



Minnesota Board of Water and Soil Resources.
Minutes.

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

BOARD MEMBERS PRESENT:

Lee Coe, Jerome Deal, Darrell Bruggman, Jack Frost, Karen Harder, Char Kahler, Ginny Imholte, Paul Krabbenhoft, Victor Ormsby, Dwain Otte, Jim Anderson-MES, Mark Dittrich-MDA, Steve Morse-DNR, Lisa Thorvig-PCA, Dan Wilson-MDH

BOARD MEMBERS ABSENT:

Clair Nelson

STAFF PRESENT:

Ron Harnack, Doug Thomas, John Jaschke, Jeff Nielsen, Kevin Lines, Ron Shelito, Marybeth Block, Pete Raeker, Al Kean, Tim Fredbo, Mary Kells, Dave Peterson, Tom Mings, Eric Mohring, Jim Birkholz, Tom Wenzel,

OTHERS PRESENT:

Sandy Hooker, Minnesota Association of Townships
Ray Bohn, Minnesota Association of Watershed Districts
LeAnn Buck, Richard Zupp, and Scott Hoese, Minnesota Association of Soil and Water Conservation Districts
Bev Nordby and Norman Senjem, BALMM
Greg Anderson and Harold Peterson, Farm Service Agency
Carolyn Dinndorf, Hennepin Conservation District
Dave Weirens, Association of Minnesota Counties

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Chair Coe called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

- ** ADOPT AGENDA** – Chair Coe added an item to the agenda that had been
02-93 tabled at the October 23 meeting, the Conservation Easement of Kathleen Kernstock will be reviewed after Agency Reports. Moved by Jerome Deal, seconded by Victor Ormsby, to adopt the agenda as presented. Motion passed on a voice.
- ** MINUTES OF OCTOBER 23, 2002** – Moved by Jack Frost, seconded by Char
02-94 Kahler, to approve the minutes of October 23, 2002 as circulated. Motion passed on a voice vote.

REPORTS

Executive Director – Ron Harnack commented on budget issues. No news to report at this time. Ron and Doug Thomas will share responsibilities and attendance at the MASWCD, MAWD, and AMC Conventions.

Dispute Resolution Committee – Chair Coe stated that the DRC written report was included in the board members' packet. Jerome Deal recommended that the outcome of the appeals be reported. Ron Harnack stated that staff will provide that information.

Cost-Share/Soil Conservation Committee - Dwain Otte stated that the Cost-Share Committee outcomes depend upon the budget.

Education and Public Relations Committee – Paul Krabbenhoft stated that the Education and Public Relations Committee will meet in January and have a report at that January board meeting.

Administrative Advisory Committee – Chair Coe stated that the Administrative Advisory Committee met via conference call in October regarding budget issues. The Administrative Advisory Committee will meet this afternoon immediately following the board meeting to discuss budget options.

AGENCY REPORTS

Mark Dittrich, Minnesota Department of Agriculture (MDA), reported that the new feedlot rules will be announced next month. MDA and NRCS are sponsoring an organics conference January 24-25. Mark stated that the Ag BMP loan program application deadline is February 1.

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Dan Wilson, Minnesota Department of Health (MDH), reported that ~~the wellhead program is fairly stable.~~ MDH is looking at a ten-year revision of the well code, completed informal discussions, moving forward on that. Dan stated that he and Gary England met with staff from Madison, Wisconsin, yesterday to discuss fee structure. Wisconsin does not have a fee program but looks to Minnesota as a model. Dan stated that Art Persons will report on surface and groundwater protection at the January board meeting.

Steve Morse, Department of Natural Resources (DNR), reported on CWD monitoring, nearly 5,000 samples in, so far no positive tests. Steve reported that the ATV task force has been meeting and continue to work on recommendations. DNR policy bills have been submitted. No direction at this time on the funding situation.

Jim Anderson, Minnesota Extension Service (MES), stated that MES is setting up drainage forums. Jim has been working on a regional project directed at a comprehensive conservation education curriculum in terms of continuing professional development.

Lisa Thorvig, Minnesota Pollution Control Agency, (MPCA), reported that Christianson Farms, who has a good compliance record, is in the process of purchasing ValAdCo, which is a good thing. New manure management systems will be installed. Lisa stated that MPCA is working on the construction storm water general permit to get it out on public notice. Lisa reported that MPCA is working on four legislative reports: impaired waters implementation and financing plan; wastewater permitting and enforcement; feedlot regulatory program and accomplishments; and wastewater infrastructure report geared at project priority list and state grants.

Alteration of Conservation Easement Kathleen Kernstock – Chair Coe stated that this item was tabled at the October 23 meeting. Discussions with staff and the landowner continue. This item will be addressed at a future board meeting.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Subcommittee

- **** Roseau County Comprehensive Local Water Plan Request for Extension –
02-95 Moved by Jerome Deal, seconded by Victor Ormsby, to accept the recommendation for approval of the request for extension of the Roseau County Comprehensive Local Water Plan. Motion passed on a voice vote.

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Southern Water Planning Subcommittee

Marybeth Block stated that as a point of clarification, the following Kandiyohi, McLeod, Meeker, and Renville Countys' Comprehensive Local Water Plans are ten-year plans with a review of the plan implementation status and schedule at five years. This is stated in the Order of each Comprehensive Local Water Plan. Discussion followed on MPCA's involvement in TMDLs surveys and monitoring of impaired waters and the local cooperation and coordination of the county plans.

- ****
02-96 **Kandiyohi County Comprehensive Local Water Plan** – Moved by Char Kahler, seconded by Victor Ormsby, to accept the recommendation for approval of the Kandiyohi County Comprehensive Local Water Plan with review and update of the Plan at five years. Motion passed on a voice vote.
- ****
02-97 **McLeod County Comprehensive Local Water Plan** – Moved by Char Kahler, seconded by Jerome Deal, to accept the recommendation for approval of the McLeod County Comprehensive Local Water Plan with review and update of the Plan at five years. Motion passed on a voice vote.
- ****
02-98 **Meeker County Comprehensive Local Water Plan** – Moved by Char Kahler, seconded by Victor Ormsby, to accept the recommendation for approval of the Meeker County Comprehensive Local Water Plan with review and update of the Plan at five years. Motion passed on a voice vote.
- ****
02-99 **Renville County Comprehensive Local Water Plan** – Moved by Char Kahler, seconded by Jerome Deal, to accept the recommendation for approval of the Renville County Comprehensive Local Water Plan with review and update of the Plan at five years. Motion passed on a voice vote.

Chair Coe called for a break in the meeting at 10:45 a.m. The meeting reconvened at 11:55 a.m.

NEW BUSINESS

- ****
02-100 **Martin County Wetland Plan** – Tom Mings commented on the Martin County Wetland Plan and recommends approval for 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. Moved by Char Kahler, seconded by Jerome Deal, to approve the resolution for Martin County Wetland Plan as presented. Discussion followed. Motion passed on a voice vote.

Update on Proposed Water Management Planning Changes – Ron Harnack stated that the Board has endorsed this as a legislative policy change. There is a

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need to address the impacts on local authorities and financial capacities relating to the proposed changes. This issue will be discussed with the new administration, out for final review by associations, and on the Board agenda in January for an update. The proposed water management planning changes could be delayed until next year. John Jaschke reviewed the details of the proposed changes. Discussion followed. Staff will continue discussions with associations and others. The proposed changes will be presented at the MAWD, MASWCD, and AMC conventions. Steve Morse commended the staff for their work on these proposed changes. He stated that he likes the approach to agency comments but it becomes a resource issue as the budget evolves. Chair Coe thanked John Jaschke for his efforts on this project.

Southeast Conservation Reserve Enhancement Program (SE CREP) – Bev Nordby and Norman Senjem, BALMM representatives were introduced. Bev gave a brief overview of CREP in the southeast. Chair Coe commended Bev and her leadership efforts in this initiative. Ron Harnack introduced Harold Peterson, FSA State Tech Committee Member and Greg Anderson, FSA staff. Ron summarized the location criteria, application of practices to achieve the benefits of conservation, managed haying and grazing agreements, payment incentives under CRP, and public comment have been agreed to by FSA. The remaining policy issue is related to 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. This proposal will formally be reviewed with the new administration when Governor Pawlenty takes office in January. Since there are currently no dollars available for state match, we need to have assurances in the letter of request that the administration will support the funding needs. Greg Anderson, FSA, commended the work of the BALMM group and supports their efforts on the SE CREP. Greg stated that the FSA State Tech Committee will not support permanent easement riparian buffers and groundwater protection. The FSA State Tech Committee meets in mid-December and will discuss this again at that time. Harold Peterson stated that the FSA State Tech Committee strongly opposes perpetual or permanent easements. Ron stated that the Legislature and the Governor mandated permanent easements for Minnesota River CREP. Steve Morse stated that the State's preference is permanent easements, the federal government needs to know that is the State's position. Discussion followed. Ron recommended looking at critical areas and look at 50 years and 100 years. The investment of the state for a 50-year to 100-year easement is worth the buy; once in place, the likelihood of them coming out are very minimal.

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Jerome Deal stated that he favors permanent easements, although he doesn't want to lose this good program. Karen Harder supports permanent easements for groundwater protection. Steve Morse doesn't support this motion, because permanent easement has potential for change if it makes good public sense, the BALMM group wants permanent, the State prefers permanent, we shouldn't cave because the federal pot of money is there. Ron suggested a common-ground with FSA because resource issues need to be addressed, the outcomes warrant some flexibility to achieve that end.

02-101 Moved by Jerome Deal, seconded by Dwain Otte, to support the SE CREP, with a minimum of 50-year to 100-year easements for riparian buffers and ground water protection.

02-101a Moved by Steve Morse, seconded by Paul Krabbenhoft, to amend the previous motion by adding that BWSR prefers perpetual easements for the permanent protection and enhancement of critical surface and groundwater resources and as the most economical option for the State. Affirmative: Anderson, Bruggman, Coe, Deal, Frost, Harder, Imholte, Krabbenhoft, Morse, Ormsby, Thorvig, Wilson. Opposed: Dittrich, Kahler, Otte. Motion passed.

02-101 **As amended** BWSR supports the SE CREP with a minimum of 50-year to 100-year easements for riparian buffers and groundwater protection, acknowledging that BWSR prefers perpetual easements for the permanent protection and enhancement of critical surface and groundwater resources and as the most economical option for the State. Affirmative: Anderson, Bruggman, Coe, Deal, Morse, Frost, Harder, Imholte, Kahler, Krabbenhoft, Ormsby, Thorvig, Wilson. Opposed: Dittrich, Otte. Motion passed.

Chair Coe adjourned the meeting for lunch at 1:30 p.m. The meeting reconvened at 2:05 p.m.

Citizen Petition to Discontinue Hennepin Conservation District – Ron Harnack reviewed the referendum outcomes and explained the Order. 74.4% of the citizens in Hennepin County were against terminating HCD; 25.58% were in favor of terminating HCD.

02-102 Moved by Char Kahler, seconded by Paul Krabbenhoft, that 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 M.S.103C.225, Subd. 4 (b). Motion passed on a voice vote.

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A Plan for the Certification of Wetland Delineators in Minnesota – Greg Larson introduced Ed Nate. Greg explained that a plan for wetland delineator certification was presented to the Legislature in 2001. The University of Minnesota College of Food, Agriculture and Environmental Science has expressed interest in considering a proposal from BWSR to fund the implementation of a certification program. Staff recommend entering into agreements and memoranda necessary to secure funding and develop an implementation plan. The certification could allow for significant efficiencies in the WCA process thereby reducing state and local governmental units costs of administration. Moved by Ginny Imholte, seconded by Jack Frost, that

- **
02-103 BWSR endorse development of an implementation plan to certify wetland delineators in Minnesota and authorize staff to draft agreements and memoranda necessary to implement the plan. The implementation plan will be reviewed at a future BWSR meeting. In determining an implementation schedule and budget, BWSR staff consider the difficult fiscal situation currently facing agencies and local government. Motion passed on a voice vote.

Pelican River Watershed District, Federal Small Watershed Protection Act (PL566) Application – Doug Thomas explained that in accordance with provisions of the United States Department of Agriculture, Small Watershed Protection Act (PL566), 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. Moved by Dwain

- **
02-104 Otte, seconded by Jerome Deal, to approve the Federal Small Watershed Protection Act (PL566) application for assistance for the Upper Pelican River Watershed and assigns it a high priority ranking. Motion passed on a voice vote.

Ron Harnack stated that he received Jim Birkholz's resignation. Jim's last working day with BWSR will be January 3. Ron thanked Jim for his great efforts over the years. He's been a strong advocate for soil and water conservation efforts and will be greatly missed. We are planning a special event for Jim in late January.

SWCD Statute Update – Jim Birkholz presented the proposed changes to the SWCD statute. He stated that discussions continue with various interest groups, agencies and associations that have an interest in the law. The changes address policy, funding, modernize elections and governance language. Discussion followed. Jim acknowledged the good work of the MASWCD District Capacity Committee to streamline efforts and efficiencies in partnership with

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BWSR. Chair Coe commended Jim for his efforts. The Board will be asked to endorse specific legislation at a later date.

ADVISORY COMMENTS

Association of Minnesota Counties (AMC) – Dave Weirens stated that AMC will be busy with the AMC Convention, December 9-11, in Duluth. The budget deficit announced today will impact state agency partners and counties. Dave stated that AMC is looking forward to working with the 104 newly elected county commissioners. AMC just recently did a reprint of the drainage manual.

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck, distributed the MASWCD Convention brochure. She commended MASWCD Area 2 for their efforts in planning the convention. MASWCD had the opportunity to meet with Lieutenant Governor Carol Molnau to discuss items of concern. MASWCD is moving forward with District Capacity efforts. The MASWCD Legislative Committee would like to look at taxing authority but not tying that to the budget deficit. LeAnn thanked Ron Harnack for allowing Pete Raeker and Mary Jo Anderson for their assistance with the MASWCD convention, as well as Jim Birkholz's time and efforts in working with MASWCD.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT had a good annual meeting last month. The newly elected Lieutenant Governor Carol Molnau spoke at their meeting. Sandy reported that replacement of septic systems is so costly, something needs to be done.

