water management plan.

Subd. 3. Revision and implementation. Local units of government shall revise existing plans and official controls to conform them to the recommendations of the county board and shall initiate implementation of the revised plans and controls within 180 days after receiving the recommendations of the county board, or 180 days after resolution of an appeal, whichever is later.

Subd. 4. Appeals. A local unit of government may, within 60 days after receiving the recommendations of the county board, appeal any recommendation to the board of water and soil resources for a hearing as provided in section 103B.345.



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Subd. 5. New plans and controls. New or amended water and related land resources plans and official controls proposed by local units of government for their adoption following adoption of the ~~comprehensive~~ local water management plan shall be submitted to the county board for review and recommendation as provided under this section.

HIST: 1990 c 391 art 2 s 22

103B.331 Authority under an approved ~~comprehensive~~ local water management plan.

Subdivision 1. Authority. When an approved ~~comprehensive~~ local water management plan is adopted the county has the authority specified in this section.

Subd. 2. Regulation of water and land resources. The county may regulate the use and development of water and related land resources within incorporated areas when one or more of the following conditions exists:

(1) the municipality does not have a local water and related land resources plan or official controls consistent with the ~~comprehensive~~ local water management plan;

(2) a municipal action granting a variance or conditional use would result in an action inconsistent with the ~~comprehensive~~ local water management plan;

(3) the municipality has authorized the county to require permits for the use and development of water and related land resources; or

(4) a state agency has delegated the administration of a state permit program to the county.

Subd. 3. Acquisition of property; assessment of costs.

A county may:

(1) acquire in the name of the county, by condemnation under chapter 117, real and personal property found by the county board to be necessary for the implementation of an approved ~~comprehensive~~ local water management plan;

(2) assess the costs of projects necessary to implement the comprehensive local water management plan undertaken under sections 103B.301 to 103B.~~355~~335 and 103B.401 to 103B.408 upon the property benefited within the county in the manner provided for municipalities by chapter 429;

(3) charge users for services provided by the county necessary to implement the ~~comprehensive~~ local water management plan; and

(4) establish one or more special taxing districts within the county and issue bonds for the purpose of financing capital improvements under sections 103B.193, 103B.301 to 103B.~~355~~335.

Subd. 4. Special taxing district. (a) A tax district authorized under subdivision 3, clause (4), must be established by resolution adopted by the county board after a hearing. Notice of the time, place, and purpose of the hearing must be published for two successive weeks in the official newspaper of the county, ending at least seven days before the day of the hearing. The resolution must describe with particularity the territory or area to be included in the tax district. After adoption, the resolution must be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.

(b) After adoption of the resolution under paragraph (a), a county may annually levy a tax on all taxable property in the district for the purposes for which the tax district was established. The proceeds of the tax must be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved must be transferred and irrevocably pledged to the debt service fund of the county to be used only to reduce tax levies for bonded indebtedness of taxable property in the district.



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(c) After adoption of the resolution under paragraph (a), and after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered to be done by hired labor, the county may issue obligations in the amount determined by the county board to be necessary to pay in whole or in part the capital cost incurred and estimated to be incurred in making the improvement. The obligations are payable out of the proceeds of the tax levied under this subdivision. The county board may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the county to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are insufficient to pay principal and interest. The amount of any taxes that are required to be levied outside of the territory of the tax district or taken from the general funds of the county to pay principal and interest on the obligations must be reimbursed to the county from taxes levied within the territory of the tax district. Obligations must be issued in accordance with chapter 475, except that an election is not required and the amount of any obligations must not be included in determining the net indebtedness of the county under the provisions of any law or charter limiting indebtedness.

HIST: 1990 c 391 art 2 s 23

103B.335 Tax levy authority.

Subdivision 1. Local water planning and management. The governing body of any county, municipality, or township may levy a tax in an amount required to implement sections 103B.193,103B.301 to 103B.~~355~~335.

Subd. 2. Priority programs; conservation and watershed districts. A county may levy amounts necessary to pay the reasonable increased costs to soil and water conservation districts and watershed districts of administering and implementing priority programs identified in an approved and adopted plan.

HIST: 1990 c 391 art 2 s 24; 1992 c 511 art 2 s 4; art 5 s 3

103B.3355 Wetland functions for determining public values.

(a) The public values of wetlands must be determined based upon the functions of wetlands for:

(1) water quality, including filtering of pollutants to surface and groundwater, utilization of nutrients that would otherwise pollute public waters, trapping of sediments, shoreline protection, and utilization of the wetland as a recharge area for groundwater;

(2) floodwater and stormwater retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;

(3) public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;

(4) commercial uses, including wild rice and cranberry growing and harvesting and aquaculture;

(5) fish, wildlife, native plant habitats;

(6) low-flow augmentation; and

(7) other public uses.

(b) The board of water and soil resources, in consultation with the commissioners of natural resources and agriculture and local government units, shall adopt rules establishing:

(1) scientific methodologies for determining the functions of wetlands; and

(2) criteria for determining the resulting public values of wetlands.

(c) The methodologies and criteria established under this section or other methodologies and criteria that include the functions in paragraph (a) and are approved by the board, in consultation with the commissioners of natural



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resources and agriculture and local government units, must be used to determine the functions and resulting public values of wetlands in the state. The functions listed in paragraph (a) are not listed in order of priority.

(d) Public value criteria established or approved by the board under this section do not apply in areas subject to local comprehensive wetland protection and management plans established under section 103G.2243 or 103B. 409.

(e) The board of water and soil resources, in consultation with the commissioners of natural resources and agriculture and local government units, may identify regions of the state where preservation, enhancement, restoration, and establishment of wetlands would have high public value. The board, in consultation with the commissioners, may identify high priority wetland regions using available information relating to the factors listed in paragraph (a). The board shall notify local units of government with water planning authority of these high priority regions.

HIST: 1991 c 354 art 2 s 4; 1996 c 462 s 3

103B.3361 Citation.

Sections 103B.3361 to 103B.3369 may be cited as the "Local Water Resources Protection and Management Program."

HIST: 1989 c 326 art 2 s 8

~~103B.3363 Definitions.~~

~~Subdivision 1. Scope. The definitions in this section apply to sections 103B.3363 to 103B.3369.~~

~~Subd. 2. Board. Board means the board of water and soil resources.~~

~~Subd. 3. Comprehensive local water plan. Comprehensive local water plan means a county water plan authorized under section 103B.311, a watershed management plan required under section 103B.231, a watershed management plan required under section 103D.401 or 103D.405, or a county groundwater plan authorized under section 103B.255.~~

~~Subd. 4. Local unit of government. Local unit of government means a statutory or home rule charter city, town, county, or soil and water conservation district, watershed district, an organization formed for the joint exercise of powers under section 471.59, a local health board, or other special purpose district or authority with local jurisdiction in water and related land resources management.~~

~~Subd. 5. Program. Program means a water-related program.~~

~~HIST: 1989 c 326 art 2 s 9; 1990 c 391 art 10 s 3; 1991 c 160 s 1~~

103B.3365 Repealed, 1995 c 184 s 32

103B.3369 Local Water Resources Protection and Management Program.

Subdivision 1. Assistance priorities. State agencies may give priority to local requests that are part of or responsive to a ~~comprehensive~~ local water management plan when administering programs for water-related financial and technical assistance.

Subd. 2. Establishment. A Local Water Resources Protection and Management Program is established. The board shall provide financial assistance to counties for local government activities that protect or manage water and related land quality. The activities include planning, zoning, official controls, and other activities to implement ~~comprehensive~~ local water management plans.



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Subd. 3. County request and sponsorship. Counties must submit funding requests to the board. A county must coordinate and submit requests on behalf of other units of government within its jurisdiction.

Subd. 4. Contracts with local governments. A county may contract with other appropriate local units of government to implement programs. An explanation of the program responsibilities proposed to be contracted with other local units of government must accompany grant requests. A county that contracts with other local units of government is responsible for ensuring that state funds are properly expended and for providing an annual report to the board describing expenditures of funds and program accomplishments.

Subd. 5. Financial assistance. The board may award grants to watershed management organizations in the seven-county metropolitan area or counties to carry out water resource protection and management programs identified as priorities in ~~comprehensive~~ local water management plans. Grants may be used to employ persons and to obtain and use information necessary to:

(1) develop ~~comprehensive~~ local water management plans under sections 103B.255 and 103B.311 that have not received state funding for water resources planning as provided for in Laws 1987, chapter 404, section 30, subdivision 5, clause (a);

(2) revise ~~comprehensive~~ local water management plans under section

103B.201; and

(3) implement local water management plans.

A base grant shall be awarded to a county that levies a water implementation tax at a rate, which shall be determined by the board. The minimum amount of the water implementation tax shall be a tax rate times the adjusted net tax capacity of the county for the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount of $1,500,000. The base grant will be in an amount equal to $37,500 less the amount raised by that levy. If the amount necessary to implement the local water plan for the county is less than $37,500, the amount of the base grant shall be the amount that, when added to the levy amount, equals the amount required to implement the plan. For counties where the tax rate generates an amount equal to or greater than $18,750, the base grant shall be in an amount equal to $18,750.

Subd. 6. Limitations. (a) Grants provided to implement programs under this section must be reviewed by the state agency having statutory program authority to assure compliance with minimum state standards. At the request of the state agency commissioner, the board shall revoke the portion of a grant used to support a program not in compliance.

(b) Grants provided to develop or revise ~~comprehensive~~ local water management plans may not be awarded for a time longer than two years.

(c) A county may not request or be awarded grants for project implementation unless a ~~comprehensive~~ local water management plan has been adopted.

Subd. 7. Repealed, 2002 c 220 art 8 s 16

Subd. 8. Repealed, 2002 c 220 art 8 s 16

HIST: 1989 c 326 art 2 s 10; 1990 c 391 art 10 s 3; 1990 c 597 s 15; 1990 c 604 art 3 s 1,2; 1995 c 184 s 26,27

103B.341 Public drainage.

Projects necessary to implement the comprehensive water plan that are intended for the purpose of improving drainage must be established, repaired, and improved under chapter 103E and not sections 103B.301 to 103B.355.



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HIST: 1990 c 391 art 2 s 25

103B.345 Resolution of disputes.

Subdivision 1. Informal resolution. ~~The county or other~~ A local unit of government may request a meeting with the chair of the board of water and soil resources to informally resolve a dispute before initiating a contested case procedure under this section.

Subd. 2. Petition for hearing. A ~~county or other~~ local unit of government may petition for a hearing by the board under this section if:

(1) the interpretation and implementation of a ~~comprehensive~~ local water management plan is challenged by a local unit of government aggrieved by the plan;

(2) two or more ~~counties~~ local governments disagree about the apportionment of the costs of a project implementing a ~~comprehensive~~ local water management plan; or

(3) ~~a county and another~~ local unit of governments disagree about a change in a local water and related land resources plan or official control recommended by the county under section 103B.325.

Subd. 3. Time for petition. ~~The county or other~~ A local unit of government must file the petition by 60 days after:

(1) the date of the adoption or approval of the disputed ordinance or other decision required to be made to implement the ~~comprehensive~~ local water management plan; or

(2) the date a local unit of government receives a recommendation of the county board under section 103B.325.

Subd. 4. Hearing. If the aggrieved ~~county or other~~ local unit of government files a petition for a hearing, a hearing must be conducted by the board within 60 days of the request. The subject of the hearing may not extend to questions concerning the need for a ~~comprehensive~~ water management plan. Within 60 days after the close of the hearing, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with respect to the issue before it.

Subd. 5. Appeal. Any local unit of government or state agency aggrieved by the final decision of the board may appeal the decision to the court of appeals in the manner provided by sections 14.63 to 14.69.

HIST: 1990 c 391 art 2 s 26; 1991 c 214 s 1,2

103B.351 Repealed, 2002 c 220 art 8 s 16

103B.355 Application.

Sections 103B.~~301~~11 to 103B.~~355~~335 do not apply in areas subject to the requirements of sections 103B.201 to 103B.~~255~~ 253 under section 103B.231, subdivision 1, ~~and in areas covered by an agreement under section 103B.231~~, subdivision 2, except as otherwise provided in sections 103B.311~~, subdivision 4, clause (4); and 103B.315, subdivisions 1, clauses (3) and (4), and 2, clause (b)~~.

HIST: 1990 c 391 art 2 s 28; 1990 c 601 s 2; 1995 c 184 s 28

103B. 401 Development of Board policy.



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The Board shall solicit public input when developing policies related to plan coordination, development, review, approval, amendment, annual reporting and failure to implement. The adopted policies shall be communicated to all local government units listed in this 103B.192, subd. 7.

103B. 402 Priority concerns scoping document. Each priority concerns scoping document must contain:

(1) the list of proposed priority concerns the plan will address; and
(2) a description of how and why the priority concerns were chosen, including:
  a. a list of all public and internal forums held to gather input regarding priority concerns, including:
    i. the dates they were held;
    ii. a list of participants and affiliated organizations;
    iii. a summary of the proceedings; and
    iv. supporting data.

  b. the process used to locally coordinate and resolve differences between the plan's priority concerns and other state, local and regional concerns.

  c. a list of issues identified by the stakeholders but not selected as a priority concern, why it was not included in the list of priority concerns, and a brief description of how that concern may be addressed or delegated to other partnering entities.

103B. 403 Content of the plan.

Subd. 1. Executive summary. Each plan must have an executive summary, including:
(1) the purpose of the local water management plan;
(2) a description of the priority concerns to be addressed by the plan;
(3) a summary of goals and actions to be taken along with the projected total cost of the implementation program;
(4) a summary of the consistency with of the plan with other pertinent local, state and regional plans and controls; and where inconsistencies are noted,
(5) a summary of recommended amendments to other plans and official controls to achieve consistency.

Subd. 2. Assessment of priority concerns. For each priority concern defined pursuant to 103B.402 clause 1 the plan shall analyze relevant data, plans and policies provided by agencies consistent with 103B.405 Subd. 6 and describe the magnitude of the concern including how the concern is impacting or changing the local land and water resources.

Subd. 3. Goals and objectives addressing the priority concerns. E ach plan must contain specific measurable goals and objectives relating to the priority concerns and other state, regional or local concerns. The goals and objectives shall coordinate and attempt to resolve conflict with city, county, regional, or state goals and policies.

Subd. 4. Implementation program for priority concerns. For the measurable goals identified in Subd. 3 of this section, each plan must include an implementation program that includes:

(a) Actions. An implementation program shall include actions involving, but not limited to: data collection programs, educational programs, capital improvement projects, project feasibility studies, enforcement strategies, amendments to existing official controls, and adoption of new official controls. If the local government considers no actions are necessary to address the goals and objectives identified in subd. 3 of this section it must explain why actions are not needed. Staff and financial resources available or needed to carry out the local water management plan must be stated.



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(b) Schedule. The implementation schedule must state the time in which each of the actions contained in the implementation program will be taken.

(c) Agreements with local units. If a local government has made any agreement for the implementation of the plan or portions of a plan by an other local unit of government , that local unit must be specified, the responsibility indicated, and a description included indicating how and when the implementation will happen.

(d) Capital improvement program. If capital improvement projects are proposed to implement the local water management plan, the projects must be described in the plan. The description of a proposed capital improvement project must include the following information:

1. the physical components of the project, including their approximate size, configuration, and location;
2. the purposes of the project and their relationship to the objectives in the plan;
3. the proposed schedule for project construction;
4. the expected federal, state, and local costs;
5. the types of financing proposed, such as special assessments, ad valorem taxes, and grants; and
6. the sources of local financing proposed .

Subd. 5. Other water management responsibilities and activities coordinated by the plan. This section shall contain:

(a) the actions that will be taken to carry out the responsibilities or activities.
(b) identify the lead and supporting organizations or government units that will be involved in carrying out the action; and
(c) estimate the cost of each action.

Subd. 6. Amendments.

The plan authority may initiate an amendment to the local water management plan by submitting a petition to the Board, and sending copies of the proposed amendment and the date of the legally noticed public hearing to the following entities for review:

1) local government units defined in section 103B.192 subd.7 who are within the plan's jurisdication;
2) the metropolitan council if the plan covers land within the metropolitan area; and
3) the state review agencies.

After the public hearing the Board may, by order, approve or prescribe changes in the amendment. The amendment becomes part of the local water management plan after being approved by the board. The Board must send the order and the approved amendment to the entities that received the proposed amendment and notice of the public hearing.

103B.404. Review of local, state and regional plans and controls with the water plan.

Subdivision 1. Comprehensive plans and official controls. Any local government developing a local water management plan pursuant to 103B.193 shall review pertinent local government units comprehensive plans and official controls adopted within the jurisdiction of the local water management plan and explain and attempt to resolve inconsistencies between those plans and the local water management plan.

Subd. 2. Neighboring watersheds or counties. Any local government developing a local water management plan pursuant to 103B.193 shall review pertinent plans of neighboring watersheds or counties and explain and attempt to resolve inconsistencies between those plans and the local water management plan. The plan authority shall also identify opportunities to coordinate implementation programs identified in the respective plans.



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Subd. 3. Regional or basin water management plans. Any local government developing a local water management plan pursuant to 103B.193 shall review any regional or basin water management plans and explain and attempt to resolve inconsistencies between those plans and the local water management plan.

Subd. 4. Statewide plans. Any local government developing a local water management plan pursuant to 103B.193 shall review pertinent statewide plans and explain and attempt to resolve inconsistencies between the local water management plan and the statewide water and related land resource plans.

Subd. 5. Locally initiated conflict resolution process. Local governments shall utilize the conflict resolution procedure defined in 103B.193 Subd. 6 (5) to resolve inconsistency of plans relating to:

(a) conflict between two local water management plans;
(b) conflict between a local water management plan and other local plans or official controls; or
(c) any other disputes relating to a local water management plan.

Subd. 6. Resolution of disputes. The local unit of government may request to the Board pursue resolution of a conflict in accordance with 103B.345.

103B.405 Plan development

Subd 1. Notice of plan revision. The local water management plan authority shall send a notice to local government units partially or wholly within the planning jurisdiction, adjacent counties, and state review agencies of their intent to revise the local water management plan. The notice of a plan revision shall include an invitation for all recipients to submit priority concerns they wish to see the plan address.

Subd. 2. Submitting priority concerns to the planning authority. Local governments and state review agencies must submit the priority concerns they want the plan to address to the plan authority within 45 days of receiving the notice defined in subd. 1 of this section or within an otherwise agreed upon timeframe.

Subd. 3. Public information meeting. Before submitting the priority concerns scoping document to the board, the plan authority shall legally notice and conduct a public information meeting.

Subd. 4. Submittal of the priority concerns scoping document to the Board. The plan authority shall send the scoping document as defined in 103B.402 to all state review agencies for review and comment. State review agencies shall provide comments on the plan outline to the Board within 30 days of receipt.

Subd. 5. Board review of the priority concerns scoping document. The board shall review the scoping document and the comments submitted in accordance with subd. 5 of this section. The board shall provide comments to the local plan authority within 60 days of receiving the scoping document, or after the next regularly scheduled Board meeting, whichever is later. No local water management plan can be approved pursuant to 103B.406 subd.5 without addressing items communicated in the Board comments to the plan authority. The plan authority may request that resolution of unresolved issues be addressed pursuant to Board policy defined in 103B.345.

Subd. 6 Requests for existing agency information relevant to the priority concerns scoping document. The state review agencies shall, upon request from the local government, provide existing plans, reports and data analysis related to priority concerns to the plan author within 60 days from the date of the request or within an otherwise agreed upon timeframe.

103B.406 Plan review, approval and adoption.

Subd. 1. Distribution of the draft plan. When the revised draft of the local water management plan is completed, it shall be submitted to the Board, local governments, and state review agencies. State review agencies that did not



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comment in accordance with 103B.405, subd. 2 will be notified of the review period and invited to provide comments pertaining only to the plan's failure to comply with state laws.

Subd. 2. Comment period. Comments on the draft plan must be submitted within 30 days of receiving notice that the draft plan has been completed. State review agencies may request the Board for a 30-day extension.

Subd. 3. Public Hearing. The plan authority must hold a public hearing on the plan before submitting for final board approval.

Subd. 4. Response period. The plan authority must respond to any comments received on the draft plan.

Subd. 5. Board approval. The plan author must submit the final copy of the plan, any comments received and responses to those comments, and a transcript of the public hearing to the Board. Upon receipt of that information the board, or a subcommittee of the board, shall act upon the plan by order within 60 days or at the next regularly scheduled Board meeting, which ever is later. The board must send a copy of the order to all local governments and state review agencies.

Subd. 6. Board disapproval. All or parts of the plan may be disapproved and the plan author will be allowed 120 days to revise and resubmit disapproved sections for approval. Disapproval may be appealed to a district court. If an action or actions identified in the implementation program are the subject of a dispute between local entities or between local entities and state, regional or federal agencies, the board shall make a final decision within 90 days pursuant to 103A.301 - 341.

Subd. 7. Adoption and implementation. The organization shall adopt its plan within 120 days after compliance with the provisions of this section and approval of the plan by the board of water and soil resources.

103B.407 Annual reporting, and evaluation requirements.

Subdivision 1. Annual activity reports. Within 120 days of the end of the calendar year, each local government shall submit to the board an activity report, for the preceding fiscal year if it has expended or accrued funds during this time. Failure to submit annual activity reports may be considered in determination of failure to implement.

Subd. 2. Annual workplan. Each local government, including soil and water conservation district's, shall reference the coordinated implementation program defined in 103B.403 subd. 4 when developing local annual workplans and budget priorities.

103B.408. Determination of failure to implement.

Subdivision 1. Applicability. This part applies when a plan is not being implemented, because the plan author has not adopted an approved plan or because a priority concern within an approved plan are not being carried out.

Subd. 2. Initiate Determination. The Board shall make a determination of failure to implement a local water management plan upon receipt of a petition from:
(a) at least 100 signatures of landowners residing in the plan area,
(b) a home rule city or county with jurisdiction within all or part of plan area, or
(c) upon a resolution of Board.

Subd. 3. Requirements. The petition must state:
(a) name and address of the representative for the aggrieved parties
(b) the name of the local unit of government;
(c) a summary of the written complaint and facts that justify the complaint; and



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(d) proposed remedies.

The executive director of the Board may deny the petition if it is found to be meritless, trivial, or brought solely for purposes of delay.