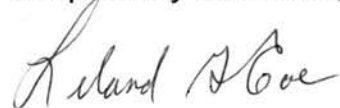
Minnesota Association of Watershed Districts (MAWD) – Ginny Imholte invited board members to attend the MAWD annual meeting, December 5-7, in Alexandria.

Upcoming Meeting

The next BWSR meeting will be January 22 in St. Paul.

** Moved by Victor Ormsby, seconded by Jack Frost, to adjourn the meeting at 3:20
02-105 p.m.

Respectfully submitted,



Leland Coe
Chair

BWSR Meeting Date

12/4/02

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Bas

move forward

Motion:

SE CREP - 50 yr - 100 yr. easements
options for Riparian & Ground H₂O Plat.

amendment = BWSR preference permanent

Moved by: Jerome Deal

Seconded by: Dwain Otte

Affirmative

Opposed

ABSENCE OBSERVED

Anderson, Jim

Bruggman, Darrell

~~Clark, Sharon~~ Dittich

Coe, Lee

~~VACANT~~

Deal, Jerome

~~Edgerton, Wayne~~

Frost, Jack

Harder, Karen

Imholte, Ginny

Kahler, Char

Krabbenhoft, Paul

~~Nelson, Claire~~ Steve

Ormsby, Victor

Otte, Dwain

Thorvig, Lisa

Wilson, Dan

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BWSR Meeting Date 12/4/02

Moved by: Steve Morse

Seconded by: Paul Krabbenhoft

Opposed

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BOARD OF WATER AND SOIL RESOURCES
ATTENDANCE ROSTER

	NAME	AFFILIATION	PHONE #
1.	LAWRENCE SAMSTAD	ITASCA ENG.	952-445-7993
2.	JOEL CARLSON	MCWD	612- 332 -8063
3.	Leigh Harrod	Hennepin SWCD	612-558-8678
4.	Ray Dehn	MAWR	
5.	Scott Hoess	MA SWCD	952-657-0223
6.	Ed Nater	Vol / M	612-625-9734
7.	Carolyn Dindorf	HCD	763-420-2157
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Resolution # 02-104

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

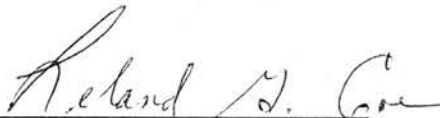
WHEREAS, Continued pressure to develop environmentally sensitive lands, including wetlands, and pressure on staff of local government to expedite paperwork has heightened the need for project applications that are technically correct; and

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

Dec 4, 2002
Date

Board Resolution No. 02-100

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

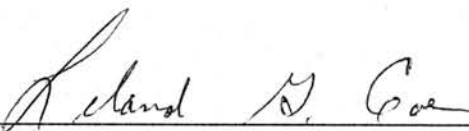
Date 12-4-02

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

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
PUBLIC LAW 566 APPLICATION
AND ASSIGNING STATE
PRIORITY RATING**

Whereas, In accordance with provisions of the United States Department of Agriculture, 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 hereby 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
Leland G. Coe, Chair



Minnesota Department of Finance

November 2002

Highlights

2004-05 Budget Deficit Grows to \$4.560 Billion - \$356 Million Deficit in 2002-03

The weak stock market, a slow-to-rebound economy, and higher than projected human services expenditures have increased the projected 2004-05 biennial deficit to \$4.560 billion, \$2.910 billion more than end-of-session estimates. That deficit includes a \$356 million deficit now forecast for the 2002-03 biennium. Since Minnesota's Constitution forbids borrowing for operating purposes beyond the end of a biennium, the FY 2003 deficit will need to be remedied before June 30, 2003. Excluding the 2002-03 deficit, a \$4.204 billion problem remains for 2004-05.

Revenues Lower and Expenditures Higher than End-of-session Estimates

A 2004-05 budget gap of \$1.650 billion was projected at the close of the 2002 legislative session. Biennial revenues are now expected to be \$26.857 billion, \$1.634 billion (5.7 percent) less than previously estimated. Expenditures are projected to be \$30.975 billion, \$926 million (3.1 percent) more than end-of-session estimates. Lower capital gains income is the source of more than half of the revenue shortfall. Higher health care costs dominate the spending increases.

Economic Outlook Remains Strong But Forecast Makes No Provision for Possible War with Iraq

The large projected deficit for 2004-05 is not due to a weak economic outlook. The Global Insight (formerly DRI) baseline forecast now calls for real GDP growth of 2.6 percent in 2003, followed by growth of 4.1 percent in 2004 and 3.8 percent in 2005. That forecast is slightly more optimistic than the Blue Chip Consensus forecast through 2005. There is substantial downside risk, however. Global Insight has indicated their baseline forecast would be lowered should war break out with Iraq.

Current Budget Deficits Extend through 2006-07

Even with the strong economic growth assumed through 2007 a large budget gap remains in future years. Managing the deficit will require significant, ongoing changes in the state budget.

Budget Summary

Budget Shortfall of \$356 Million Projected for End of 2002-03 Biennium

The weak stock market, a slowly rebounding economy, and higher than projected human services expenditures combined to produce a projected shortfall of \$356 million for June 30, 2003. General fund revenues are now expected to be \$668 million less than end-of-session estimates, while transfers and other resources are \$94 million higher. Forecast spending exceeds prior estimates by \$76 million causing a total shortfall of \$650 million for the current biennium. A \$318 million projected unspent balance left by the 2002 Legislature offsets \$294 million of this forecast shortfall leaving a forecast deficit of \$356 million with \$24 million in expected budget reserves at year-end.

FY 2002-03 Forecast (\$ in Millions)

	<u>End of Session</u>	<u>November Forecast</u>	<u>\$ Change</u>
Beginning Balance	\$1,574	\$1,574	\$0
Revenues	25,317	24,649	(668)
Other Resources	<u>451</u>	<u>545</u>	<u>94</u>
Total Resources	27,342	26,768	(574)
Expenditures	27,024	27,100	76
Budget Reserve	<u>318</u>	<u>24</u>	<u>(294)</u>
Available Balance (Deficit)	<u>\$0</u>	<u>\$(356)</u>	<u>\$(356)</u>

Action Will be Required to Balance FY 2003

Because Minnesota's Constitution prohibits borrowing beyond the end of the biennium for operating purposes, action will be required to bring revenues and expenditures into balance before June 30, 2003.

The \$318 million budget reserve shown in end-of-session estimates conformed to current law requiring that any FY 2003 balance be allocated to the budget reserve. The state's reserve was entirely depleted by the "phase one" budget solution last spring. The \$24 million in reserves now shown reflects two separate actions. In April 2003 a transfer of \$20 million from the excess surplus in the assigned risk plan is anticipated. On June 30, 2003, a \$3.9 million appropriation is made to the reserve.

State Revenues Down \$574 Million from February Forecast

Minnesota general fund revenues are now expected to total \$25.194 billion through the end of the current biennium, \$574 million (2.2 percent) below end-of-session estimates. Receipts for fiscal 2002 were \$76 million less than forecast, and state receipts for the current year are projected to fall short of prior estimates by \$498 million.

FY 2002-03 General Fund Revenues

(\$ in Millions)

	<u>End of Session</u>	<u>November Forecast</u>	<u>\$ Change</u>	<u>% Change</u>
Revenues				
Income Tax	\$11,783	\$11,014	(\$769)	(6.5)
Sales Tax	7,614	7,676	62	0.8
Corporate Income Tax	1,158	1,071	(87)	(7.5)
Motor Vehicle Sales Tax	692	701	9	1.3
Subtotal	21,247	20,462	(785)	(3.7)
Statewide Property Tax	891	894	3	0.3
Tobacco Settlement	301	314	13	4.3
All Other Non-dedicated	2,878	2,979	101	3.5
Total Revenues	25,317	24,649	(668)	(2.6)
Transfers, Other Revenue	451	545	94	20.8
Total Resources	\$25,768	\$25,194	\$(574)	(2.2)

Most of the shortfall for the current biennium comes from the individual income tax. The extremely weak performance of the stock market in recent years caused portfolio income to drop dramatically. Capital gains realizations are now believed to have fallen by 55 percent in tax year 2001, and they are projected to fall by an additional 16 percent in the 2002 tax year. Growth rates for pension income, dividends, and IRA distributions have also been significantly reduced. Wage growth is also slightly weaker than was projected in February's forecast consistent with current withholding tax collection experience and diminished expectations for 2002 bonuses. The forecast for corporate income tax receipts was also reduced, while outlooks for the sales tax, the motor vehicle sales tax, and other revenues improved.

Gains in other tax and non-tax revenues also offset some of the decline in income and corporate tax receipts. Forecasts for the deed, mortgage, and estate taxes were all increased consistent with current collection experience. The increase in transfers and other revenue was primarily due to an increase in prior year adjustments.

Net Expenditures Increase \$76 Million in Current Biennium

Forecast spending for FY 2002-03 has been increased by \$76 million (0.3 percent), from end-of-session estimates. Spending for health care increased by \$107 million. This increase was caused by higher caseloads in General Assistance Medical Care (GAMC) and increasing cost of services resulting from changes in both the acuity of care and case mix. The health care increase was partially offset by a \$33 million reduction in debt service costs due to unanticipated repayment of a maximum effort school loan, and higher than expected premiums received on recent bond sales. Other spending areas show modest changes from previous estimates, while education finance estimates are almost unchanged.

FY 2002-03 General Fund Spending

(\$ in Millions)

	<u>End of Session</u>	<u>November Forecast</u>	<u>\$ Change</u>	<u>% Change</u>
Education Finance	\$10,661	\$10,660	\$(1)	0.0
Higher Education	2,808	2,807	(1)	0.0
Intergovernmental Aids	2,762	2,758	(4)	(0.1)
Health Care	4,708	4,815	107	2.3
Health & Human Services	2,002	1,951	(51)	(2.5)
Debt Service	614	581	(33)	(5.4)
All Other	<u>3,469</u>	<u>3,528</u>	<u>59</u>	<u>1.7</u>
Total Spending	\$27,024	\$27,100	\$76	0.3

Six major functional areas account for 87 percent of general fund spending. They are the programs most likely to be affected by forecast changes in enrollments, caseload, and current law formulae. With few exceptions, "all other" spending -- including environmental resources, economic and workforce development, public safety and corrections, transportation, and general government -- is limited to specific amounts set in law for the biennium.

Changes in the "all other" spending category are limited to authorized transfers between agencies, cancellations of excess funding at year-end, and authorized carry forward of unspent appropriations between years or biennia. Of the \$59 million increase, \$17 million is an increase in penalties and interest for recent court decisions on tax issues and \$20 million is from hiring freeze and contract moratorium savings distributed to other areas. Changes to dedicated revenue spending and adjustments to end-of-session estimates account for the remaining \$22 million.

First Forecast of 2004-05 Budget Outlook Shows Projected Deficit of \$4.560 Billion

This is the first actual forecast of revenues and expenditures for the 2004-05 biennium. Prior estimates of the budget situation for the next biennium have been based on revenue and expenditure planning estimates derived using long-term trends in economic growth, not a specific short-term forecast. Planning estimates are used to highlight situations where potential discrepancies between future revenues and future expenditures might create fiscal problems for the state budget. This forecast specifically establishes the current law context for budget development for the 2004-05 biennium.

Since no budget is currently in place, expenditure projections assume the extension of current programs, adjusted only for projected changes in caseload and enrollment. As required by law inflation is no longer included in the expenditure projections. Expenditure differences between the end-of-session estimates and this forecast are largely due to changes in enrollment, caseload and other formula or program changes currently in law. If inflation were to be included for all programs at an annual rate of 2.5 percent, the budget shortfall would grow by more than an additional billion dollars.

Change in FY 2003 Outlook Adds to 2004-05 Budget Problems

Projections at the end of 2002 legislative session showed a projected budget shortfall for the 2004-05 biennium of \$1.650 billion with \$411 million in projected reserves. With this forecast, the expected deficit increases to \$4.560 billion and reserves fall to \$110 million. Revenues for the 2004-05 biennium are now projected to be \$1.634 billion (5.7 percent) below end-of-session planning estimates, while the expenditure forecast exceeds prior projections by \$926 million.

FY 2004-05 Revenue and Expenditure Forecast

(\$ in millions)

	<u>End of Session</u>	<u>November Forecast</u>	<u>\$ Change</u>	<u>% Change</u>
Beginning Balance	\$318	\$(332)	\$(650)	
Total Revenues	28,491	26,857	(1,634)	(5.7)
Expenditures	30,049	30,975	926	3.1
Budget Reserve	375	79	(296)	
Education Reserve	<u>36</u>	<u>31</u>	<u>(5)</u>	
Available Balance (Deficit)	<u>\$(1,650)</u>	<u>\$(4,560)</u>	<u>\$(2,910)</u>	

Balancing the budget for the current biennium will eliminate \$356 million of the \$4.560 billion budget deficit projected for the next biennium, leaving a prospective deficit of \$4.2 billion with \$110 million of reserves under current law.

Fiscal 2004-05 Revenue Growth Reduced to 6.6 Percent

Total current resources for the 2004-05 biennium are now expected to be \$26.857 billion, an increase of 6.6 percent from projected receipts in the 2002-03 biennium. General fund receipts for the motor vehicle sales tax fall due to the dedication of 32 percent of collections to the Highway Users Tax Distribution Fund, 20.5 percent to the Metropolitan Area Transit Fund, and 1.25 percent to the Greater Minnesota Transit Fund. The growth rate for the sales tax is also artificially low due to elimination of the June accelerated payment in 2004. The extremely high growth rate for corporate income tax receipts reflects recovery from the very depressed level of corporate profits in 2002 and 2003. Other resources are projected to fall to more normal levels in the 2004-05 biennium after being boosted by one-time transfers that were part of the 2002 budget solution.