Subd. 4. Establishing Just Cause. The board shall establish just cause through development of a report ascertaining whether a failure to implement exists, define the exact nature of the failure to implement, and recommend a course of action including a date when the course of action must be completed for the board to make a final determination regarding failure to implement. The board shall provide any findings and recommendations in writing.

Subd. 5. Potential Remedies upon Determination.

(a) If the Board determines that a local water management plan authority is not implementing the plan pursuant to 103B.190 to 103B.193, 103B.201- 103B.251, 103B.301- 103B.352, 103B.401-410, or 103D.401 – 103D.405 the Board shall require the plan authority to appear at a regularly scheduled meeting of the Board to determine remedial action.

(b) The provisions of this paragraph apply until the board of water and soil resources determines that a plan is being implemented in accordance with this chapter.

103B.409 Wetland management in local water management plans.

As an alternative to the procedures in 103G.2243, Subd. 1 and Subd. 3, a comprehensive wetland protection and management plans developed under 103G.2243, Subd. 2, may be approved by the board as part of a local water management plan.

103B.410 Soil and water conservation district comprehensive plans.

As an alternative to 103C.331, Subd. 11, a soil and water conservation district may adopt as their Comprehensive Plan, all or part of a County, Watershed District or watershed management organization plan approved by the Board under developed under this section.

103D.401 Local Water Management Plan

Subdivision 1. Contents. (a) The managers must adopt a local water management plan for any or all of the purposes for which a watershed district may be established in conformance with 103B.193 and 103B.402-408 requirements. The local water management plan for a watershed district must also give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. ~~The managers must adopt a watershed management plan for any or all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with 103B.201 – 103B.210 watershed management plan requirements.guidelines as adopted and amended from time to time by the board of water and soil resources.~~

(b) The local water management plan ~~watershed management plan~~ may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or



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petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the metropolitan council under section 473.165.

~~Subd. 2. Review. The managers must send a copy of the proposed watershed management plan to the county auditor of each county affected by the watershed district, the board, the commissioner, the director, the governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district. For a watershed district within the metropolitan area, a copy of the proposed watershed management plan must also be submitted to the metropolitan council.~~

~~Subd. 3. Director's and metropolitan council's recommendations. After receiving the watershed management plan, the director and the metropolitan council must review and make recommendations on the watershed management plan. By 60 days after receiving the plan, the director and the metropolitan council must send their recommendations on the watershed management plan to the board and a copy to the managers of the watershed district, the county auditor of each county affected by the watershed district, the governing bodies of all municipalities affected by the watershed district, and soil and water conservation districts affected by the watershed district. The board may extend the period for review and transmittal of the recommendations.~~

~~Subd. 4. Hearing notice. (a) The board must give notice and hold a watershed management plan hearing on the proposed watershed management plan by 45 days after receiving the director's and metropolitan council's recommendations.~~

~~(b) The board must give notice of the watershed management plan hearing by publication in a legal newspaper that is published in counties affected by the watershed district. The last publication must occur at least ten days before the watershed management plan hearing.~~

~~(c) The board must give notice of the watershed management plan hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.~~

~~(d) The notice must include:~~

~~(1) a statement that a copy of the proposed watershed management plan has been filed with the board, the metropolitan council, where applicable, the auditors of counties affected by the proposed watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and the soil and water conservation districts affected by the watershed district;~~

~~(2) a general description of the purpose of the watershed district;~~

~~(3) a general description of the property included in the watershed district;~~

~~(4) a general description of the proposed watershed management plan;~~

~~(5) the date, time, and location of the hearing; and~~

~~(6) a statement that all persons affected or interested in the watershed district may attend and give statements at the watershed management plan hearing.~~

~~Subd. 5. Board approval. After the watershed management plan hearing, the board must, by order, prescribe and approve a watershed management plan for the watershed district. The board must send a copy of the order and approved watershed management plan to the managers, the county board of each county affected by the watershed district, the commissioner, the director, the metropolitan council, where applicable, the governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district. The watershed management plan approved by the board is the watershed management plan for the watershed district.~~

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***(Revisions to 103D)***

103D.405 Revised watershed management plan

Subdivision 1. Requirements. The revised local water management plan must ~~also~~ conform closely with 103B.193 and 103B.401-408 ~~watershed management~~ plan requirements and with guidelines as adopted and amended from time to time by the board of water and soil resources.



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~~(a) The managers and the board must revise the watershed management plan for the watershed district at least once every ten years after the original watershed management plan is approved. The revised watershed management plan of the district must conform closely with adopted watershed management plan guidelines of the board of water and soil resources. (b) The managers must include the following items in the revised watershed management plan: (1) updates and supplements of the existing ydrological and other statistical data of the watershed district; (2) specific projects and programs to be considered for implementation; (3) a statement of the extent that the purposes for which the watershed district had been established have been accomplished; (4) a description of problems requiring future action by the watershed district; (5) a summary of completed studies on active or planned projects, including financial data; and (6) an analysis of the effectiveness of the watershed district's rules and permits in achieving its water management objectives in the watershed district. (c) A revised watershed management plan must be transmitted, reviewed, recommended, and approved as provided in subdivisions 2 to 4 and 6.~~

~~Subd. 2. Required ten-year revision. (a) After ten years and six months from the date that the board approved a watershed management plan or the last revised watershed management plan, the managers must consider the requirements under subdivision 1 and adopt a revised watershed management plan outline and send a copy of the outline to the board. (b) By 60 days after receiving a revised watershed management plan outline, the board must review it, adopt recommendations regarding the revised watershed management plan outline, and send the recommendations to the managers. (c) By 120 days after receiving the board's recommendations regarding the revised watershed management plan outline, the managers must complete the revised watershed management plan.~~

~~Subd. 3. Review. The managers must send a copy of the revised watershed management plan to the board, the county board and county auditor of each county affected by the watershed district, the director, the governing body of each municipality affected by the watershed district, soil and water conservation districts affected by the watershed district, and the metropolitan council, if the watershed district is within the metropolitan area.~~

~~Subd. 4. Director's and metropolitan council's recommendations. The director and the metropolitan council, if applicable, must review and make recommendations on the revised watershed management plan. By 60 days after receiving the revised watershed management plan unless the time is extended by the board, the director and the council must send the recommendations on the revised watershed management plan to the board, and a copy of the recommendations to the managers, the county auditor of each county affected by the watershed district, the governing body of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district.~~

~~Subd. 5. Notice. (a) The board must give notice and hold a revised watershed management plan hearing on the proposed revised watershed management plan by 45 days after receiving the director's and metropolitan council's recommendation. (b) The board must give notice of the revised watershed management plan hearing by publication in a legal newspaper published in counties affected by the watershed district. The last publication must occur at least ten days before the revised watershed management plan hearing. (c) The board must give notice of the revised watershed management plan hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district. (d) The notice must include:~~

~~(1) a statement that a copy of the proposed revised watershed management plan has been filed with the board, the metropolitan council, where applicable, the auditors of counties affected by the proposed watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and the soil and water conservation districts affected by the watershed district;~~
~~(2) a general description of the purpose of the watershed district;~~
~~(3) a general description of the property included in the watershed district;~~
~~(4) a general description of the proposed revised watershed management plan;~~
~~(5) the date, time, and location of the hearing; and~~



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~~(6) a statement that all persons affected or interested in the watershed district may attend and give statements at the revised watershed management plan hearing.~~

~~Subd. 6. Board order. After the revised watershed management plan hearing, the board must prescribe a revised watershed management plan for the watershed district. The board must send a copy of the order and approved revised watershed management plan to the managers, the county board of each county affected by the watershed district, the commissioner, the director, the metropolitan council, where applicable, and soil and water conservation districts affected by the watershed district. The revised watershed management plan approved by the board is the revised watershed management plan for the watershed district.~~

~~103D.411 Amendment of watershed management plan and revised watershed management plan.~~
~~The managers may initiate an amendment of a watershed management plan or revised watershed management plan by submitting a petition with the proposed amendment to the board. The board must give notice and hold a hearing on the amendment in the same manner as for the watershed management plan. After the hearing, the board may, by order, approve or prescribe changes in the amendment. The amendment becomes part of the watershed management plan after approval by the board. The board must send the order and approved amendment to the entities that receive an approved watershed management plan under section 103D.401, subdivision 5.~~



***(Financing revisions)***

103B.335 Tax levy authority.

Subdivision 1. Local water planning and management.
The governing body of any county, municipality, or township may levy a tax in an amount required to implement sections 103B.301 to 103B.355. The amount of the levy up to 0.02418 percent of taxable market value is exempt from the levy limit under section 275.70 to 275.74, effective for taxes levied in 2003, payable in 2004 and thereafter.

Subd. 2. Priority programs; conservation and watershed districts. A county may levy amounts necessary to pay the reasonable increased costs to soil and water conservation districts and watershed districts of administering and implementing priority programs identified in an approved and adopted plan.

HIST: 1990 c 391 art 2 s 24; 1992 c 511 art 2 s 4; art 5 s 3

275.066 Special taxing districts; definition.

For the purposes of property taxation and property tax state aids, the term "special taxing districts" includes the following entities:

(1) watershed districts under chapter 103D;

(2) sanitary districts under sections 115.18 to 115.37;

(3) regional sanitary sewer districts under sections 115.61 to 115.67;

(4) regional public library districts under section 134.201;

(5) park districts under chapter 398;

(6) regional railroad authorities under chapter 398A;



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(7) hospital districts under sections 447.31 to 447.38;

(8) St. Cloud metropolitan transit commission under sections 458A.01 to 458A.15;

(9) Duluth transit authority under sections 458A.21 to 458A.37;

(10) regional development commissions under sections 462.381 to 462.398;

(11) housing and redevelopment authorities under sections 469.001 to 469.047;

(12) port authorities under sections 469.048 to 469.068;

(13) economic development authorities under sections 469.090 to 469.1081;

(14) metropolitan council under sections 473.123 to 473.549;

(15) metropolitan airports commission under sections 473.601 to 473.680;

(16) metropolitan mosquito control commission under sections 473.701 to 473.716;

(17) Morrison county rural development financing authority under Laws 1982, chapter 437, section 1;

(18) Croft Historical Park District under Laws 1984, chapter 502, article 13, section 6;

(19) East Lake county medical clinic district under Laws 1989, chapter 211, sections 1 to 6;

(20) Floodwood area ambulance district under Laws 1993, chapter 375, article 5, section 39;

(21) a joint powers ~~Middle Mississippi river~~ watershed management organization under sections 103B.211 and 103B.241;

(22) emergency medical services special taxing districts under section 144F.01;

(23) a county levying under the authority of section 103B.241, 103B.245, 103B.251; and

(24) any other political subdivision of the state of Minnesota, excluding counties, school districts, cities, and towns, that has the power to adopt and certify a property tax levy to the county auditor, as determined by the commissioner of revenue.

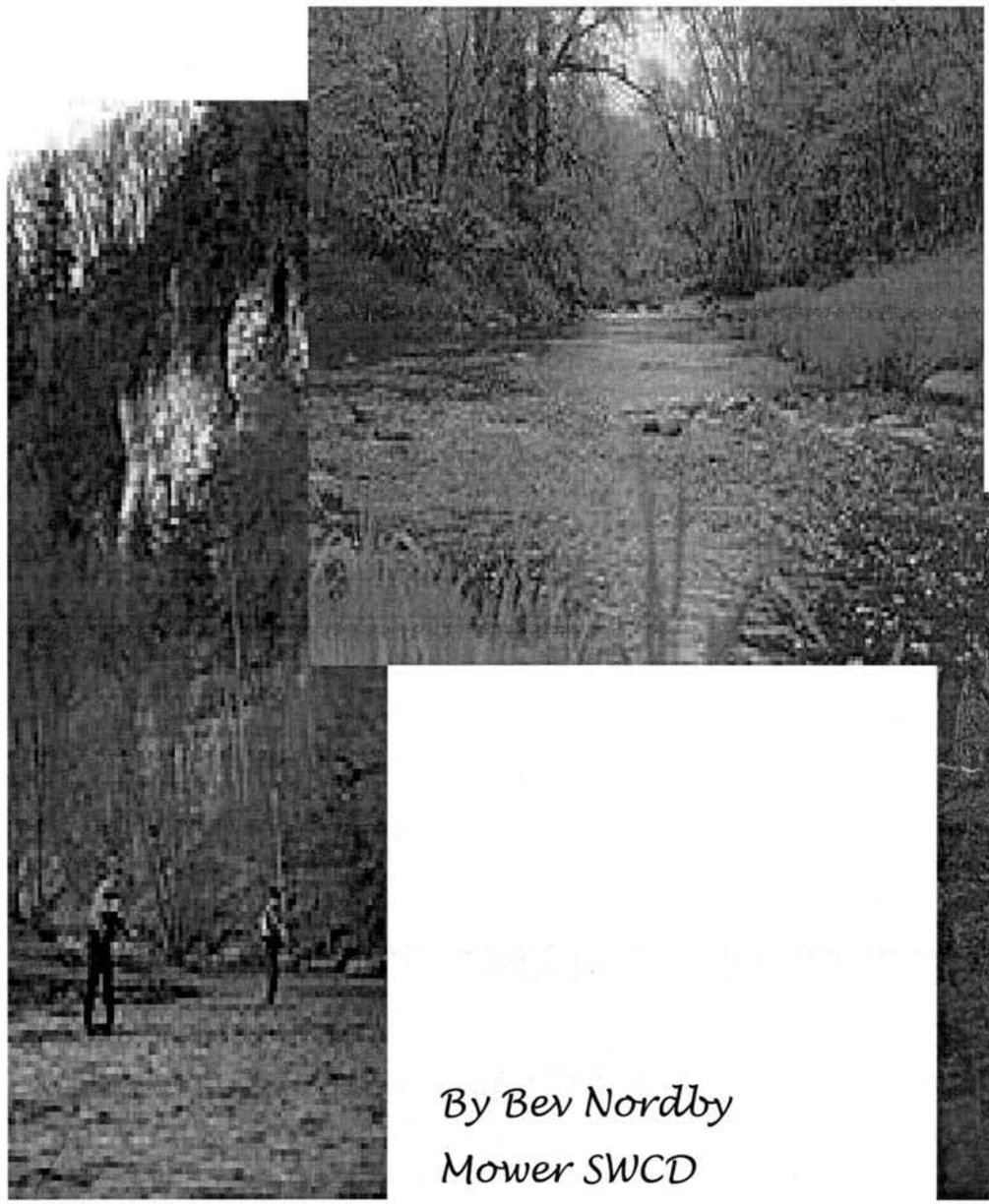
HIST: 1994 c 416 art 1 s 28; 1995 c 186 s 54; 1995 c 236 s 2; 2000 c 490 art 5 s 17; 1Sp2001 c 5 art 3 s 50

* NOTE: The amendment to clause (22) by Laws 2001, First *Special Session chapter 5, article 3, section 50, is effective *for taxes levied in 2002, payable in 2003, through taxes levied *in 2007, payable in 2008. Laws 2001, First Special Session *chapter 5, article 3, section 50, the effective date.



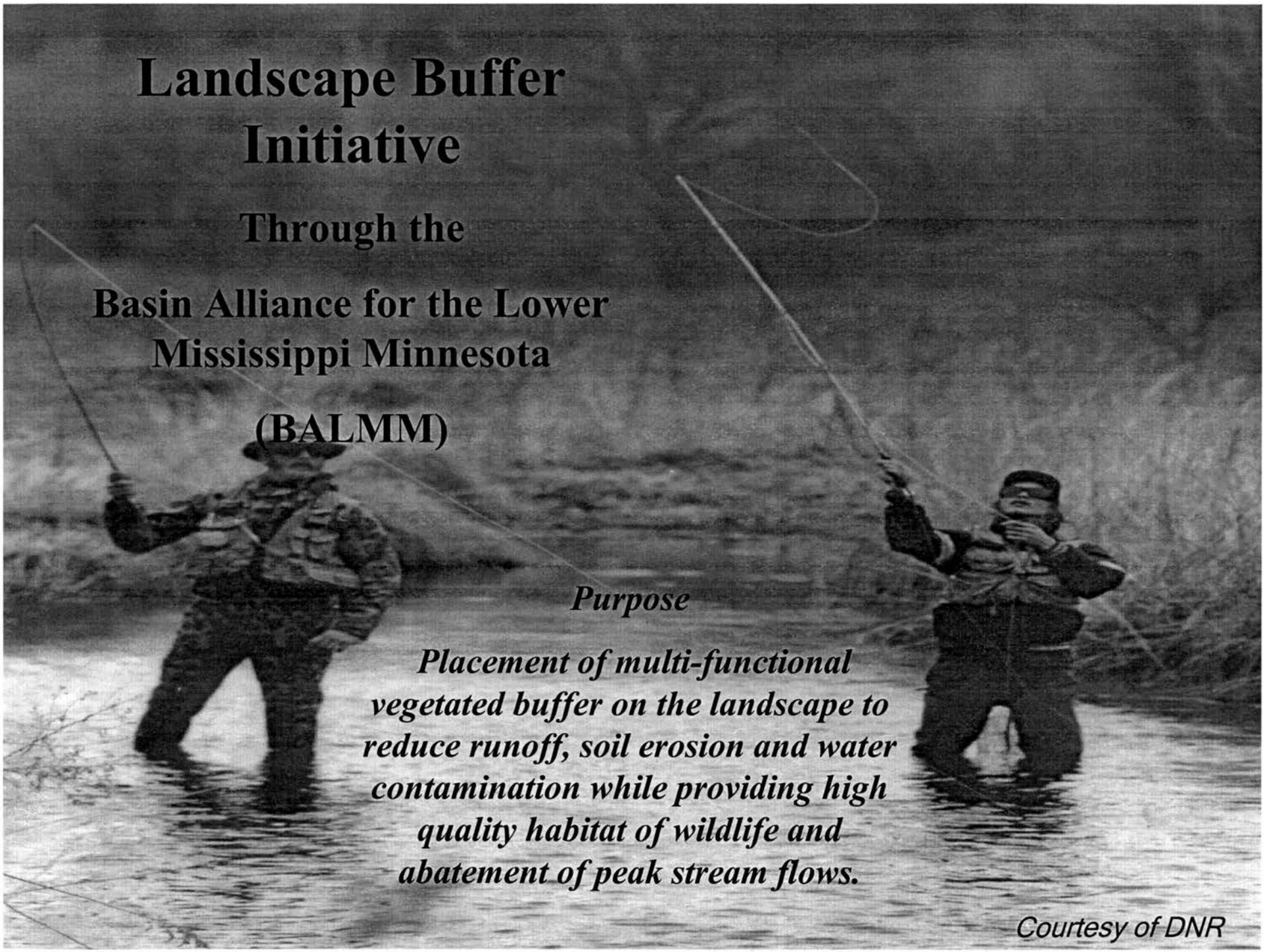
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# Designing CREP for The Lower Mississippi Basin in Minnesota





By Bev Nordby
Mower SWCD


Landscape Buffer Initiative
Through the
Basin Alliance for the Lower Mississippi Minnesota
(BALMM)
Purpose
Placement of multi-functional vegetated buffer on the landscape to reduce runoff, soil erosion and water contamination while providing high quality habitat of wildlife and abatement of peak stream flows.
Courtesy of DNR