FY 2004-05 General Fund Revenues
(\$ in Millions)

	<u>FY 2002-03</u>	<u>FY 2004-05</u>	<u>\$</u> <u>Change</u>	<u>%</u> <u>Change</u>
Revenues				
Income Tax	\$11,014	\$12,173	\$1,159	10.5
Sales Tax	7,676	8,188	512	6.7
Corporate Income	1,071	1,348	277	25.8
Motor Vehicle Sales	<u>701</u>	<u>536</u>	<u>(165)</u>	<u>(23.5)</u>
Subtotal	20,462	22,245	1,783	8.7
Statewide Property Tax	894	1,207	313	35.1
Tobacco Settlement	314	392	78	24.7
All Other Non-Dedicated	<u>2,979</u>	<u>2,718</u>	<u>(261)</u>	<u>(8.8)</u>
Total Revenues	24,649	26,562	1,913	7.8
Transfers, Other	<u>545</u>	<u>295</u>	<u>(250)</u>	<u>(45.9)</u>
Total Resources	<u>\$25,194</u>	<u>\$26,857</u>	<u>\$1,663</u>	<u>6.6</u>

Individual Income Tax Forecast Down \$1.333 Billion From 2004-05 Planning Estimates

Forecast revenues for the 2004-05 biennium are down \$1.634 billion (5.7 percent), from the end-of-session revenue planning estimates. Although the forecast for each of the major revenue sources was less than previously projected, individual income tax revenues account for more than 80 percent of the total reduction.

FY 2004-05 General Fund Revenues

(\$ in Millions)

	<u>End of Session</u>	<u>November Forecast</u>	<u>\$ Change</u>	<u>% Change</u>
Revenues				
Income Tax	\$13,506	\$12,173	\$(1,333)	(9.9)
Sales Tax	8,324	8,188	(136)	(1.6)
Corporate Income	1,405	1,348	(57)	(4.1)
Motor Vehicle Sales	570	536	(34)	(6.0)
Major Taxes	23,805	22,245	(1,560)	(6.6)
Statewide Property Tax	1,226	1,207	(19)	(1.5)
Tobacco Settlement	379	392	13	3.4
All Other Non-Dedicated	<u>2,826</u>	<u>2,718</u>	<u>(108)</u>	<u>(3.8)</u>
Total Revenues	28,236	26,562	(1,674)	(5.9)
Transfers, Other Revenues	<u>255</u>	<u>295</u>	<u>40</u>	<u>15.7</u>
Total Resources	<u>\$28,491</u>	<u>\$26,857</u>	<u>\$(1,634)</u>	<u>(5.7)</u>

As in fiscal 2003, more than half of the change in the income tax forecast came from a reduction in non-wage, portfolio income from investments and pensions. In 2004 those sources of taxable income grow at a slower rate than was projected in the planning estimates and that growth comes from a lower base. Although the gap between the end-of-session income tax planning estimate and the current forecast narrows slightly in 2005 when growth rates for investment income begin to pick up, the improvement is slight. Reductions in projected revenues from the other major tax sources were small and consistent with a slightly less optimistic economic outlook than was used in February.

FY 2004-05 Projected Spending to Grow by \$3.875 Billion

Projected current law spending for the FY 2004-05 biennium is expected to reach \$30.975 billion, an increase of \$3.875 billion (14.3 percent), over projections for FY2002-03. When compared to end-of-session estimates, projected spending increases by \$926 million.

Comparisons to the current biennium can be misleading since there have been several material changes in the state's expenditure structure. Property tax reform and relief was in place for only part of the 2002-03 biennium. That change accounts for approximately \$1.0 billion of the increase shown for education finance in the next biennium. The FY 2003 payment shift in education aids payments also produced a one-time \$454 million cut that "bumps-back" in FY 2004. If these changes are excluded, the growth in education finance shrinks to approximately \$670 million. While pupil estimates are expected to decline slightly, the remaining growth is largely attributed to the biennial cost of the per student formula increase from FY 2002 to FY 2003.

Spending for health care programs continues to be one of the largest and fastest growing areas of the budget. More than one-third of the biennial expenditure growth occurs in health care and human services spending. Significant increases in projected health care spending in FY 2004-05 are primarily the result of growing costs of medical assistance health care services and higher General Assistance Medical Care (GAMC) caseloads.

FY 2004-05 Expenditure Estimates

(\$ in Millions)

	<u>FY 2002-03</u>	<u>FY 2004-05</u>	<u>\$</u> <u>Change</u>	<u>%</u> <u>Change</u>
Education Finance	\$10,660	\$12,772	\$2,112	19.8
Higher Education	2,807	2,911	104	3.7
Intergovernmental Aids	2,758	3,090	332	12.0
Health Care	4,815	5,934	1,119	23.2
Health & Human Services	1,951	2,185	234	12.0
Debt Service	581	695	114	19.6
All Other	<u>3,528</u>	<u>3,388</u>	<u>(140)</u>	<u>(4.0)</u>
Total Spending	<u>\$27,100</u>	<u>\$30,975</u>	<u>\$3,875</u>	<u>14.3</u>

Spending in the "all other" category is forecast to decline from the current biennium due to significant one-time spending in FY 2002-03 for general capital projects and transportation projects that will not continue.

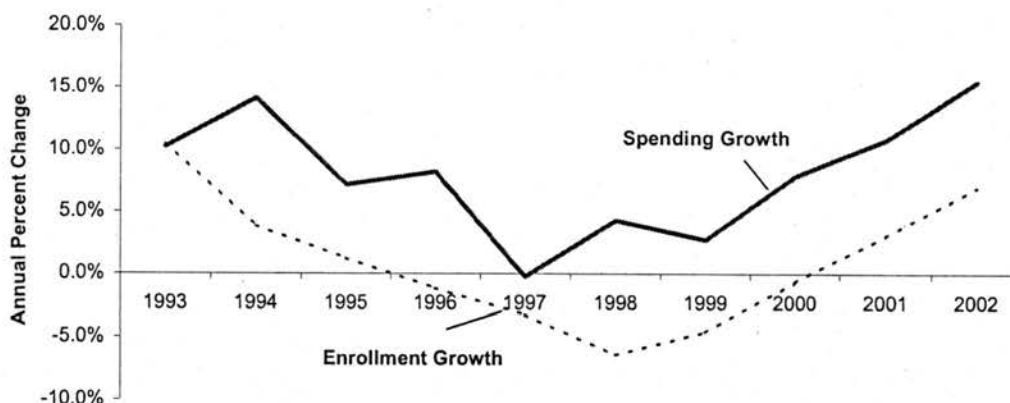
Health Care Projected to Grow 23 Percent in 2004-05

Health care spending increases are driven by several factors: increased program enrollment, medical inflation, and changing utilization of health care services. The

changes in this forecast reflect the combined impact of a weaker economy, leading to higher enrollment, and persistent medical inflation, resulting in higher service costs.

Most increases in health care spending can be traced to the state's Medicaid program, known as Medical Assistance (MA). This federal entitlement program for low-income families, persons with physical and developmental disabilities, and the frail elderly accounts for more than 90 percent of state health care spending. The program serves roughly 450,000 people by covering costs for health care services, such as hospital and physician visits, nursing home services, home care, and other medical and long-term care services. The state and federal government split the costs for MA equally. The remaining health care programs such as General Assistance Medical Care (GAMC) and Chemical Dependency Entitlements, are fully funded by the state.

MA Enrollment & Spending Growth



As the chart indicates, Medical Assistance spending grew relatively slowly from 1997 to 1999, due in part to a substantial drop in the number of families receiving basic care. A strong economy and welfare reform led to a decline in enrollment. Slower economic growth is beginning to reverse this trend.

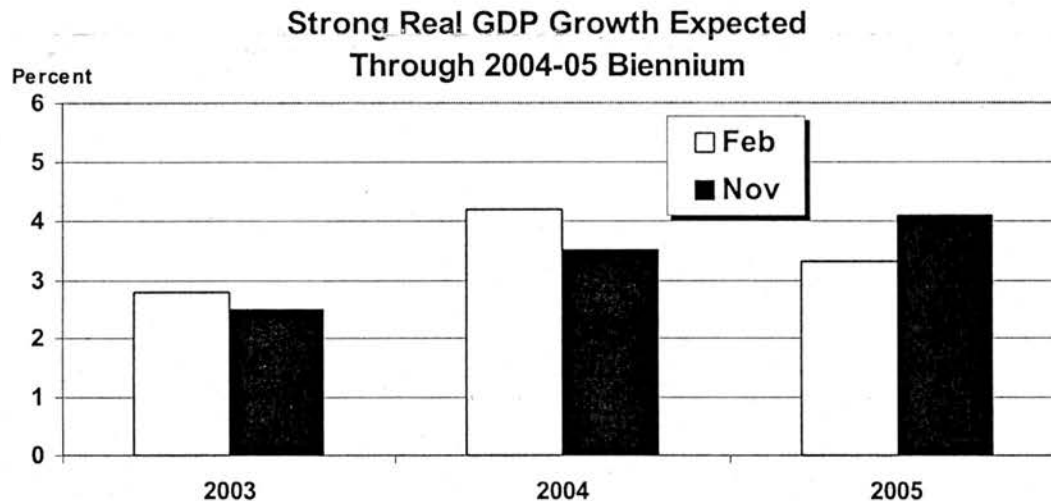
Even during periods of declining enrollment (i.e., 1997-2000), overall spending in the Medical Assistance program grew. This is because in addition to enrollment, many other factors may have the effect of contributing to health care spending growth, including:

- ♦ a greater proportion of higher cost caseloads (e.g., the elderly and persons with disabilities);
- ♦ increasing service utilization among recipients;
- ♦ medical price inflation;
- ♦ the availability of more expensive technology; and
- ♦ the effectiveness of purchasing arrangements.

Between 1997 and 2002, the per-person amount the state paid for Medical Assistance services grew 52 percent, or 8.7 percent per year.

Steady National Economic Growth Expected Through Entire Forecast Horizon

The large revenue shortfall for the current biennium and the coming biennium should not be attributed to a deteriorating economic outlook. The November Global Insight Incorporated (GII) baseline forecast contains strong growth with no recession through 2007. The projected real GDP growth rates are below those observed in the supercharged years of the late 1990's, but they exceed those observed in the late 1980's or the mid 1990's. GII currently assumes real GDP growth rates of 2.6 percent in 2003, 4.1 percent in 2004, and 3.8 percent in 2005. The Consensus Forecast from the Blue Chip panel is for 2.8 percent growth in 2003, 3.4 percent growth in 2004, and 3.3 percent in 2005. GII sees little inflationary pressure through the entire forecast horizon. They now project CPI growth of 2.3 percent in 2003, 2.4 percent in 2004, and 2.3 percent in 2005.



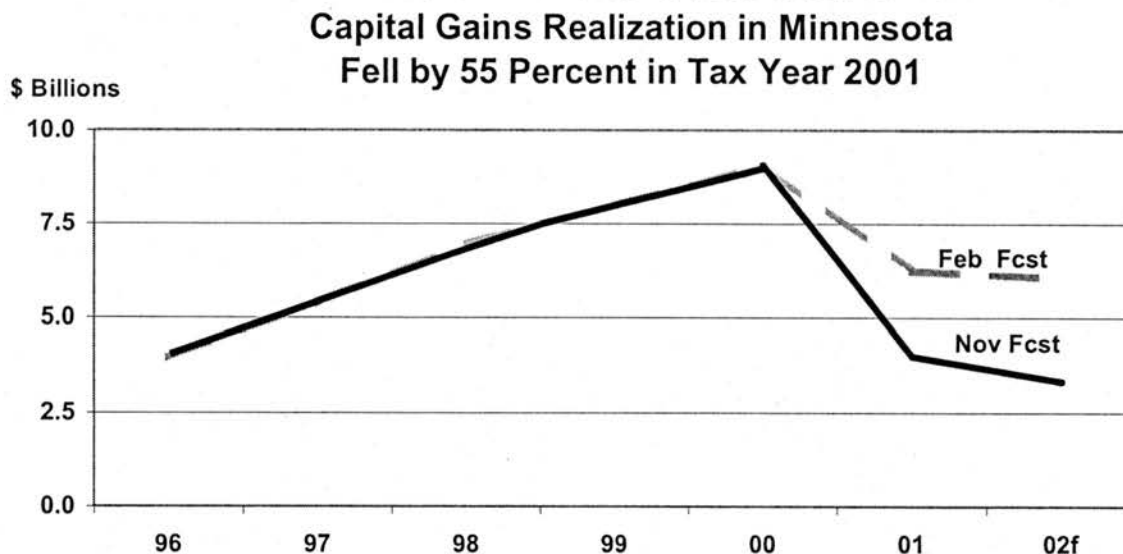
Global Insight assigns a probability of 55 percent to their current baseline forecast. A more pessimistic forecast which includes a double dip recession is assigned a 30 percent probability and a slightly more optimistic forecast, a 15 percent probability. Minnesota's Council of Economic Advisors agreed that while the GII baseline forecast is consistent with the consensus, it is more likely to be too optimistic than too pessimistic.

Potential War With Iraq Adds to Forecast Uncertainty

The possible U.S. invasion of Iraq creates a major challenge for all economic forecasts. Since both the probability of hostilities breaking out and the duration of any war--should one occur--are unknown, forecasters have generally chosen not to include this geopolitical shock into their baseline scenarios. GII's baseline scenario follows that approach, and assumes that war with Iraq will be avoided. Should war break out, GII will lower their national economic forecast. The amount of that reduction will depend on the expected length of the war. GII's decision to make no provision for war in their baseline scenario, while consistent with the practice of most other forecasters, adds further downside risk to the 2004-05 revenue forecast.