# Programs to Implement the Buffer Initiative

**USDA – Conservation Reserve Program (CRP)**
**Conservation Reserve Program, Wetland Reserve Program and others**

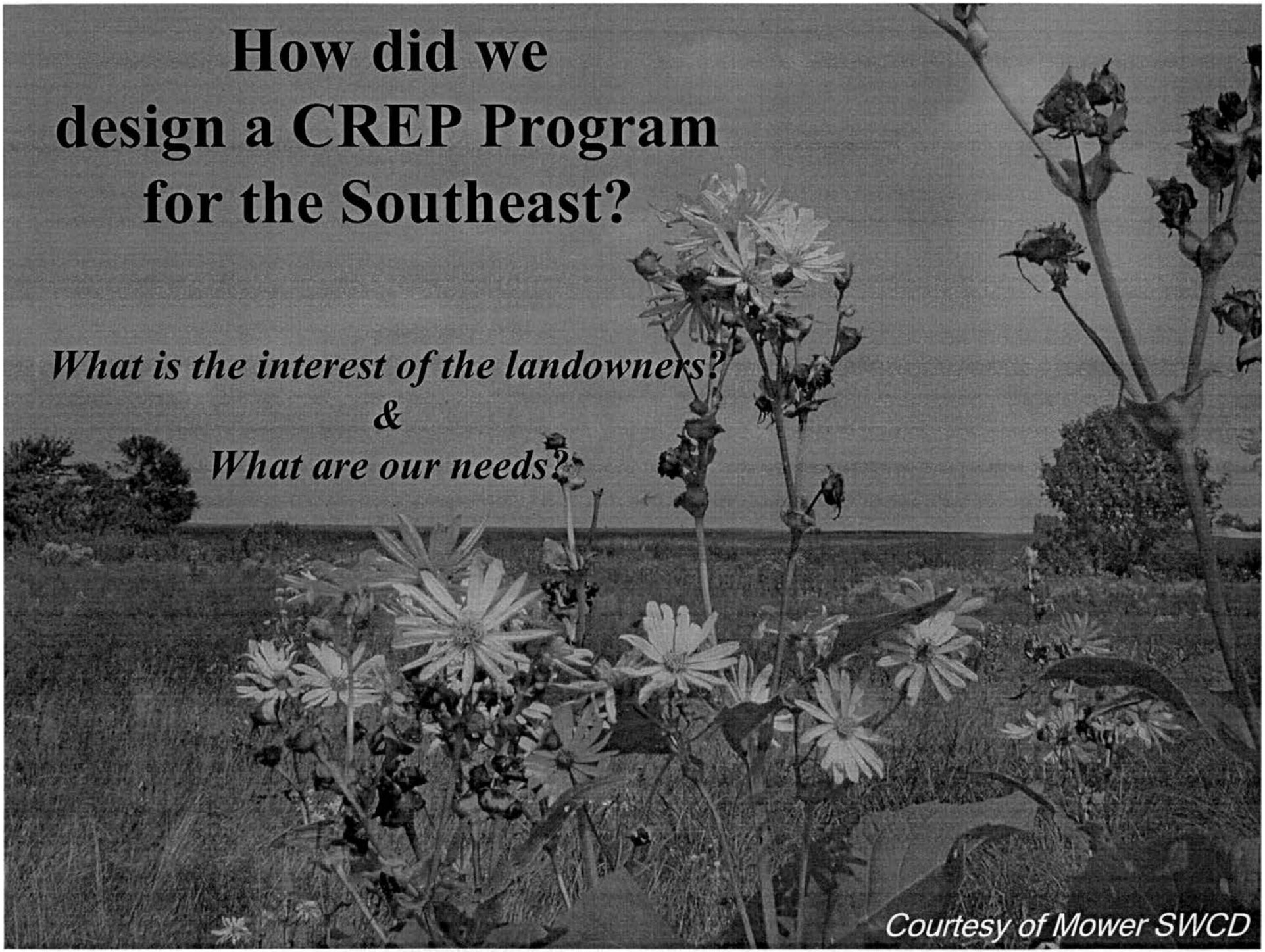
**BWSR – Reinvest in Minnesota (RIM)**

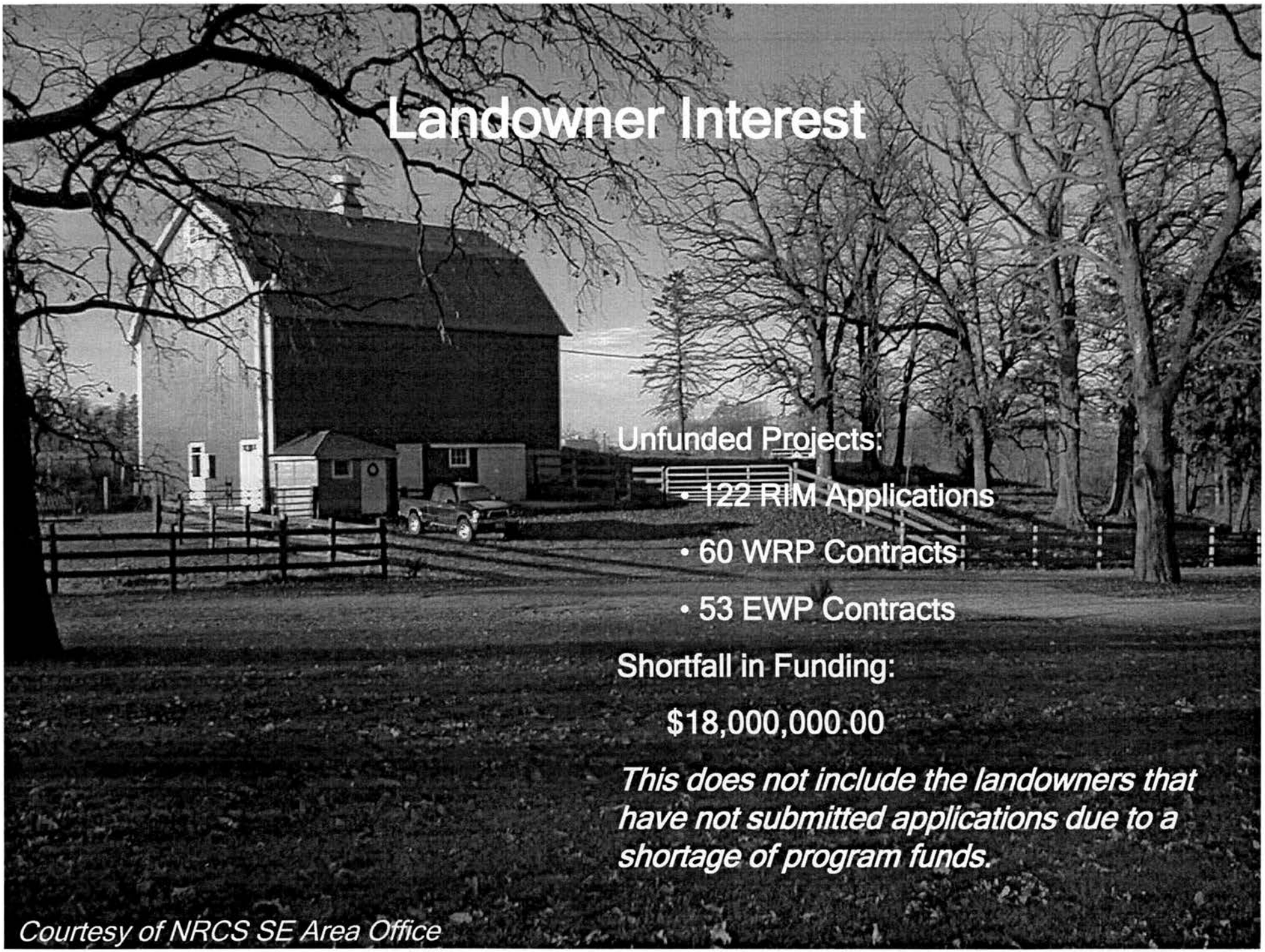
**DNR – Flood Management and Easement Programs**

**Pheasants Forever Partnership**

**CREP – Combination of Federal and State Funding**

*Courtesy of Mower SWCD*


How did we
design a CREP Program
for the Southeast?
What is the interest of the landowners?
&
What are our needs?
Courtesy of Mower SWCD

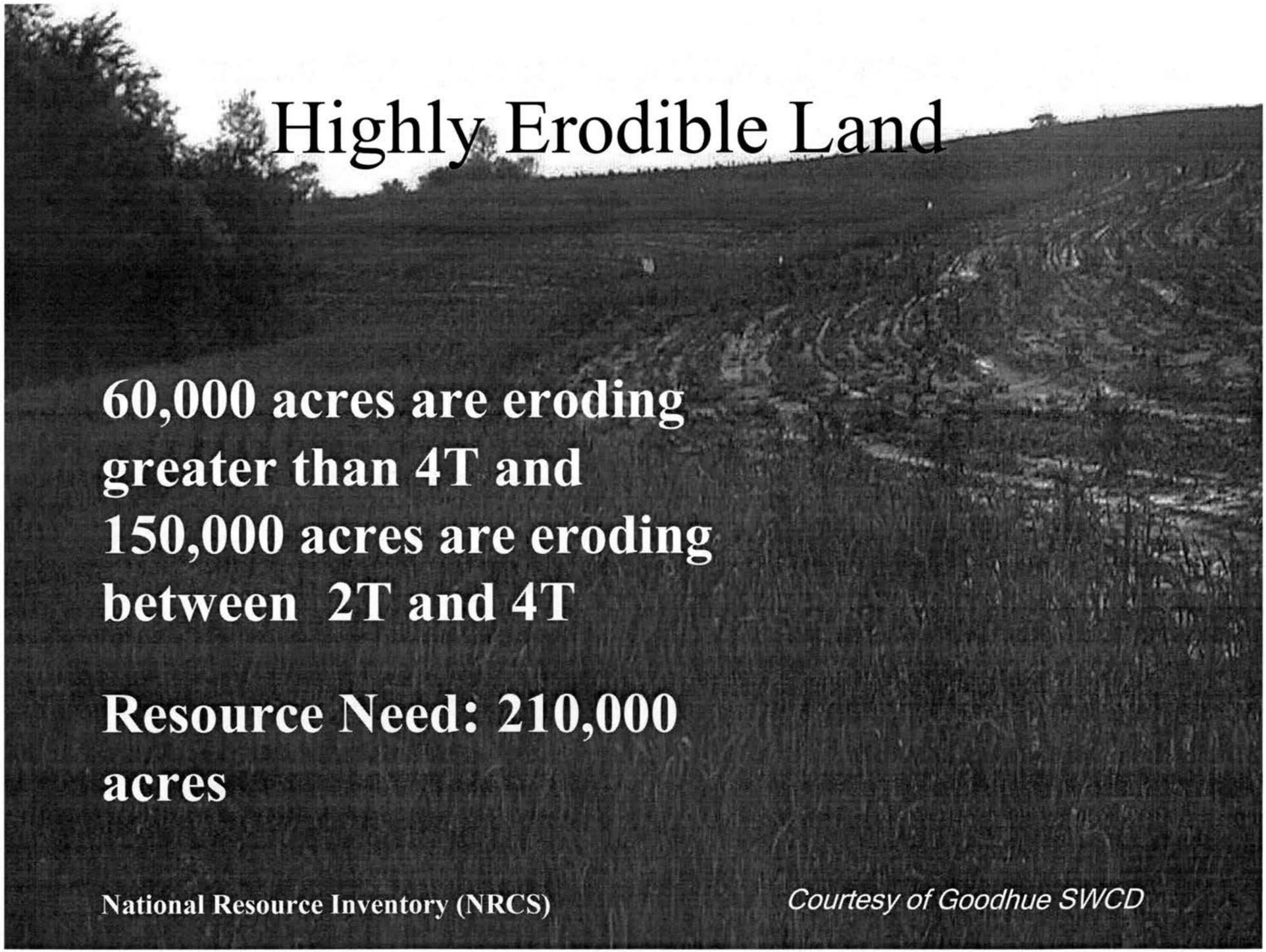

Landowner Interest
Unfunded Projects:
• 122 RIM Applications
• 60 WRP Contracts
• 53 EWP Contracts
Shortfall in Funding:
$18,000,000.00
This does not include the landowners that have not submitted applications due to a shortage of program funds.
Courtesy of NRCS SE Area Office