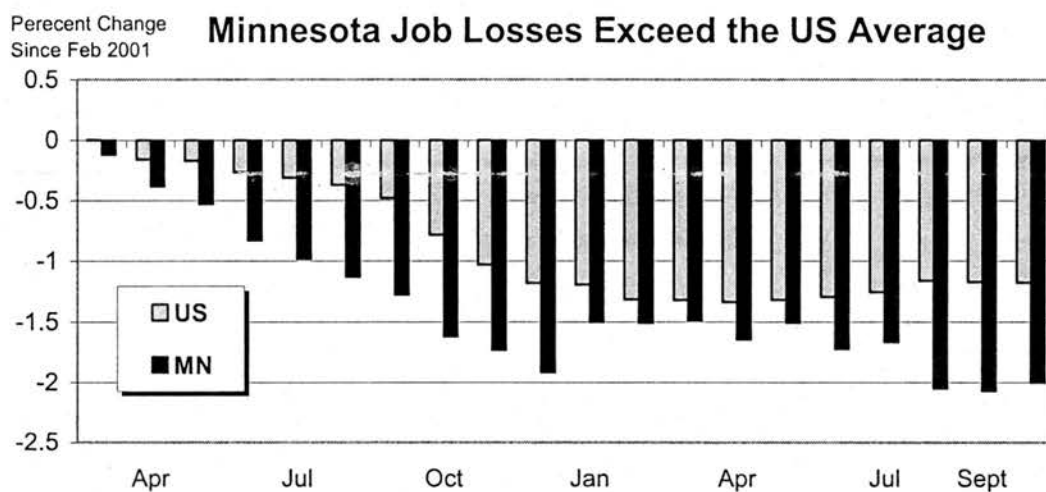
Lower Than Anticipated Capital Gains Income Reduces Income Tax Forecast

More than one half of the reduction in expected individual income tax receipts in this forecast is attributable to lower net capital gains realizations. Much of that reduction has already occurred. Tax year 2001 Minnesota filings are consistent with a decline of 55 percent in net capital gains realizations between tax year 2000 and tax year 2001. February's revenue forecast assumed a decline of 33 percent. The continuing weak stock market and the existence of loss carry-forwards from tax year 2001 make it likely that net realizations will decline again in 2002, and net realizations are forecast to be 16 percent lower in 2002 than in 2001. Capital gains begin to increase again in 2003, but from a substantially lower base. Continuing stock market losses are expected to leave net capital gains realizations for 2002 at a level roughly equivalent to that observed in 1994, well before the stock market boom of the late 1990s.



Minnesota's Economy Hit Harder than the National Economy in 2001 Recession

Payroll employment losses in Minnesota were greater on a percentage basis than they were nationally during the recent recession, and Minnesota continues to struggle to recover. Through October, employment on a seasonally adjusted basis remains more than 2.0 percent below February 2001's peak. Nationally employment has fallen by just 1.2 percent over that same time period.



Manufacturing employment in Minnesota has suffered the most noticeable losses, falling by more than 38,000 jobs in less than 2 ½ years. That drop wiped out more than 80 percent of Minnesota's manufacturing job gains of the 90's. Still though, the manufacturing job loss in Minnesota was smaller on a percentage basis than the national average.

The Minnesota economic forecast calls for manufacturing employment to stabilize by mid 2003 and then begin to grow slowly. By the end of fiscal 2005 manufacturing employment has increased by more than 8,000 in Minnesota. Growth in U.S. manufacturing, while also positive, is even more subdued than in Minnesota. Minnesota is projected to add more than 108,000 jobs before the end of the 2004-05 biennium.

Planning Estimates Provide Outlook Through FY 2007

Almost all states are currently experiencing sizeable fiscal problems. Many national observers of state finances are now suggesting that states are unlikely to see improvements in their fiscal positions for four to five years. Historically, state revenues and fiscal stability lag economic recovery. For this reason, a longer term outlook is a useful measure when formulating state budget plans.

This report provides the first revenue and expenditure planning estimates for the 2006-07 biennium. The planning estimates provide a necessary framework against which the potential impact of FY 2004-05 budget decisions can be judged. Projected revenues for FY 2006-07 reflect the trend of continued growth forecast for the 2002-03 and 2004-05 biennia. The revenue estimates also include prospective inflation.

The planning estimates do not include any tax or spending changes beyond those in current law. Current law spending estimates have been adjusted only to reflect enrollment and caseload growth in entitlement programs and areas where specific statutory formulae exist. Expenditure estimates are not adjusted for inflation. Since the impact of inflation is not included in the expenditure projections, it is important to recognize that, given inflationary pressures and historical growth trends in state spending, increases in state spending may be significantly greater than those shown.

FY 2006-07 Planning Estimates (\$ in Millions)

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Forecast Revenues	\$13,896	\$14,658	\$15,329
Projected Spending	15,647	15,964	16,289
Difference	<u>\$(1,751)</u>	<u>(1,306)</u>	<u>\$(960)</u>

The expenditure and revenue planning estimates make no assumptions about actions in the 2003 legislative session to balance the FY 2003 deficit, or to resolve the FY 2004-05 budget gap. The FY 2006-07 planning estimates represent a benchmark to determine if ongoing spending exceeds revenues in succeeding budget periods. Economic changes, as well as the nature and timing of budget changes, will materially affect both revenue and expenditure projections for the FY 2006-07 biennium.

A complete version of the November 2002 forecast can be found at the Department of Finance's World Wide Web site at -- www.finance.state.mn.us. This document is available in alternate format.

SUMMARY

The following provides specifics on some of the proposed statute changes.

Policy Statement

1. A new policy statement is proposed.

The statement begins with positive language. It doesn't change SWCD authority. It makes clear the connection between private lands and public benefits and is broadly enabling without changing the basic focus of SWCDs.

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 is proposed.** 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 a new levy authority. A levy rate and maximum cap would be established. Each county would have three options for funding: to continue to fund their local SWCD the way they do now out of the county levy; to authorize the SWCD to implement a 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 the local election process for district referendums and clearly assign these responsibilities to county elections officials.
3. Change the process to initiate consolidation or division of districts. Strike the "25 landowners may petition" and replace it with two options: 25 percent 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. Strike the "25 landowners may petition" authority and replace it with 25 percent 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 a district and the duties of a district board are perpetual.

5. **District creation.** The state board would appoint 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. The state board is given authority to suspend procedural laws and rules to facilitate a consolidation or reorganization requested by a district. This would require due process and an agreement.

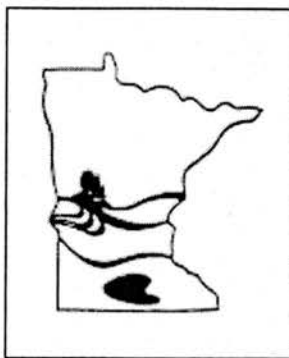
Land Use

1. The proposed change would allow a willing district to accept direct delegation of official controls related to soil and water conservation. A joint powers agreement would not be required.

UPDATING MINNESOTA STATUTES, SECTION 103C: SOIL AND WATER CONSERVATION DISTRICT LAW

Introduction

Minnesota's soil and water conservation district law (Minnesota Statute, section 103C) was written in 1937. The law authorized a new special purpose unit of state government to be formed to provide for sound soil and water conservation practices on all lands in the state. Eventually, through a petition and referendum process, SWCDs covered the entire state.



Across any part of the state one can see the conservation practices resulting from a district's work—on the farm as well as in the city. Not as visible but just as important are the management practices implemented as a result of a district's work. Together, this work protects our state's soils, lakes, streams, and rivers.

Of primary but not exclusive importance to the districts are privately owned lands that make up 78 percent of the land surface. SWCDs are the units of government that specialize in assisting owners and managers of these private lands to install needed conservation measures. Environmental quality in Minnesota is largely dependent upon good conservation being practiced on private lands.

Conservation of soil and water resources is not automatic nor does it happen by accident. It is promoted, planned, funded and installed every day across the state by local districts in cooperation with landowners and managers. Every citizen in the state benefits from this work.

Almost 70 years after the law to authorize soil and water conservation districts was written, it now needs to be updated to reflect changing ways to doing business, a changing customer base, and an increasing reliance on

districts as a local implementer of key state and federal conservation programs. As Minnesota's population increases, bringing more pressures on soil and water resources, the need for the work of SWCD is greater than ever. New and updated statutory tools can help districts provide more effective and efficient conservation programs in Minnesota.

What needs to be changed?

Rather than continue piecemeal fixes, a comprehensive update to the law was pursued. Local government's role in natural resources will continue to grow. SWCD law should accommodate this.

Proposed statute changes will address four major areas:

- Funding for SWCDs;
- Modernizing elections and governance language;
- Connecting SWCDs with existing land-use authorities;
- Updating policy language and clarifying SWCD roles.

Key partners from local governments, federal and state agencies, and private organizations have been engaged to contribute to changes. Changes will be pursued during the 2003 Legislative session.

The goal of the statute change? To create up-to-date law that provides Minnesota's soil and water conservation districts (SWCDs) with the tools they need to more effectively implement conservation measures in the state, which will help Minnesota achieve its soil and water conservation goals.

For more information:

INTRODUCTION

Local Water Management Integration Summary of Proposed Changes

December 4, 2002

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 <i>focused on priority concerns</i> including: A. assessments; B. goals; and C. implementation program.	- Data collection and assessments are related to priority concerns. 103B.403 subd. 2, p.31 - Focused implementation schedule to address priority actions and ongoing coordination. 103B.403, sub.4, p. 31
II. "Plan input needs to be early to be meaningful."	Process to <i>get public and local and state</i> to provide <i>input at the beginning</i> 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.33 - Identification of priority concerns is a key stage for agency involvement. 103B.405, subd. 2, p. 33 - Required public meeting. 103B.405, subd. 3, p.33 - Advisory committee chooses the priority concerns. 103B.193, subd. 6, p.4
III. "A common understanding of, (and hopefully agreement with) the plan's focus among the interested parties is key."	<i>Before the plan is written the priority concerns scoping</i> document is submitted <i>for review and comment</i> by state review agencies and BWSR.	- The people and processes involved in choosing the priority concerns is communicated. 103B.401, subd. 2(a), p. 31 - Required review & comment regarding the priority concerns before the plan contents are written. 103B.405 subd. 6, p. 33.
IV. "Ongoing responsibilities and programs not reflected in the priority concerns should be acknowledged in the plan."	<i>Coordination of other responsibilities and activities</i> will be included in the plan content.	Identify other responsibilities not in the priority concerns implementation program including: - related actions to be taken; - lead and supporting entities; and - estimated cost. 103B.403 subd. 5, p.32
V. "Disagreements should be resolved at the local level whenever possible."	In addition to the BWSR <i>dispute resolution</i> process (103B.345, p. 27) a <i>local process</i> is in place.	- Advisory committee develops the process 103B.193, subd. 6(5), p. 4 - Partners work to resolve disagreements regarding priority concerns. 103B.402, item 2(b), p. 31 - Resolve inconsistencies between plans (103B.404, subd. 5, p. 33)

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Local Water Management Integration Summary of Proposed Changes

Issue	Proposed Change	Proposed Specifics
VI. Coordination: A. "Multiple planning efforts are often not coordinated and can result in confusion and duplication" B. "Plans for an area need to be reviewed so they are not in conflict."	A. <i>Priority concerns implementation schedule</i> B. <i>Review of other plans:</i> local, regional and state for consistency	A.. Implementations schedule coordinates what will get done, who lead and who will support the effort, when it will be done and an estimated cost. 103B.403, subd. 4, p.32. B. Plans don't conflict or duplicate efforts: - Plans within the same area - Plans adjacent to one another - Regional, basin and state plans 103B.404, p. 33
VII. "Final plan review and approval takes too long"	<i>Shortened final review and approval phase</i>	30 state agency review (can request a 30 day extension) 103B.406, subd 2 p. 34 - a 60 day Board review and approval. 103B.406, subd 5 p. 34
VIII. "Plans need to be easily amended to address evolving issues."	<i>Streamlined Amendments</i>	Locally initiated by petition, notice and holding a public hearing. Becomes effective upon approval of the Board. 103B.403, subd. 6, p.34.
IX. "Plans that are not implemented need clear consequences."	<i>Failure to Implement</i>	Failure to implement can be initiated by: - Board resolution - A city or county 100 citizen petition applied when Plan is not approved or major actions in plan are not being implemented 103B.408, subd. 2, p.34
X. "Surface water and ground water and should be integrated in planning efforts, not segregated as they are now."	Allow <i>metro counties to develop plans under the county water planning authorities</i> of 103B.311.	Elimination of specific groundwater plan requirement for metropolitan counties. 103B.255, p. 19.
XI. Financing A. "WMO's need the ability to assess for projects on a watershed basis independent of member cities" B. "The water planning levy should again be exempt from levy limits as it was originally"	A. <i>JPA WMO's listed as a special taxing district</i> in B. <i>All Counties levy outside of existing levy limits</i>	Identify wmo's in chapter 275.066 to allow them to raise funds on an ad valorem basis see 275.066 p. 38. 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 275.066 p.38.
XII. "Much of the existing rules are outdated and unnecessary."	<i>Repeal Administrative Rules</i> 8410 and 9300	Replace with revised statute, Board policy, and guidance

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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 <i>focused on priority concerns</i> including: A. assessments; B. goals; and C. implementation program.	- Data collection and assessments are related to priority concerns. 103B.403 subd. 7, p.29 - 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 <i>get public and local and state</i> to provide <i>input at the beginning</i> 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 - Identification of priority concerns is a key stage for agency involvement. 103B.405, subd. 2, p.31 - Required public meeting. 103B.405, subd. 4, p.31 - 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."	<i>Before the plan is written the priority concerns scoping</i> document is submitted <i>for review and comment</i> by state review agencies and BWSR.	- The people and processes involved in choosing the priority concerns is communicated. 103B.402, 2(a), p. 28 - 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."	<i>Coordination of other responsibilities and activities</i> will be included in the plan content.	Identify other responsibilities not in the priority concerns implementation program including: - related actions to be taken; - lead and supporting entities; and - estimated cost. 103B.403 subd. 5, p. 30
V. "Disagreements should be resolved at the local level whenever possible."	In addition to the BWSR <i>dispute resolution</i> process (103B.345, p. 27) a <i>local process</i> is in place.	- Advisory committee develops the process 103B.193, subd. 6(5), p. 3 - Partners work to resolve disagreements regarding priority concerns. 103B.402, item 2(b), p. 29 - Resolve inconsistencies between plans (103B.404, subd. 5, p. 30)

Issue	Proposed Change	Proposed Specifics
VI. Coordination: A. "Multiple planning efforts are often not coordinated and can result in confusion and duplication" B. "Plans for an area need to be reviewed so they are not in conflict."	A. Priority concerns implementation schedule 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. B. Plans don't conflict or duplicate efforts: ▪ Plans within the same area ▪ Plans adjacent to one another ▪ Regional, basin and state plans 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. ▪ 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: ▪ Board resolution ▪ A city or county ▪ 100 citizen petition applied when Plan is not approved or major actions in plan are not being implemented 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 A. "WMO's need the ability to assess for projects on a watershed basis independent of member cities" 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 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. 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. Local 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 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).

Overarching language that applies thru section 103B.410	<u>103B.190</u>	<u>Local water management program policy.</u>
	<u>103B.191</u>	<u>Purpose.</u>
	<u>103B.192</u>	<u>Definitions.</u>
	<u>103B.193</u>	<u>Plan Requirements.</u>
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.
	103B.225	Boundary change and termination effect on benefits and damages.
	103B.227	Watershed management organizations.
	103B.231	Watershed plans. <u>Plan requirements in the metropolitan area</u>
	103B.235	Local <u>Municipal or township</u> water management plans.
	103B.239	Rule review.
	103B.241	Levies.
	103B.245	Special tax district; local government unit.
	103B.251	Capital improvements by watershed management organizations.
	103B.252	Emergency projects.
	103B.253	County levy authority.
	103B.255	Groundwater plans.
County water planning and mgt. authorities	103B.301	Title
	103B.305	Definitions.
	103B.311	County water planning and management.
	103B.315	Comprehensive water plan review and adoption.
	103B.321	Duties of the board.
	103B.325	Consistency of local plans and controls with the comprehensive water plan.
	103B.331	Authority under approved local water management plans.
	103B.335	Tax levy authority.
Grants to counties for water mgt	103B.3355	Wetland functions for determining public values.
	103B.3361	Citation.
	103B.3363	Definitions.
	103B.3369	Local Water Resources Protection and Management Program.
	103B.341	Public drainage.
	103B.345	Resolution of disputes.
	103B.355	Application.
Plan requirements for special purpose district and counties.	<u>103B.401</u>	<u>Development of Board Policy.</u>
	<u>103B.402</u>	<u>Priority concerns scoping document.</u>
	<u>103B.403</u>	<u>Content of the local water management plan.</u>
	<u>103B.404</u>	<u>Consistency of local, state and regional plans and controls with the water plan.</u>
	<u>103B.405</u>	<u>Plan development.</u>
	<u>103B.406</u>	<u>Plan review, approval and adoption.</u>
	<u>103B.407</u>	<u>Annual reporting, workplan and evaluation requirements.</u>
	<u>103B.408</u>	<u>Determination of failure to implement.</u>
	<u>103B.409</u>	<u>Wetland management in local water management plans.</u>
	<u>103B.410</u>	<u>Soil and water conservation district comprehensive plans.</u>
Changes that apply to other statutes	<u>103D.401</u>	<u>Local water management plan.</u>
	<u>103D.405</u>	<u>Revised watershed management plan.</u>
	<u>103B.335</u>	<u>Tax levy authority.</u>
	<u>275.066</u>	<u>Special taxing districts; definition.</u>

1 103B.190 Local Water Management Policy

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

7 103B.191 Purpose of the local water management plan. The purpose of the local water management plan is to:

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

14 103B.192 Definitions.

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

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

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

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

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

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

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

35 Subd. 8: Local water management plan. "Local water management plan" means a plan addressing water and
36 related land resources and is developed, reviewed and approved pursuant to sections 103B.193 and 103B.401 to
37 103B.408.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23
24
25 103B.193. Local water management plan requirements.

26
27 Subdivision. 1: Watershed districts and watershed management organizations. All watershed districts and
28 watershed management organizations in the metropolitan area must adopt a Board approved local water
29 management plan pursuant to sections 103B.190–193, 103B.201–231 and 103B.401–408. Watershed Districts not
30 located in the metropolitan area shall adopt a Board approved local water management plan pursuant to sections
31 103D.401 – 103D.405 in accordance with sections 103B.190 – 103B.193 and 103B.401 – 103B.408.

32
33 Subd. 2: Counties. All counties that adopt a state approved local water management plan are subject to the
34 provisions of sections 103B.190–193, 103B.311–335 and 103B.401–408.

35
36 Subd. 3: Soil and water conservation districts. All soil and water conservation districts that adopt the local water
37 management plan as their comprehensive plan are subject to the provisions of 103B.410.

38
39 Subd. 4. Effective dates. Local water management plans shall be effective for a maximum period of ten years with
40 a required amendment to the implementation program as defined in section 103B.192 Subd. 4 at least every five
41 years. The board may extend the effective date of the plan two years. Beginning on July 1, 2004 the Board shall
42 review all local water management plans developed by local government units subdivisions 1 and 2 of this section
43 and sections 103B.409 and 103B.410 for conformity with the requirements defined in section 103B.401–408.

44
45 Subd. 5. Authority to implement the plan. Watershed districts, watershed management organizations, counties, and
46 delegated soil and water conservation districts with a locally adopted and state approved water management plan
47 have the duty and authority to exercise any and all powers, as necessary to assure implementation.

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

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

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

12
13
14 103B.201 Metropolitan water management program purpose.

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

- 16 (1) protect, preserve, and use natural surface and groundwater storage and retention systems;
- 17 (2) minimize public capital expenditures needed to correct flooding and water quality problems;
- 18 (3) identify and plan for means to effectively protect and improve surface and groundwater quality;
- 19 (4) establish more uniform local policies and official controls for surface and groundwater management;
- 20 (5) prevent erosion of soil into surface water systems;
- 21 (6) promote groundwater recharge;
- 22 (7) protect and enhance fish and wildlife habitat and water recreational facilities; and
- 23 (8) secure the other benefits associated with the proper management of surface and ground water, including
24 cooperatively managing the area where ground water and surface water interact.

25 HIST: 1990 c 391 art 2 s 5; 1990 c 601 s 6
26
27

28 ~~103B.205 Definitions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 103B.211 Joint powers watershed management organization.

23 Subdivision 1. Authority. (a) Any agreement under section 471.59 to jointly or cooperatively manage or plan for
24 the management of surface water in a watershed delineated pursuant to subdivision 2, as required by sections
25 103B.205 to 103B.255~~3~~, may provide, in addition to other provisions authorized by section 471.59, for a joint board
26 having:

27 (1) the authority to prepare, adopt, and implement a plan for the watershed meeting the requirements of
28 section and 103B.193, 103B.231 and 103B.401-408.

29 (2) the authority to review and approve municipal or township water management plans as provided in section
30 103B.235;

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

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

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

41 (iii) the metropolitan local government unit has authorized the organization to require permits for the
42 use and development of land;
43

(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.231 and 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~~ 103B.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.255~~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.255~~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

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

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

5 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

6
7
8 103B.215 Boundary change of watershed districts.

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

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

15 (b) The petition must:

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

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

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

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

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

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

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

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

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

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

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

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

(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

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.2553.

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.2553 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 ~~watershed~~ management plan for their area in accordance with the requirements of sections 103B.101, 103B.193 and 103B.205 to 103B.355335, 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.

- 1 (b) A watershed management organization may request a county to prepare all or part of a plan.
2 (c) A county may delegate the preparation of all or part of a plan to the county soil and water conservation district.
3 (d) Upon request of a statutory or home rule charter city or town, a county may delegate the preparation of all or
4 part of a plan to the city or town.
5 (e) Appeals from the board of water and soil resources determination are made in the same manner as appeals
6 under section 103B.345, subdivision 5.
7 (f) Existing plans of a watershed management organization shall remain in force and effect until amended or
8 superseded by plans adopted under sections 103B.205 to 103B.253.

9
10 Subd. 4. Planning authority upon termination of a water management organization. (b)-(a) If a watershed
11 management organization located wholly outside of Hennepin and Ramsey counties, is terminated, or the board of
12 water and soil resources determines a plan is not being implemented in accordance with its rules section 103B.408,
13 the county or counties containing the watershed unit shall either petition for the establishment of a watershed
14 district, or prepare, adopt, and implement the watershed local water management plan and for this purpose the
15 county or counties have the planning, review, permitting, and financing authority of a watershed management
16 organization specified in sections 103B.193, 103B.211 to 103B.255-335.

17 (b) If a watershed management organization within the metropolitan area and wholly or partly within Hennepin or
18 Ramsey counties is terminated or the board of water and soil resources determines a plan is not being implemented,
19 the county or counties shall petition for the establishment of a watershed district under chapter 103D, provided that
20 a district established pursuant to a petition:

- 21 (1) may not cross a primary river or a river forming the boundary between a metropolitan county and a
22 county outside the metropolitan area; and
23 (2) may not cross county boundaries to include territory whose distinguishing characteristic is multiple
24 drainage points into a primary river.

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

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

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

29 ~~(fc) If the board of water and soil resources determines that a watershed management organization or county has~~
30 ~~not developed a draft plan, is not implementing the plan, has not delegated implementation of the plan, and has not~~
31 ~~petitioned for the creation of a watershed district:~~

32 (1) state agencies may withhold from local government units state funding for water programs for projects
33 within the watershed;

34 (2) state agencies may withhold from local government units delegation of state water resource regulatory
35 authority within the watershed;

36 (3) state agencies may suspend issuance of water-related
37 permits within the watershed; and

38 (4) the board may request state agencies to withhold portions of state aid funding used for the installation of
39 curb and gutter and other drainage facilities of public transportation projects within the watershed.

40 The provisions of this paragraph apply until the board of water and soil resources determines that a plan is being
41 implemented ~~in accordance with its rules.~~

42 ~~(g) Appeals from the board of water and soil resources determination are made in the same manner as appeals under~~
43 ~~section 103B.345, subdivision 5.~~

1 Subd. 3a. Priority schedule. (a) The board of water and soil resources in consultation with the state review
2 agencies and the metropolitan council shall develop a priority schedule for the revision of plans required under this
3 chapter.

4 (b) The prioritization should be based on but not be limited to status of current plan, scheduled revision dates,
5 anticipated growth and development, existing and potential problems, and regional water quality goals and
6 priorities.

7 The schedule will be used by the board of water and soil resources in consultation with the state review agencies
8 and the metropolitan council to direct watershed management organizations of when they will be required to revise
9 their plans.

10 (d) Upon notification from the board of water and soil resources that a revision of a plan is required, a watershed
11 management organization shall have 24 months from the date of notification to revise and submit a plan for review.

12 (e) In the event that a plan expires prior to notification from the board of water and soil resources under this section,
13 the existing plan, authorities, and official controls of a watershed management organization shall remain in full
14 force and effect until a revision is approved.

15 (f) A one-year extension to submit a revised plan may be granted by the board.

16 (g) Watershed management organizations submitting plans and draft plan amendments for review prior to the
17 boards priority review schedule, may proceed to adopt and implement the plan revisions without formal board
18 approval if the board fails to adjust its priority review schedule for plan review, and commence its statutory review
19 process within 45 days of submittal of the plan revision or amendment.

20 Subd. 4. General standards. (a) The watershed management plan must specify the period covered by the plan and
21 must extend at least five years but no more than ten years from the date the board approves the plan. Plans that
22 contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten
23 years beyond the date of board approval.

24 (b) The plan must be reviewed for consistency with an adopted county groundwater plan, and revised to the degree
25 necessary to become compliant with the groundwater plan no later than two years after adoption by the county. A
26 one-year extension may be granted by the board. Upon the request of a watershed management organization, the
27 county shall provide a written statement that:

28 (1) identifies any substantial inconsistencies between the watershed plan and the groundwater plan and any
29 substantial adverse effects of the watershed plan on the groundwater plan; and

30 (2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to
31 rectify any substantial inconsistencies and adverse effects.

32 The plan shall contain the elements required by subdivision 6. Each element shall be set out in the degree of detail
33 and prescription necessary to accomplish the purposes of sections 103B.205 to 103B.255, considering the character
34 of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of
35 existing and anticipated water management problems in the watershed.

36 (dg) Existing plans of a watershed management organization shall remain in force and effect until amended or
37 superseded by plans adopted under sections 103B.205 to 103B.255.

38 (e) Watershed management organizations shall coordinate their planning activities with contiguous watershed
39 management organizations and counties conducting water planning and implementation under sections 103B.101
40 and 103B.301 to 103B.355.

41 Subd. 5. Repealed, 1995 c 184 s 32

42 Subd. 6. Contents. (a) The plan shall:

43 (1) describe the existing physical environment, land use, and development in the area and the environment, land
44 use, and development proposed in existing local and metropolitan comprehensive plans;

- (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.

1 ~~The watershed management organization must hold a public hearing on the draft plan no sooner than 30 days and~~
2 ~~no later than 45 days after the 60-day review period of the draft plan.~~

3 Subd. 6. Capital improvement plan review. The board or boards of the affected counties shall approve or
4 disapprove projects in the capital improvement program which may require the provision of county funds pursuant
5 to section 103B.251 or 103D.901, subdivision 2. Each county has up until the date of the public hearing on the
6 draft plan to complete its review of the capital improvement program. If the county fails to complete its review
7 within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed
8 approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of
9 a capital improvement program while the other county or counties approve, the program shall be submitted to the
10 board of water and soil resources for review pursuant to subdivision 9.