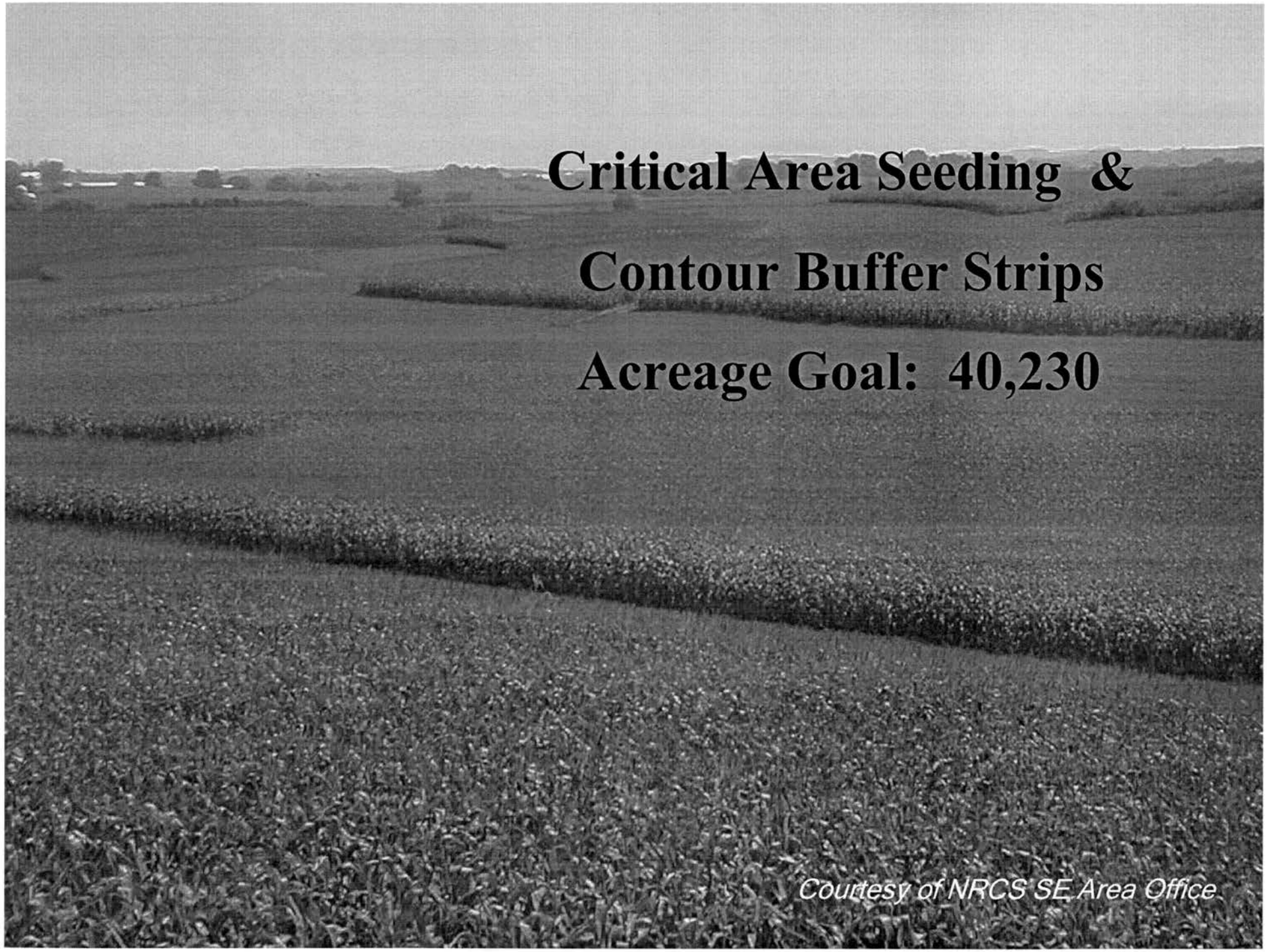
# Flooding Challenges

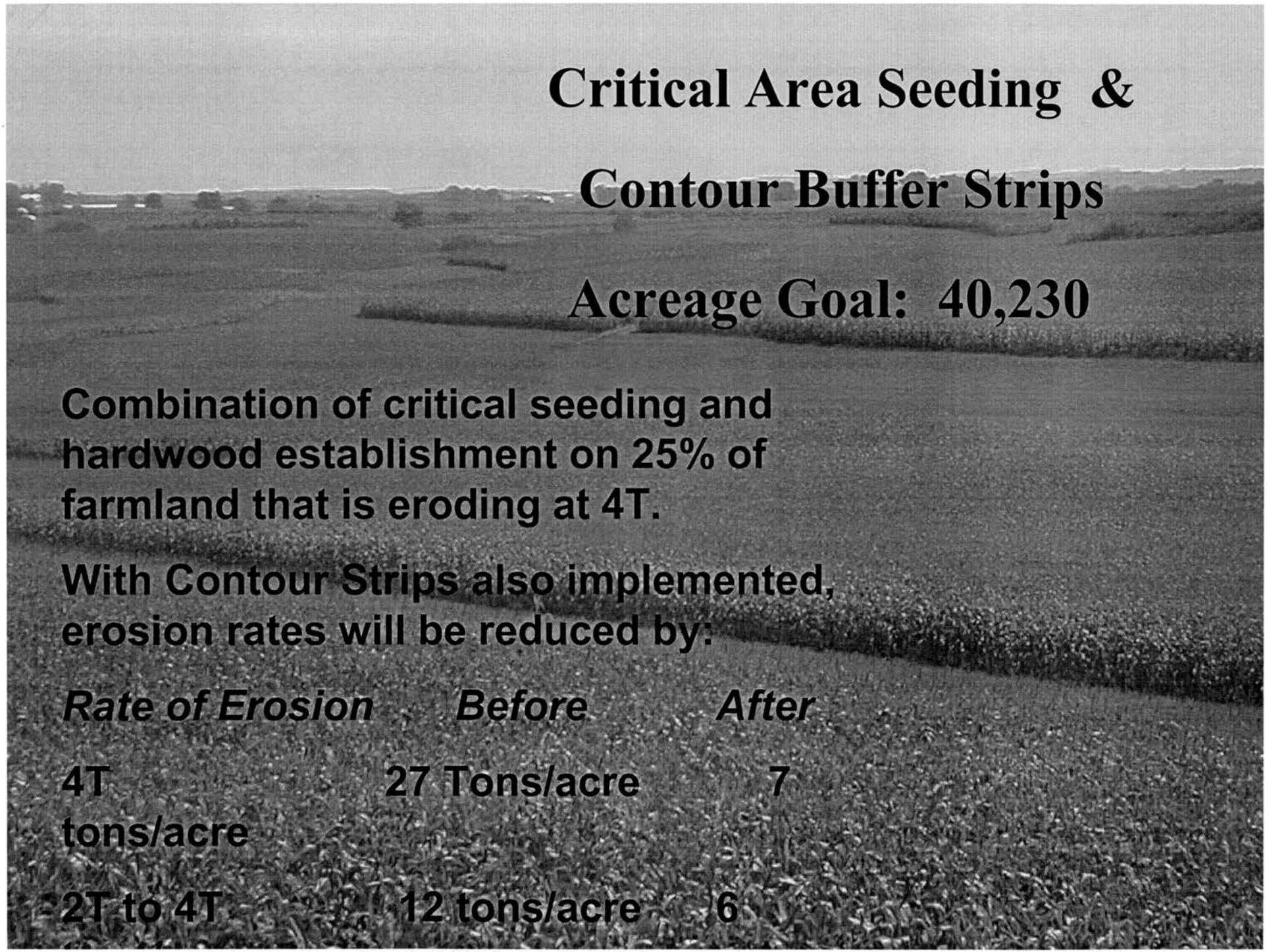


*Courtesy of the City of Austin*


Priority Areas
Landscape Buffer Initiative
• Highly Erodible Land
• Riparian Zones
• Wetland Restoration Sites
• Groundwater Protection Zones
Courtesy of NRCS SE Area Office


Highly Erodible Land
60,000 acres are eroding greater than 4T and 150,000 acres are eroding between 2T and 4T
Resource Need: 210,000 acres
National Resource Inventory (NRCS)
Courtesy of Goodhue SWCD


Critical Area Seeding &
Contour Buffer Strips
Acreage Goal: 40,230
Courtesy of NRCS SE Area Office



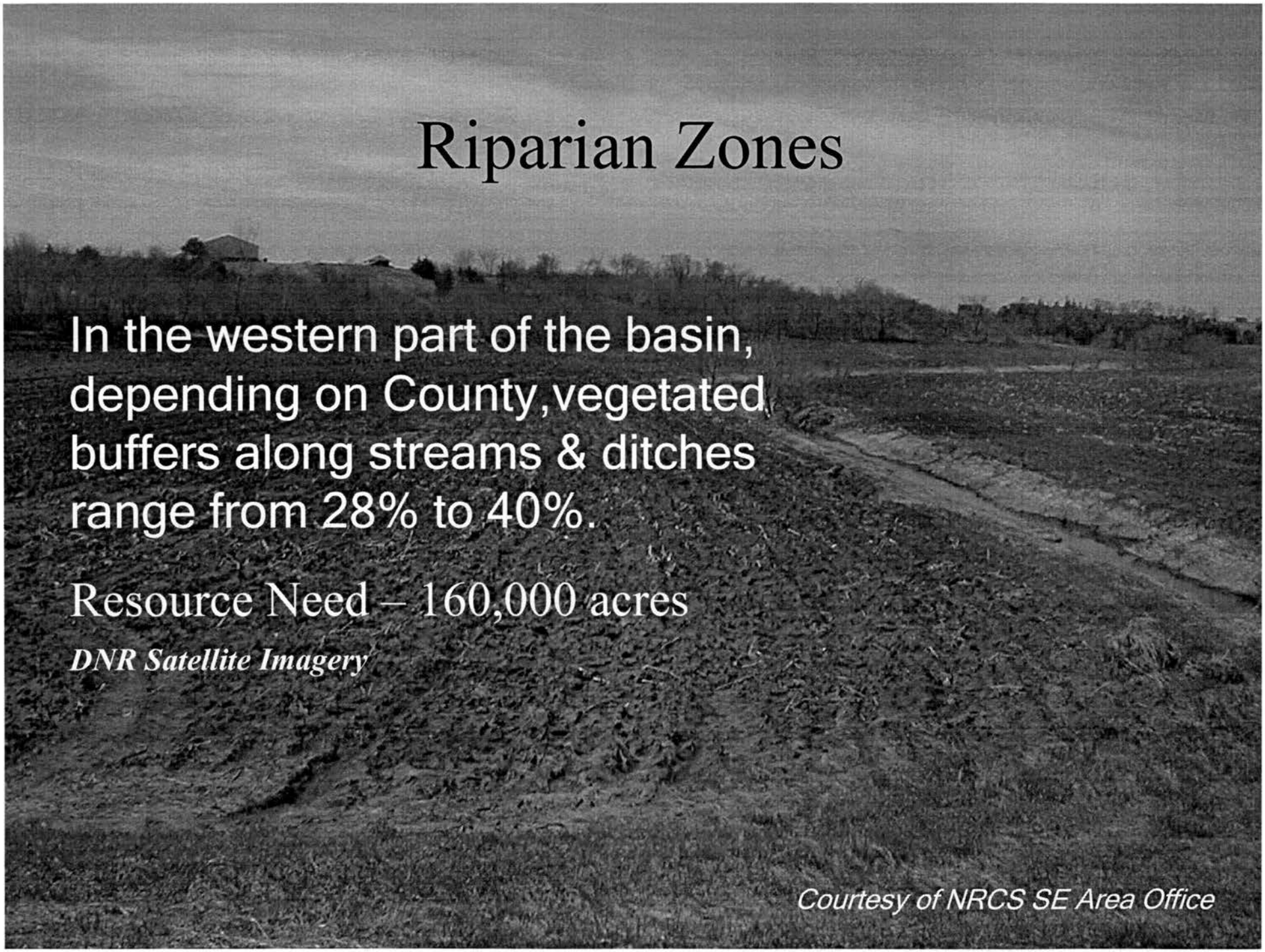
# Critical Area Seeding & Contour Buffer Strips

## Acreage Goal: 40,230

**Combination of critical seeding and hardwood establishment on 25% of farmland that is eroding at 4T.**

**With Contour Strips also implemented, erosion rates will be reduced by:**

| *Rate of Erosion* | *Before* | *After* |
|---|---|---|
| 4T | 27 Tons/acre | 7 tons/acre |
| 2T to 4T | 12 tons/acre | 6 |


Riparian Zones
In the western part of the basin, depending on County, vegetated buffers along streams & ditches range from 28% to 40%.
Resource Need – 160,000 acres
DNR Satellite Imagery
Courtesy of NRCS SE Area Office

# Riparian Zones

Goal: 50% of land enrolled that is presently cropped with a 100 foot buffer.