11 ~~Subd. 8. Review by metropolitan council and state review agencies. After completion of the review under~~
12 ~~subdivision 7, the draft plan, any amendments thereto, all written comments received on the plan, a record of the~~
13 ~~public hearing, and a summary of changes incorporated as a result of the review process shall be submitted to the~~
14 ~~metropolitan council, the state review agencies, and the board of water and soil resources for final review. The~~
15 ~~state review agencies shall review and comment on the consistency of the plan with state laws and rules relating to~~
16 ~~water and related land resources. The state review agencies shall forward their comments within 45 days after they~~
17 ~~receive the final review draft of the plan to the board. A state review agency may request and receive up to a 30-~~
18 ~~day extension of this review period from the board.~~

19 ~~Subd. 9. Approval by the board. After completion of the review under subdivision 8, the board shall review the~~
20 ~~plan for conformance with the requirements of sections 103B.205 to 103B.255, and chapter 103D. The board shall~~
21 ~~not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the~~
22 ~~requirements of sections 103B.205 to 103B.255, and chapter 103D. If the capital improvement program is the~~
23 ~~subject of a dispute between counties, the board of water and soil resources shall make a final decision on the issue.~~
24 ~~The decision shall be binding on the organization and the counties involved. The board shall complete its review~~
25 ~~under this section within 90 days. (part of Subd. 6 above)~~

26 ~~Subd. 10. Adoption and implementation. (a) The organization shall adopt and implement its plan within 120 days~~
27 ~~after compliance with the provisions of subdivision 9 and approval of the plan by the board of water and soil~~
28 ~~resources.~~

29 Subd. 7. Additional watershed district authority. A watershed district may implement its approved plan and
30 approved capital improvement program by resolution of the majority of the board of managers and without respect
31 to the provisions of chapter 103D requiring the managers to wait upon petitions for projects, to submit projects for
32 review by the board of water and soil resources, and to limit the cost and purposes of projects.

33 ~~(b) The board of water and soil resources shall adopt rules establishing standards and criteria for making~~
34 ~~determinations of whether watershed management organizations and counties are implementing watershed plans as~~
35 ~~required under subdivision 1.~~

36 ~~Subd. 11. Amendments. To the extent and in the manner required by the adopted plan, all amendments to the~~
37 ~~adopted plan shall be submitted to the towns, cities, county, the metropolitan council, the state review agencies, and~~
38 ~~the board of water and soil resources for review in accordance with the provisions of subdivisions 7, 8, and 9.~~
39 ~~Amendments necessary to revise the plan to be consistent with the county groundwater plan, as required by~~
40 ~~subdivision 4, must be submitted for review in accordance with subdivisions 7, 8, and 9. Minor amendments to a~~
41 ~~plan shall be reviewed in accordance with standards prescribed in the watershed management plan.~~

42 **Subd. 12. Repealed, 1995 c 184 s 32**

43 ~~Subd. 13. Appeals of plan failures. Persons aggrieved by an alleged failure to comply with the provisions of an~~
44 ~~approved plan may request review by the board of water and soil resources. The board shall establish a procedure~~
45 ~~for resolving disputes and making a determination on whether the plan is being implemented.~~

46 ~~Subd. 14. Annual report. The board of water and soil resources shall adopt rules establishing:~~

1 (1) requirements for annual watershed management organization financial reports to the board, including a report
2 on administrative, project, and other expenditures;

3 (2) standards for annual financial audits by certified public accountants, procedures for the board to follow before
4 ordering state financial and performance audits as determined by the board, and procedures for charging the costs
5 of financial and performance audits to the watershed management organization; and

6 (3) requirements for the content of annual activity reports to the board, which must include the number and type of
7 permits issued, complaints received, plan and ordinance violations, projects constructed, new officers installed,
8 variances granted, status of local unit adoption and enforcement of model ordinance requirements, and financial
9 conditions of the watershed management organization.

10 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;
11 1998 c 312 s 1

12
13
14 103B.235 ~~Local~~ Municipal or township water management plans.

15 Subdivision 1. Requirement. (a) After the ~~watershed local water management~~ plan is approved and adopted, or
16 amended, pursuant to sections 103B. 193. 103B.231 and 103B.406, the local government units having land use
17 planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a
18 ~~local municipal or township~~ water management plan, capital improvement program, and official controls as
19 necessary to bring local water management into conformance with the ~~watershed local water management~~ plan
20 within one year prior to the required submittal date of local comprehensive plan to the Metropolitan Council
21 pursuant to MS 473 and ~~the time period prescribed in the implementation program of the watershed local water~~
22 ~~management plan and~~, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive
23 plan.

24 (b) Each town within the counties of Anoka, Carver, Dakota, Scott, and Washington authorized by general or
25 special law to plan and regulate the use of land under sections 462.351 to 462.364 shall by resolution determine
26 whether to prepare the ~~local municipal or township~~ water management plan itself or to delegate all or part of the
27 preparation of the plan to the county.

28 (c) Towns within counties that have adopted comprehensive plans applicable to the town must use county
29 preparation of their plan to the maximum extent possible.

30
31 Subd. 2. Contents.

32 (a) Each ~~local municipal or township~~ water management plan, in the degree of detail required in the ~~watershed~~
33 ~~local water management~~ plan, shall:

34 (1) describe existing and proposed physical environment and land use;

35 (2) define drainage areas and the volumes, rates, and paths of stormwater runoff;

36 (3) identify areas and elevations for stormwater storage adequate to meet performance standards established
37 in the ~~watershed local water management~~ plan;

38 (4) define water quality and water quality protection methods adequate to meet performance standards
39 established in the ~~watershed local water management~~ plan;

40 (5) identify regulated areas; and

41 (6) set forth an implementation program, including a description of official controls and, as appropriate, a
42 capital improvement program.

43 (b) The board of water and soil resources ~~shall~~ may adopt rules establishing minimum ~~local municipal or township~~
44 plan standards and a model environmental management ordinance for use by metro local government units in

1 implementing municipal or township local water plans. The standards apply to plan amendments made to conform
2 to changes in the watershed local water management plans that are adopted under the board rules required by
3 section 103B.231 subdivision 6 and 103B.190.

4 Subd. 3. Review. After consideration but before adoption by the governing body, each metropolitan local
5 government unit shall submit its water management plan to the watershed management organization for review for
6 consistency with the watershed local water management plan adopted pursuant to sections 103B.193 and 103B.231.
7 If the county or counties having territory within the local government unit have a state-approved and locally
8 adopted groundwater local water management plan, the metro local government unit shall submit its plan to the
9 county or counties for review. The county or counties have 45 days to review and comment on the plan. The
10 organization shall approve or disapprove the ~~local~~ municipal or township plan or parts of the plan. The
11 organization shall have 60 days to complete its review; provided, however, that the watershed management
12 organization shall, as part of its review, take into account the comments submitted to it by the metropolitan council
13 pursuant to subdivision 3a. If the organization fails to complete its review within the prescribed period, the local
14 plan shall be deemed approved unless an extension is agreed to by the metropolitan local unit.

15 Subd. 3a. Review by metropolitan council. Concurrently with its submission of its ~~local~~ municipal or township
16 water management plan to the watershed management organization as provided in subdivision 3, each metropolitan
17 local unit of government shall submit its water management plan to the metropolitan council for review and
18 comment by the council. The council shall have 45 days to review and comment upon the ~~local~~ municipal or
19 township plan or parts of the plan with respect to consistency with the council's comprehensive development guide
20 for the metropolitan area. The council's 45-day review period shall run concurrently with the 60-day review period
21 by the watershed management organization provided in subdivision 3. The metropolitan council shall submit its
22 comments to the watershed management organization and shall send a copy of its comments to the metropolitan
23 local government unit. If the metropolitan council fails to complete its review and make comments to the
24 watershed management organization within the 45-day period, the watershed management organization shall
25 complete its review as provided in subdivision 3.

26 Subd. 4. Adoption and implementation. After approval of the ~~local~~ municipal or township plan by the
27 organization, the metropolitan local government unit shall adopt and implement its plan within 120 days and shall
28 amend its official controls accordingly within 180 days.

29 Subd. 5. Amendments. To the extent and in the manner required by the organization, all amendments to ~~local~~
30 municipal or township water management plans shall be submitted to the organization for review and approval in
31 accordance with the provisions of subdivisions 3 and 3a for the review of plans.

32 HIST: 1990 c 391 art 2 s 12; 1990 c 601 s 21; 1995 c 176 s 1-3; 1995 c 184 s 11

33
34 ~~103B.239 Rule review.~~

35 ~~The board of water and soil resources shall review the rules relating to sections 103B.205 to 103B.255 at least once~~
36 ~~every five years and adopt necessary amendments.~~

37 HIST: 1990 c 601 s 20

38
39
40 103B.241 Levies.

41 Subdivision 1. ~~Watershed Local water management~~ plans and projects. Notwithstanding chapter 103D, a
42 metropolitan local government unit or watershed management organization may levy a tax to pay the increased
43 costs of preparing a plan under sections 103B.193 and 103B.231 or for projects identified in an approved and
44 adopted plan necessary to implement the purposes of sections 103B.191 and 103B.201. The proceeds of any tax
45 levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this

1 section. Watershed management organizations and local government units may accumulate the proceeds of levies
2 as an alternative to issuing bonds to finance improvements.

3 Subd. 2. Priority programs; soil and water conservation districts. A county may levy amounts necessary to pay
4 the reasonable increased costs to soil and water conservation districts of administering and implementing priority
5 programs identified in an approved and adopted plan.

6 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

7
8
9 103B.245 Special tax district; local government unit.

10 Subdivision 1. Watershed management tax district. (a) Any metropolitan local government unit planning for
11 water management under sections 103B.191-193, 103B.231 and 103B.235 may establish a watershed management
12 tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under
13 sections and 103B.193, 103B.231 and 103B.235.

14 (b) Any metropolitan local government unit which has part of its territory within a watershed for which a plan has
15 been adopted in accordance with sections 103B.193, 103B.231 and 103B.406, and which has a local municipal or
16 township water management plan adopted in accordance with section 103B.235 may establish a watershed
17 management tax district in the territory within the watershed or a subwatershed unit in the watershed, for the
18 purpose of paying capital costs of the water management facilities described in the capital improvement program of
19 the plans and for the purpose of paying for normal and routine maintenance of the facilities.

20 (c) A county or counties required by section 103B.231, subdivision 3 4, to prepare, adopt, and implement a
21 watershed local water management plan shall apportion the costs of planning, capital improvements, and
22 maintenance proportionate to benefits. The county may apportion the costs among the subwatershed units in the
23 watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for
24 this purpose may establish more than one watershed management tax district in the watershed.

25 (d) Notification of new watershed management tax districts established under this subdivision must be made to the
26 county auditor by July 1 in order to be effective for taxes payable in the following year.

27 Subd. 2. Procedure. The district shall be established by ordinance adopted after a hearing. Notice of the time,
28 place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the
29 metropolitan local government unit, ending at least seven days before the day of the hearing. The ordinance shall
30 describe with particularity the territory or area to be included in the district. After adoption, the ordinance shall be
31 filed with the county auditor and county recorder. The district may be dissolved by following the procedures
32 prescribed for the establishment of the district.

33 Subd. 3. Tax. After adoption of the ordinance under subdivision 2, a metropolitan local government unit may
34 annually levy a tax on all taxable property in the district for the purposes for which the tax district is established.
35 The tax may not exceed 0.02418 percent of market value on taxable property located in rural towns other than
36 urban towns, unless allowed by resolution of the town electors. The proceeds of the tax shall be paid into a fund
37 reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the
38 district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the metropolitan local
39 unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district.

40 Subd. 4. Bonds. After adoption of the ordinance under subdivision 2, and after a contract for the construction of
41 all or part of an improvement has been entered into or the work has been ordered done by day labor, the
42 metropolitan local government unit may issue obligations in the amount it deems necessary to pay in whole or in
43 part the capital cost incurred and estimated to be incurred in making the project. The obligations shall be payable
44 out of the proceeds of the tax levied pursuant to subdivision 3. The metropolitan local unit may by resolution of its
45 governing body adopted prior to the sale of obligations pledge the full faith, credit and taxing power of the local
46 unit to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are
47 insufficient to pay principal and interest. The amount of any taxes which are required to be levied outside of the

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.231 and 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

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

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 county's 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.~~

(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.

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.

1 Subd. 10. ~~Watershed units. Watershed units means each of the 81 major watershed units identified in the state~~
2 ~~watershed boundaries map prepared pursuant to the requirements of Laws 1977, chapter 455, section 33,~~
3 ~~subdivision 7, paragraph (a) and the accompanying database, and the revisions of that database.~~

4 HIST: 1990 c 391 art 2 s 18
5
6

7 103B.311 County water planning and management.

8 Subdivision 1. County duties. ~~Each county is encouraged to develop and implement a comprehensive water plan.~~
9 Each county that develops and implements a Board approved plan has the duty and authority to:

10 (1) prepare and adopt a ~~comprehensive local~~ water management plan that meets the requirements of this section,
11 ~~and section 103B.315, 193 and 103B.401-408.~~

12 (2) review water and related land resources plans and official controls submitted by local units of government to
13 assure consistency with the ~~comprehensive local~~ water management plan; and
14

15 (3) exercise any and all powers necessary to assure implementation of comprehensive ~~the local~~ water management
16 plans.

17 Subd. 2. Delegation. The county is responsible for preparing, adopting, and assuring implementation of the
18 comprehensive water plan, but may delegate all or part of the preparation of the plan to a local unit of government,
19 a regional development commission, or a resource conservation and development committee. The county may not
20 delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that
21 does not possess those powers.