Acreage Goal: 25,000 acres of Filter Strips and Riparian Buffers-

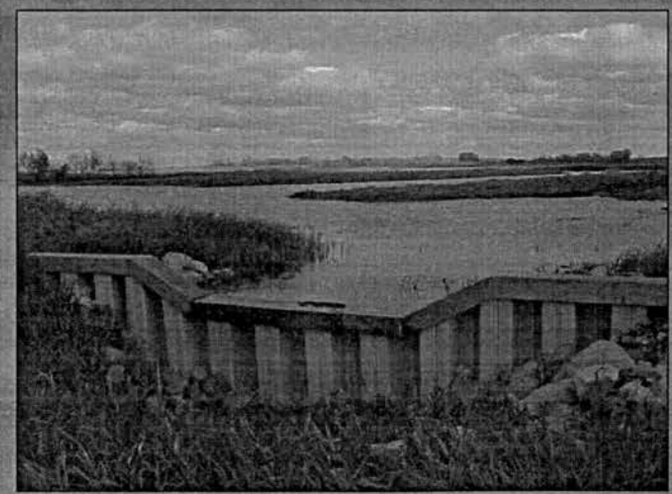


*Courtesy of NRCS SE Area Office*

# Wetland Restorations

## Acreage Goal: 20,000

**In priority areas to maximize reduction in peak stream flows.**



*Courtesy of Mower SWCD*


Wetland Restoration Sites
Challenges Resulting from Land Use Changes:
• Increase Runoff
• Higher Stream Flows
• Reduced Habitat
Resource Need:
100,000 acres
National Wetland Inventory and GIS mapping by SWCD's.
Courtesy of Mower SWCD

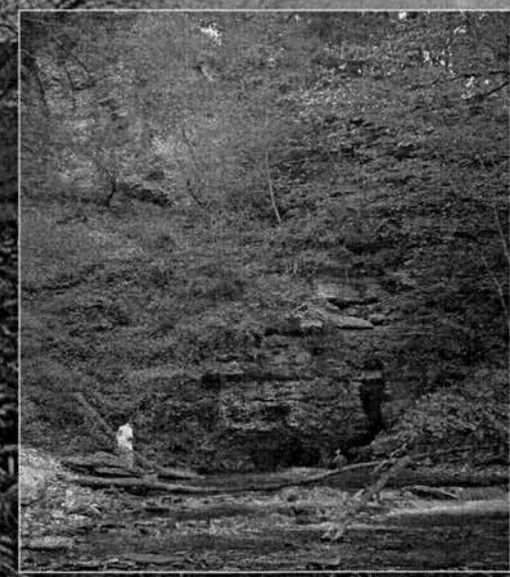
# Groundwater Protection Zones

**3 Priority Areas**

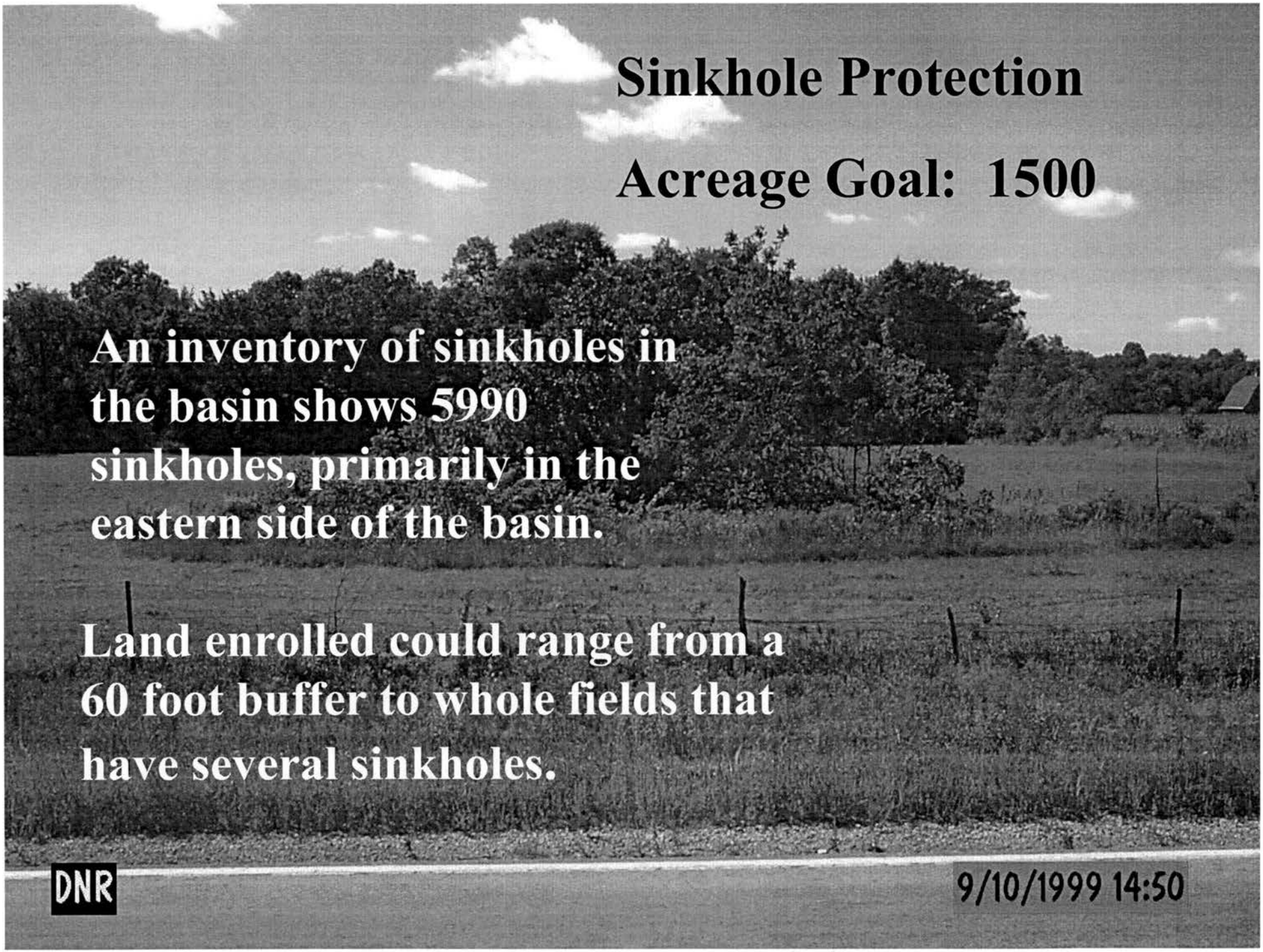
- **Sinkholes**
- **Wellhead Protection Areas**
- **Focused Recharge Zones**

**Resource Need: 37,600 acres**

**Acreage Goal: 10,500**



*Courtesy of Mower SWCD*

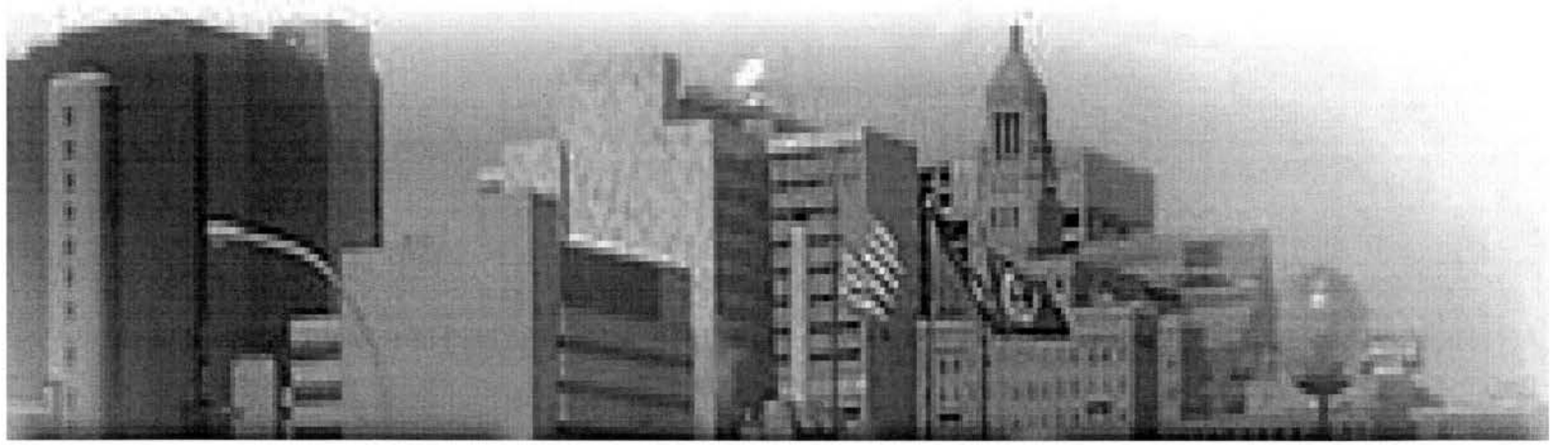

Sinkhole Protection
Acreage Goal: 1500
An inventory of sinkholes in the basin shows 5990 sinkholes, primarily in the eastern side of the basin.
Land enrolled could range from a 60 foot buffer to whole fields that have several sinkholes.
DNR
9/10/1999 14:50

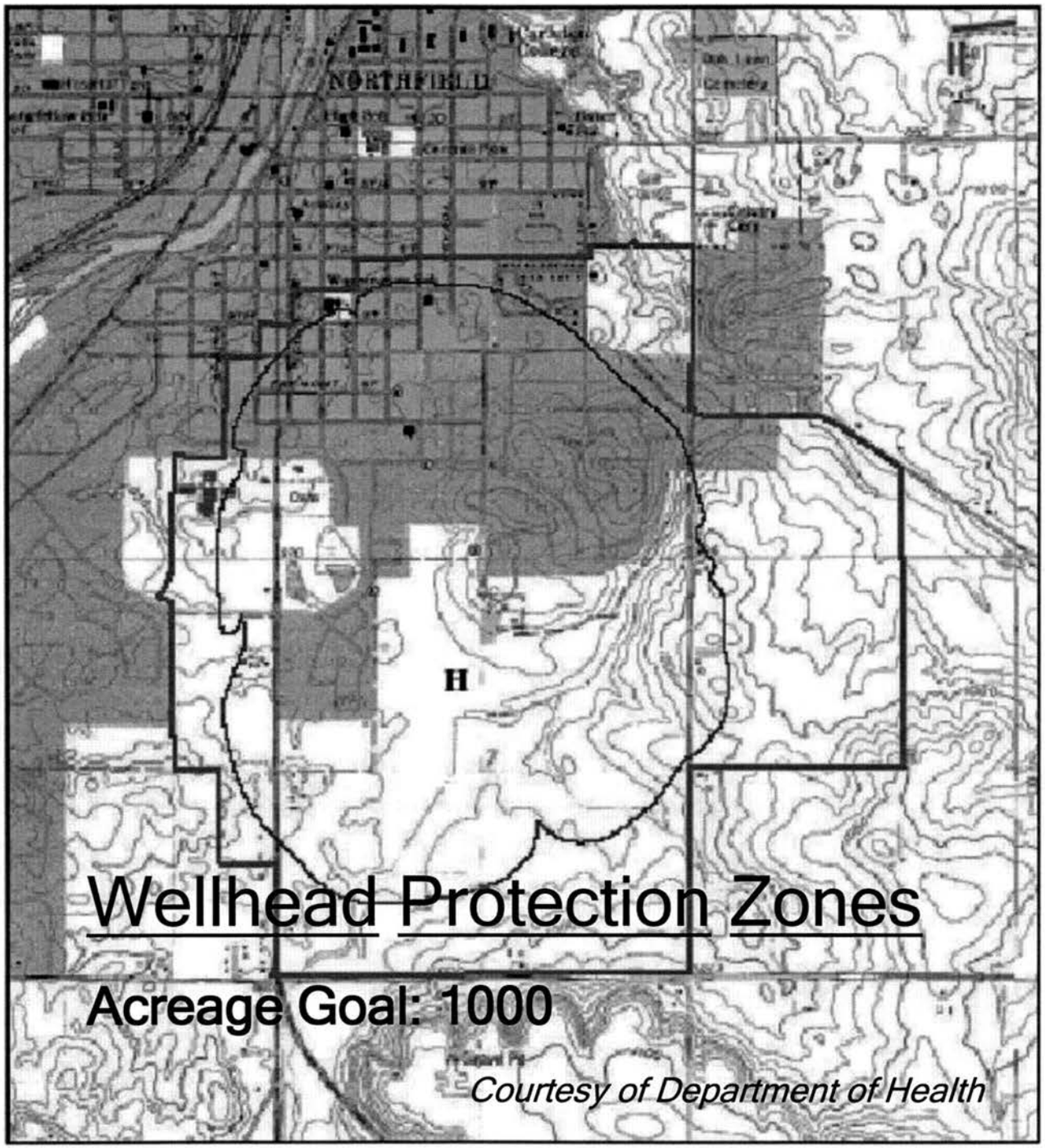
# Focused Recharge Zone

## At Decorah Shale Outcroppings

This groundwater recharge zone occurs throughout the karst area. Olmsted County has identified & mapped areas. Other Counties are also starting to identify these priority areas.

Acreage Goal: 8000 acres






# Northfield

***Drinking Water Supply Management Area (DWSMA) MN-00036 10 year Time of Travel***

Public Water Supply Well
Wellhead Protection Area (WHPA)
DWSMA

**H – High Vulnerability**

0.2 0 0.2 0.4 0.6 Miles



SWP MDH

Approved October 9, 1998

## Wellhead Protection Zones

**Acreage Goal: 1000**

*Courtesy of Department of Health*


What is the cost of the SE CREP Application and how will it be funded??
Cost of project: Approximately $225 million
(Over the Life of the New Farm Bill)
80% Federal Government - 20% State
Courtesy of NRCS SE Area Office

# Easement Choice and Flexibility

To make the SE CREP application a successful program in participation and also achieving our environmental goals, BALMM and SWCD's have included the following options as a part of our application.



# Easement Choice and Flexibility

## Easement Size: 120 acre limit

If project area exceeds 120 acres, approval is needed by the local SWCD Board and the FSA committee.

There will also be an appeal process to the area and state level if denied.

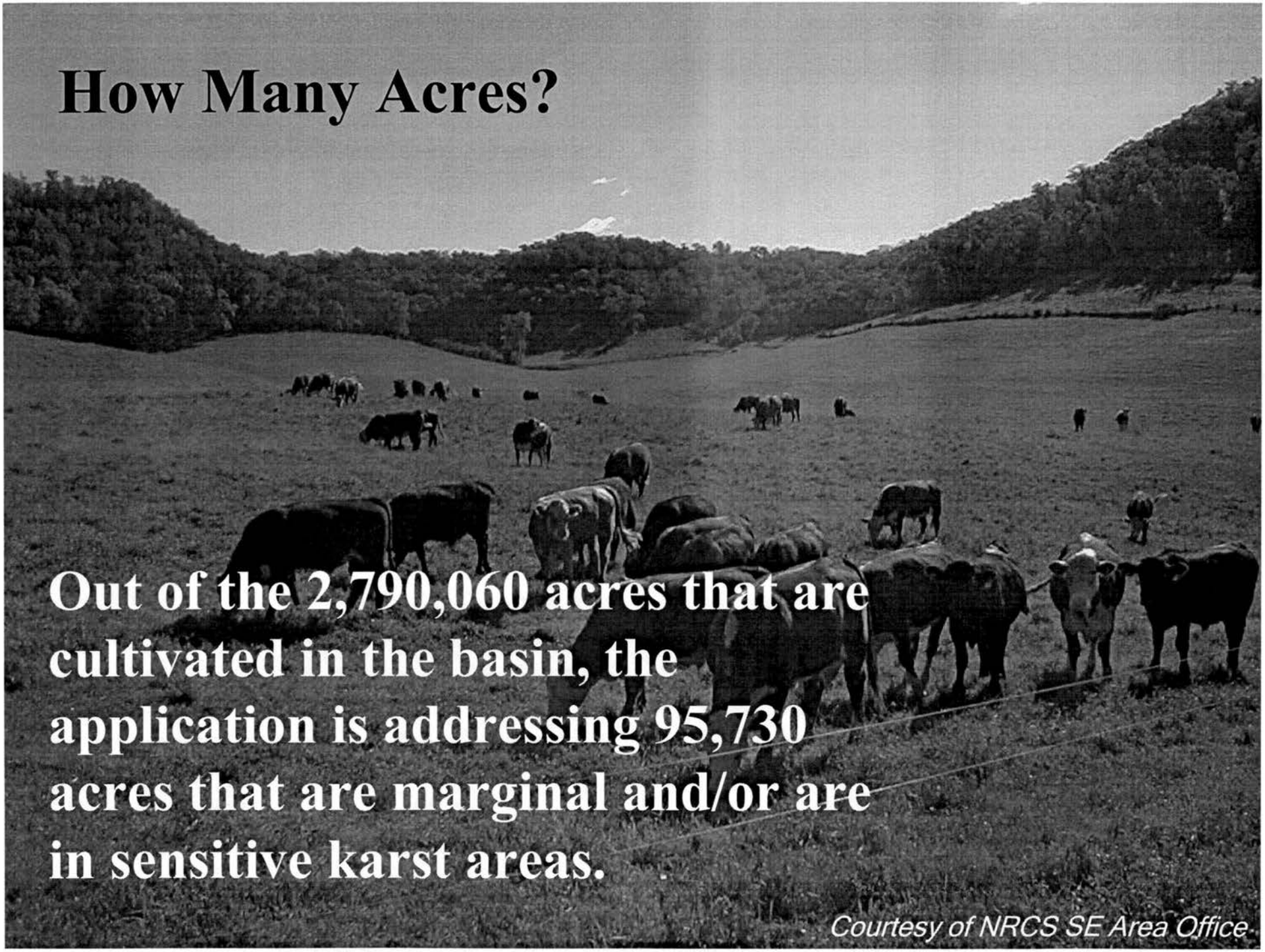


Adopt Steve Taft's, Economist U of MN, Numbers for Cost of Easement, but….

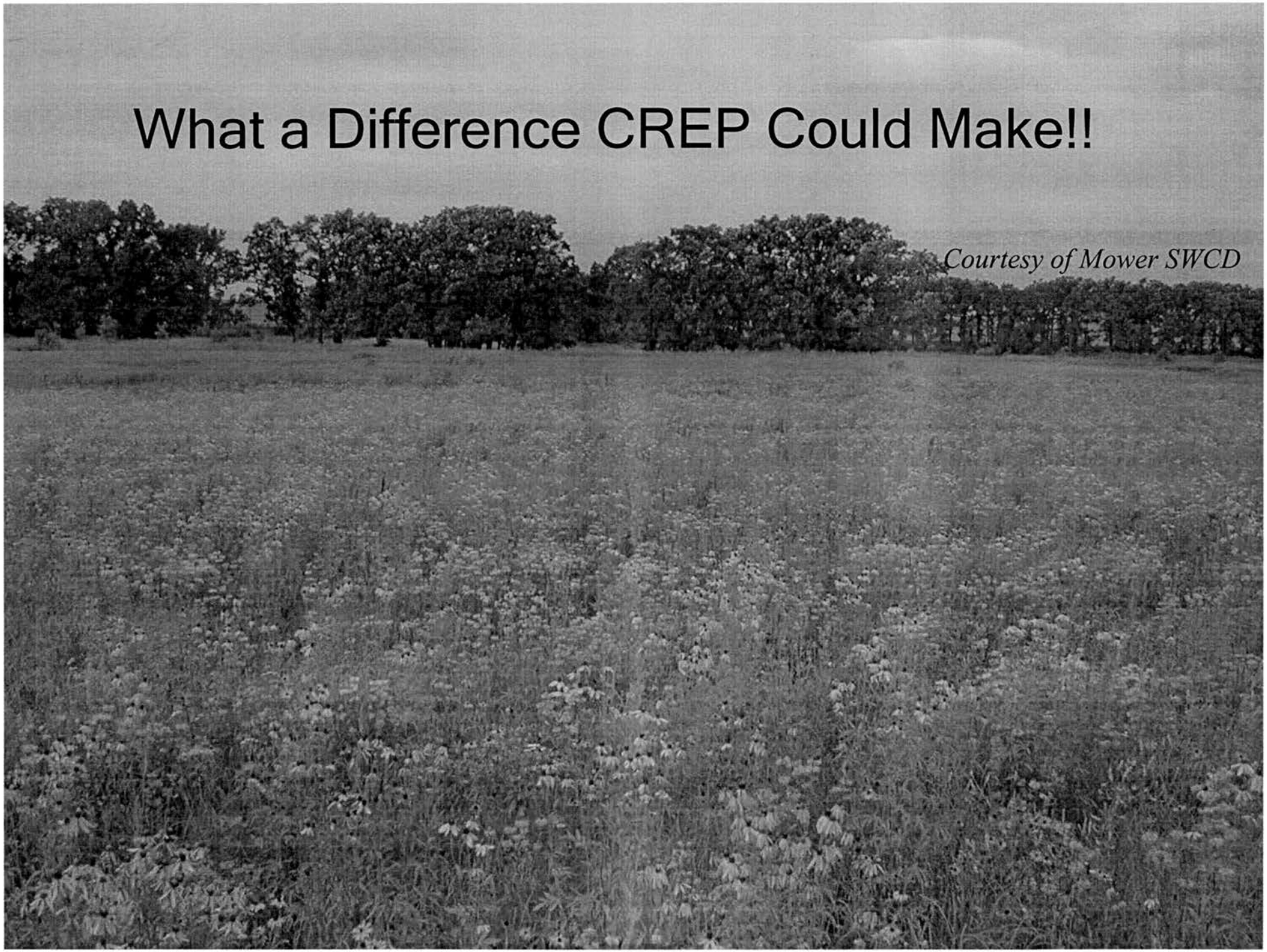
# Easement Choice and Flexibility

| Practice | Easement Length |
|---|---|
| Highly Erodible | |
| Contour Strips | 15 year CRP contract with CREP Incentives |
| Critical Areas | 20 year easement |
| Riparian Areas Easements | Choice of 20 year, 50 years and Permanent |
| Wetland Restorations | Permanent (State Statue) |
| Groundwater Protection Easements | Choice of 20 year, 50 years and Permanent |




How Many Acres?
Out of the 2,790,060 acres that are cultivated in the basin, the application is addressing 95,730 acres that are marginal and/or are in sensitive karst areas.
Courtesy of NRCS SE Area Office


Challenges of our Landscape…..
Root River
Discharging into
Mississippi
August 1999
Courtesy of the MPCA


What a Difference CREP Could Make!!
Courtesy of Mower SWCD