22 Subd. 3. ~~Coordination. (a) To assure the coordination of efforts of all local units of government within a county~~
23 ~~during the preparation and implementation of a comprehensive water plan, each county intending to adopt a plan~~
24 ~~shall conduct meetings with other local units of government and may execute agreements with other local units of~~
25 ~~government establishing the responsibilities of each unit during the preparation and implementation of the~~
26 ~~comprehensive water plan.~~

27 ~~(b) Each county intending to adopt a plan shall coordinate its planning program with contiguous counties. Before~~
28 ~~meeting with local units of government, a county board shall notify the county boards of each county contiguous to~~
29 ~~it that the county is about to begin preparing its comprehensive water plan and is encouraged to request and hold a~~
30 ~~joint meeting with the contiguous county boards to consider the planning process.~~

31 Subd. 4. ~~3~~ Local Water management plan requirements. (a) A ~~county comprehensive local~~ water management
32 plan must:

33 (1) cover the entire area within a county;

34 (2) address water ~~problems~~ management in the context of watershed units and groundwater systems;

35 (3) be based upon principles of sound hydrologic management of water, effective environmental protection, and
36 efficient management; and

37 (4) be consistent with existing ~~comprehensive water plans and official controls in the plan's jurisdiction.~~ prepared
38 by counties and watershed management organizations wholly or partially within a single watershed unit or
39 groundwater system; and
40

41 ~~(5) the comprehensive water plan must specify the period covered by the comprehensive water plan and must~~
42 ~~extend at least five years but no more than ten years from the date the board approves the comprehensive water~~
43 ~~plan. Comprehensive water plans that contain revision dates inconsistent with this section must comply with that~~
44 ~~date, provided it is not more than ten years beyond the date of board approval. A two-year extension of the revision~~

1 date of a comprehensive water plan may be granted by the board, provided no projects are ordered or commenced
2 during the period of the extension.

3 (b) Existing water and related land resources plans, including plans related to agricultural land preservation
4 programs developed pursuant to chapter 40A, must be fully utilized in preparing the comprehensive water plan.
5 Duplication of the existing plans is not required.

6 Subd. 5.—Watershed district and intercounty joint powers board plans and rules. A county must incorporate into
7 its comprehensive water plan any existing plans and rules adopted by a watershed district or intercounty joint
8 powers board having jurisdiction wholly or partly within the county. A county may change the plans and rules it
9 incorporates if the county demonstrates in its comprehensive water plan why the changes are necessary and if the
10 changes are agreed to by each county that is:

11 (1) responsible for the appointment of a manager serving on
12 the watershed board; or

13 (2) represented on the joint powers board.

14 Subd. 6.—Scope of plans. Comprehensive water plans must include:

15 (1) a description of the existing and expected changes to physical environment, land use, and development in the
16 county;

17 (2) available information about the surface water, groundwater, and related land resources in the county, including
18 existing and potential distribution, availability, quality, and use;

19 (3) objectives for future development, use, and conservation of water and related land resources, including
20 objectives that concern water quality and quantity, and sensitive areas, wellhead protection areas, high priority
21 areas for wetland preservation, enhancement, restoration, and establishment, stormwater management for
22 developing areas, and related land use conditions, and a description of actions that will be taken in affected
23 watersheds or groundwater systems to achieve the objectives;

24 (4) a description of potential changes in state programs, policies, and requirements considered important by the
25 county to management of water resources in the county;

26 (5) a description of conflicts between the comprehensive water plan and existing plans of other local units of
27 government;

28 (6) a description of possible conflicts between the comprehensive water plan and existing or proposed
29 comprehensive water plans of other counties in the affected watershed units or groundwater systems;

30 (7) a program for implementation of the plan that is consistent with the plans management objectives and includes
31 schedules for amending official controls and water and related
32 land resources plans of local units of government to conform with the comprehensive water plan, and the schedule,
33 components, and expected state and local costs of any projects to implement the comprehensive water plan that
34 may be proposed, although this does not mean that projects are required by this section; and

35 (8) a procedure for amending the comprehensive water plan.

36 Subd. 7.—Data acquisition. The data collected under this section that has common value as determined by the
37 commissioner of administration for natural resources planning must be provided and integrated into the Minnesota
38 land management information systems geographic and summary databases according to published data
39 compatibility guidelines.

40 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
41 24,25

42
43
44 103B.315 Comprehensive water plan review and adoption.

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's responsibilities administering 103B.190-.410 are shall:

1 (1) develop guidelines for the contents of comprehensive local water management plans that provide for a flexible
2 approach to meeting the different water and related land resources needs of ~~counties and watersheds across the state~~
3 citizens, local governments and state agencies;

4 (2) coordinate assistance of state agencies to ~~counties and other~~ local units of government involved in preparation
5 of comprehensive local water management plans, including identification of pertinent data and studies available
6 from the state and federal government;

7 ~~(3) conduct an active program of information and education concerning the requirements and purposes of sections~~
8 ~~103B.301 to 103B.355 in conjunction with the association of Minnesota counties~~;

9 ~~(4)~~³ determine contested cases under section 103B.345;

10 ~~(5)~~⁴ establish a process for review of comprehensive local water management plans that assures the plans are
11 consistent with state law;

12 ~~(6) report to the house of representatives and senate committees with jurisdiction over the environment, natural~~
13 ~~resources, and agriculture as required by section 103B.351; and~~

14
15 ~~(7)~~⁶ make grants to counties for comprehensive local water management planning and; implementation of priority
16 actions identified in approved plans, and sealing of abandoned wells.

17 Subd. 2. Board policies Rulemaking. The board may establish policies adopt rules to implement sections
18 103B.301 to 103B.355 103B.190-.193, and 103B.211 to 103B.410.

19 Subd. 3. ~~Local advisory committee~~. The board shall use a committee, consisting of persons representing counties,
20 soil and water conservation districts, municipalities, and townships and persons interested in water planning, to
21 assist the board in the water planning process. Members must be appointed, serve, and be paid their expenses but
22 may not receive other compensation, pursuant to section 15.014.

23 HIST: 1990 c 391 art 2 s 21; 1991 c 254 art 2 s 36; 1999 c 86 art 3 s 8

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25
26 103B.325 Consistency of local plans and controls with the comprehensive local water management plan.

27 Subdivision 1. Requirement. Local units of government shall amend existing water and related land resources
28 plans and official controls as necessary to conform them to the applicable, approved comprehensive local water
29 management plan following the procedures in this section.

30 Subd. 2. Procedure. Within 90 days after local units of government are notified by the county board of the
31 adoption of a comprehensive local water management plan or of adoption of an amendment to a comprehensive
32 local water management plan, the local units of government exercising water and related land resources planning
33 and regulatory responsibility for areas within the county must submit existing water and related land resources
34 plans and official controls to the county board for review. The county board shall identify any inconsistency
35 between the plans and controls and the comprehensive local water management plan and shall recommend the
36 amendments necessary to bring local plans and official controls into conformance with the comprehensive local
37 water management plan.

38 Subd. 3. Revision and implementation. Local units of government shall revise existing plans and official controls
39 to conform them to the recommendations of the county board and shall initiate implementation of the revised plans
40 and controls within 180 days after receiving the recommendations of the county board, or 180 days after resolution
41 of an appeal, whichever is later.

42 Subd. 4. Appeals. A local unit of government may, within 60 days after receiving the recommendations of the
43 county board, appeal any recommendation to the board of water and soil resources for a hearing as provided in
44 section 103B.345.

1 Subd. 5. New plans and controls. New or amended water and related land resources plans and official controls
2 proposed by local units of government for their adoption following adoption of the ~~comprehensive~~local water
3 management plan shall be submitted to the county board for review and recommendation as provided under this
4 section.

5 HIST: 1990 c 391 art 2 s 22
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7

8 103B.331 Authority under an approved ~~comprehensive~~ local water management plan.

9 Subdivision 1. Authority. When an approved ~~comprehensive~~local water management plan is adopted the county
10 has the authority specified in this section.

11 Subd. 2. Regulation of water and land resources. The county may regulate the use and development of water and
12 related land resources within incorporated areas when one or more of the following conditions exists:

13 (1) the municipality does not have a local water and related land resources plan or official controls consistent
14 with the ~~comprehensive~~local water management plan;

15 (2) a municipal action granting a variance or conditional use would result in an action inconsistent with the
16 ~~comprehensive~~local water management plan;

17 (3) the municipality has authorized the county to require permits for the use and development of water and
18 related land resources; or
19

20 (4) a state agency has delegated the administration of a state permit program to the county.
21

22 Subd. 3. Acquisition of property; assessment of costs.

23 A county may:

24 (1) acquire in the name of the county, by condemnation under chapter 117, real and personal property
25 found by the county board to be necessary for the implementation of an approved ~~comprehensive~~local
26 water management plan;

27 (2) assess the costs of projects necessary to implement the comprehensive local water management plan
28 undertaken under sections 103B.301 to 103B.~~355-335~~ and 103B.401 to 103B.408 upon the property
29 benefited within the county in the manner provided for municipalities by chapter 429;

30 (3) charge users for services provided by the county necessary to implement the ~~comprehensive~~local water
31 management plan; and

32 (4) establish one or more special taxing districts within the county and issue bonds for the purpose of
33 financing capital improvements under sections 103B.193, 103B.301 to 103B.~~355-335~~.

34 Subd. 4. Special taxing district. (a) A tax district authorized under subdivision 3, clause (4), must be established
35 by resolution adopted by the county board after a hearing. Notice of the time, place, and purpose of the hearing
36 must be published for two successive weeks in the official newspaper of the county, ending at least seven days
37 before the day of the hearing. The resolution must describe with particularity the territory or area to be included in
38 the tax district. After adoption, the resolution must be filed with the county auditor and county recorder. The
39 district may be dissolved by following the procedures prescribed for the establishment of the district.

40 (b) After adoption of the resolution under paragraph (a), a county may annually levy a tax on all taxable property in
41 the district for the purposes for which the tax district was established. The proceeds of the tax must be paid into a
42 fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or
43 the district is dissolved must be transferred and irrevocably pledged to the debt service fund of the county to be
44 used only to reduce tax levies for bonded indebtedness of taxable property in the district.

(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

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.

1 Subd. 3. County request and sponsorship. Counties must submit funding requests to the board. A county must
2 coordinate and submit requests on behalf of other units of government within its jurisdiction.

3 Subd. 4. Contracts with local governments. A county may contract with other appropriate local units of
4 government to implement programs. An explanation of the program responsibilities proposed to be contracted with
5 other local units of government must accompany grant requests. A county that contracts with other local units of
6 government is responsible for ensuring that state funds are properly expended and for providing an annual report to
7 the board describing expenditures of funds and program accomplishments.

8 Subd. 5. Financial assistance. The board may award grants to watershed management organizations in the seven-
9 county metropolitan area or counties to carry out water resource protection and management programs identified as
10 priorities in ~~comprehensive~~ local water management plans. Grants may be used to employ persons and to obtain
11 and use information necessary to:

12 (1) develop ~~comprehensive~~ local water management plans under sections 103B.255 and 103B.311 that have not
13 received state funding for water resources planning as provided for in Laws 1987, chapter 404, section 30,
14 subdivision 5, clause (a);

15 (2) revise ~~comprehensive~~ local water management plans under section
16 103B.201; and

17 (3) implement local water management plans.

18 A base grant shall be awarded to a county that levies a water implementation tax at a rate, which shall be
19 determined by the board. The minimum amount of the water implementation tax shall be a tax rate times the
20 adjusted net tax capacity of the county for the preceding year. The rate shall be the rate, rounded to the nearest .001
21 of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000.
22 The base grant will be in an amount equal to \$37,500 less the amount raised by that levy. If the amount necessary
23 to implement the local water plan for the county is less than \$37,500, the amount of the base grant shall be the
24 amount that, when added to the levy amount, equals the amount required to implement the plan. For counties
25 where the tax rate generates an amount equal to or greater than \$18,750, the base grant shall be in an amount equal
26 to \$18,750.

27 Subd. 6. Limitations. (a) Grants provided to implement programs under this section must be reviewed by the
28 state agency having statutory program authority to assure compliance with minimum state standards. At the request
29 of the state agency commissioner, the board shall revoke the portion of a grant used to support a program not in
30 compliance.

31 (b) Grants provided to develop or revise ~~comprehensive~~ local water management plans may not be awarded for a
32 time longer than two years.

33 (c) A county may not request or be awarded grants for project implementation unless a ~~comprehensive~~ local water
34 management plan has been adopted.

35 Subd. 7. Repealed, 2002 c 220 art 8 s 16

36 Subd. 8. Repealed, 2002 c 220 art 8 s 16

37 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
38 s 26,27

40
41 103B.341 Public drainage.

42 Projects necessary to implement the comprehensive water plan that are intended for the purpose of improving
43 drainage must be established, repaired, and improved under chapter 103E and not sections 103B.301 to 103B.355.

1 HIST: 1990 c 391 art 2 s 25

4 103B.345 Resolution of disputes.

5 Subdivision 1. Informal resolution. ~~The county or other~~ A local unit of government may request a meeting with
6 the chair of the board of water and soil resources to informally resolve a dispute before initiating a contested case
7 procedure under this section.

8 Subd. 2. Petition for hearing. A ~~county or other~~ local unit of government may petition for a hearing by the board
9 under this section if:

10 (1) the interpretation and implementation of a ~~comprehensive local~~ water management plan is challenged by a
11 local unit of government aggrieved by the plan;

12 (2) two or more ~~counties~~ local governments disagree about the apportionment of the costs of a project
13 implementing a ~~comprehensive local~~ water management plan; or

14 (3) ~~a county and another~~ local unit of governments disagree about a change in a local water and related land
15 resources plan or official control recommended by the county under section 103B.325.

16 Subd. 3. Time for petition. ~~The county or other~~ A local unit of government must file the petition by 60 days
17 after:

18 (1) the date of the adoption or approval of the disputed ordinance or other decision required to be made to
19 implement the ~~comprehensive local~~ water management plan; or

20 (2) the date a local unit of government receives a recommendation of the county board under section
21 103B.325.

22 Subd. 4. Hearing. If the aggrieved ~~county or other~~ local unit of government files a petition for a hearing, a
23 hearing must be conducted by the board within 60 days of the request. The subject of the hearing may not extend to
24 questions concerning the need for a ~~comprehensive water~~ management plan. Within 60 days after the close of the
25 hearing, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with
26 respect to the issue before it.

27 Subd. 5. Appeal. Any local unit of government or state agency aggrieved by the final decision of the board may
28 appeal the decision to the court of appeals in the manner provided by sections 14.63 to 14.69.

29 HIST: 1990 c 391 art 2 s 26; 1991 c 214 s 1,2

31 103B.351 Repealed, 2002 c 220 art 8 s 16

33 103B.355 Application.

34 Sections 103B.301 to 103B.355 do not apply in areas subject to the requirements of sections 103B.201 to
35 103B.255 under section 103B.231, subdivision 1, and in areas covered by an agreement under section
36 103B.231, subdivision 2, except as otherwise provided in sections 103B.311, subdivision 4, clause (4); and
37 103B.315, subdivisions 1, clauses (3) and (4), and 2, clause (b).

38 HIST: 1990 c 391 art 2 s 28; 1990 c 601 s 2; 1995 c 184 s 28

41 103B. 401 Development of Board policy.

1 The Board shall solicit public input when developing policies related to plan coordination, development, review,
2 approval, amendment, annual reporting and failure to implement. The adopted policies shall be communicated to
3 all local government units listed in this 103B.192, subd. 7.
4

5
6 103B. 402 Priority concerns scoping document. Each priority concerns scoping document must contain:
7

8 (1) the list of proposed priority concerns the plan will address; and

9 (2) a description of how and why the priority concerns were chosen, including:

10 a. a list of all public and internal forums held to gather input regarding priority concerns, including:

11 i. the dates they were held;

12 ii. a list of participants and affiliated organizations;

13 iii. a summary of the proceedings; and

14 iv. supporting data.
15

16 b. the process used to locally coordinate and resolve differences between the plan's priority concerns
17 and other state, local and regional concerns.
18

19 c. a list of issues identified by the stakeholders but not selected as a priority concern, why it was not
20 included in the list of priority concerns, and a brief description of how that concern may be
21 addressed or delegated to other partnering entities.
22
23

24 103B. 403 Content of the plan.
25

26 Subd. 1. Executive summary. Each plan must have an executive summary, including:

27 (1) the purpose of the local water management plan;

28 (2) a description of the priority concerns to be addressed by the plan;

29 (3) a summary of goals and actions to be taken along with the projected total cost of the implementation
30 program;

31 (4) a summary of the consistency with of the plan with other pertinent local, state and regional plans and
32 controls; and where inconsistencies are noted,

33 (5) a summary of recommended amendments to other plans and official controls to achieve consistency.
34

35 Subd. 2. Assessment of priority concerns. For each priority concern defined pursuant to 103B.402 clause 1 the
36 plan shall analyze relevant data, plans and policies provided by agencies consistent with 103B.405 Subd. 6 and
37 describe the magnitude of the concern including how the concern is impacting or changing the local land and water
38 resources.
39

40 Subd. 3. Goals and objectives addressing the priority concerns. Each plan must contain specific measurable goals
41 and objectives relating to the priority concerns and other state, regional or local concerns. The goals and objectives
42 shall coordinate and attempt to resolve conflict with city, county, regional, or state goals and policies.
43

44 Subd. 4. Implementation program for priority concerns. For the measurable goals identified in Subd. 3 of this
45 section, each plan must include an implementation program that includes:
46

47 (a) Actions. An implementation program shall include actions involving, but not limited to: data collection
48 programs, educational programs, capital improvement projects, project feasibility studies, enforcement strategies,
49 amendments to existing official controls, and adoption of new official controls. If the local government considers
50 no actions are necessary to address the goals and objectives identified in subd. 3 of this section it must explain why
51 actions are not needed. Staff and financial resources available or needed to carry out the local water management
52 plan must be stated.

1
2 (b) Schedule. The implementation schedule must state the time in which each of the actions contained in the
3 implementation program will be taken.

4
5 (c) Agreements with local units. If a local government has made any agreement for the implementation of the
6 plan or portions of a plan by an other local unit of government , that local unit must be specified, the responsibility
7 indicated, and a description included indicating how and when the implementation will happen.

8
9 (d) Capital improvement program. If capital improvement projects are proposed to implement the local water
10 management plan, the projects must be described in the plan. The description of a proposed capital improvement
11 project must include the following information:

- 12 1. the physical components of the project, including their approximate size, configuration, and location;
- 13 2. the purposes of the project and their relationship to the objectives in the plan;
- 14 3. the proposed schedule for project construction;
- 15 4. the expected federal, state, and local costs;
- 16 5. the types of financing proposed, such as special assessments, ad valorem taxes, and grants; and
- 17 6. the sources of local financing proposed.

18
19 Subd. 5. Other water management responsibilities and activities coordinated by the plan. This section shall
20 contain:

- 21
- 22 (a) the actions that will be taken to carry out the responsibilities or activities.
- 23 (b) identify the lead and supporting organizations or government units that will be involved in carrying out
24 the action; and
- 25 (c) estimate the cost of each action.

26
27 Subd. 6. Amendments.

28
29 The plan authority may initiate an amendment to the local water management plan by submitting a petition to the
30 Board, and sending copies of the proposed amendment and the date of the legally noticed public hearing to the
31 following entities for review:

- 32 1) local government units defined in section 103B.192 subd.7 who are within the plan's jurisdiction;
- 33 2) the metropolitan council if the plan covers land within the metropolitan area; and
- 34 3) the state review agencies.

35 After the public hearing the Board may, by order, approve or prescribe changes in the amendment. The amendment
36 becomes part of the local water management plan after being approved by the board. The Board must send the
37 order and the approved amendment to the entities that received the proposed amendment and notice of the public
38 hearing.

39
40
41 103B.404. Review of local, state and regional plans and controls with the water plan.

42
43 Subdivision 1. Comprehensive plans and official controls. Any local government developing a local water
44 management plan pursuant to 103B.193 shall review pertinent local government units comprehensive plans and
45 official controls adopted within the jurisdiction of the local water management plan and explain and attempt to
46 resolve inconsistencies between those plans and the local water management plan.

47
48 Subd. 2. Neighboring watersheds or counties. Any local government developing a local water management plan
49 pursuant to 103B.193 shall review pertinent plans of neighboring watersheds or counties and explain and attempt to
50 resolve inconsistencies between those plans and the local water management plan. The plan authority shall also
51 identify opportunities to coordinate implementation programs identified in the respective plans.

1 Subd. 3. Regional or basin water management plans. Any local government developing a local water management
2 plan pursuant to 103B.193 shall review any regional or basin water management plans and explain and attempt to
3 resolve inconsistencies between those plans and the local water management plan.

4
5 Subd. 4. Statewide plans. Any local government developing a local water management plan pursuant to 103B.193
6 shall review pertinent statewide plans and explain and attempt to resolve inconsistencies between the local water
7 management plan and the statewide water and related land resource plans.

8
9 Subd. 5. Locally initiated conflict resolution process. Local governments shall utilize the conflict resolution
10 procedure defined in 103B.193 Subd. 6 (5) to resolve inconsistency of plans relating to:

11 (a) conflict between two local water management plans;

12 (b) conflict between a local water management plan and other local plans or official controls; or

13 (c) any other disputes relating to a local water management plan.

14
15 Subd. 6. Resolution of disputes. The local unit of government may request to the Board pursue resolution of a
16 conflict in accordance with 103B.345.

17
18
19 103B.405 Plan development

20
21 Subd 1. Notice of plan revision. The local water management plan authority shall send a notice to local
22 government units partially or wholly within the planning jurisdiction, adjacent counties, and state review agencies
23 of their intent to revise the local water management plan. The notice of a plan revision shall include an invitation
24 for all recipients to submit priority concerns they wish to see the plan address.

25
26 Subd. 2. Submitting priority concerns to the planning authority. Local governments and state review agencies
27 must submit the priority concerns they want the plan to address to the plan authority within 45 days of receiving the
28 notice defined in subd. 1 of this section or within an otherwise agreed upon timeframe.

29
30 Subd. 3. Public information meeting. Before submitting the priority concerns scoping document to the board, the
31 plan authority shall legally notice and conduct a public information meeting.

32
33 Subd. 4. Submittal of the priority concerns scoping document to the Board. The plan authority shall send the
34 scoping document as defined in 103B.402 to all state review agencies for review and comment. State review
35 agencies shall provide comments on the plan outline to the Board within 30 days of receipt.

36
37 Subd. 5. Board review of the priority concerns scoping document. The board shall review the scoping document
38 and the comments submitted in accordance with subd. 5 of this section. The board shall provide comments to the
39 local plan authority within 60 days of receiving the scoping document, or after the next regularly scheduled Board
40 meeting, whichever is later. No local water management plan can be approved pursuant to 103B.406 subd.5
41 without addressing items communicated in the Board comments to the plan authority. The plan authority may
42 request that resolution of unresolved issues be addressed pursuant to Board policy defined in 103B.345.

43
44 Subd. 6 Requests for existing agency information relevant to the priority concerns scoping document. The state
45 review agencies shall, upon request from the local government, provide existing plans, reports and data analysis
46 related to priority concerns to the plan author within 60 days from the date of the request or within an otherwise
47 agreed upon timeframe.

48
49
50 103B.406 Plan review, approval and adoption.

51
52 Subd. 1. Distribution of the draft plan. When the revised draft of the local water management plan is completed, it
53 shall be submitted to the Board, local governments, and state review agencies. State review agencies that did not

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

1 (d) proposed remedies.

2
3 The executive director of the Board may deny the petition if it is found to be meritless, trivial, or brought solely for
4 purposes of delay.

5
6 Subd. 4. Establishing Just Cause. The board shall establish just cause through development of a report
7 ascertaining whether a failure to implement exists, define the exact nature of the failure to implement, and
8 recommend a course of action including a date when the course of action must be completed for the board to make
9 a final determination regarding failure to implement. The board shall provide any findings and recommendations in
10 writing.

11
12 Subd. 5. Potential Remedies upon Determination.

13
14 (a) If the Board determines that a local water management plan authority is not implementing the plan pursuant to
15 103B.190 to 103B.193, 103B.201- 103B.251, 103B.301- 103B.352, 103B.401-410, or 103D.401 – 103D.405 the
16 Board shall require the plan authority to appear at a regularly scheduled meeting of the Board to determine remedial
17 action.

18
19 (b) The provisions of this paragraph apply until the board of water and soil resources determines that a plan is
20 being implemented in accordance with this chapter.

21
22
23 103B.409 Wetland management in local water management plans.

24
25 As an alternative to the procedures in 103G.2243, Subd. 1 and Subd. 3, a comprehensive wetland protection and
26 management plans developed under 103G.2243, Subd. 2, may be approved by the board as part of a local water
27 management plan.

28
29
30 103B.410 Soil and water conservation district comprehensive plans.

31
32 As an alternative to 103C.331, Subd. 11, a soil and water conservation district may adopt as their Comprehensive
33 Plan, all or part of a County, Watershed District or watershed management organization plan approved by the
34 Board under developed under this section.

35
36
37 103D.401 Local Water Management Plan

38 Subdivision 1. Contents. (a) The managers must adopt a local water management plan for any or all of the
39 purposes for which a watershed district may be established in conformance with 103B.193 and 103B.402-408
40 requirements. The local water management plan for a watershed district must also give a narrative description of
41 existing water and water-related problems within the watershed district, possible solutions to the problems, and the
42 general objectives of the watershed district. The managers must adopt a watershed management plan for any or all
43 of the purposes for which a watershed district may be established. The watershed management plan must give a
44 narrative description of existing water and water-related problems within the watershed district, possible solutions
45 to the problems, and the general objectives of the watershed district. The watershed management plan must also
46 conform closely with 103B.201 – 103B.210 watershed management plan requirements guidelines as adopted and
47 amended from time to time by the board of water and soil resources.

48 (b) The local water management plan watershed management plan may include a separate section on proposed
49 projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or

1 petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the
2 watershed district for purposes of review by the metropolitan council under section 473.165.

3 Subd. 2. ~~Review. The managers must send a copy of the proposed watershed management plan to the county~~
4 ~~auditor of each county affected by the watershed district, the board, the commissioner, the director, the governing~~
5 ~~body of each municipality affected by the watershed district, and soil and water conservation districts affected by~~
6 ~~the watershed district. For a watershed district within the metropolitan area, a copy of the proposed watershed~~
7 ~~management plan must also be submitted to the metropolitan council.~~

8 Subd. 3. ~~Director's and metropolitan council's recommendations. After receiving the watershed management~~
9 ~~plan, the director and the metropolitan council must review and~~
10 ~~make recommendations on the watershed management plan. By 60 days after receiving the plan, the director and~~
11 ~~the metropolitan council must send their recommendations on the watershed management plan to the board and a~~
12 ~~copy to the managers of the watershed district, the county auditor of each county affected by the watershed district,~~
13 ~~the governing bodies of all~~
14 ~~municipalities affected by the watershed district, and soil and water conservation districts affected by the watershed~~
15 ~~district. The board may extend the period for review and transmittal of the recommendations.~~

16 Subd. 4. ~~Hearing notice. (a) The board must give notice and hold a watershed management plan hearing on the~~
17 ~~proposed watershed management plan by 45 days after receiving the director's and metropolitan council's~~
18 ~~recommendations.~~

19 (b) ~~The board must give notice of the watershed management plan hearing by publication in a legal newspaper~~
20 ~~that is published in counties affected by the watershed district. The last publication must occur at least ten~~
21 ~~days before the watershed management plan hearing.~~

22 (c) ~~The board must give notice of the watershed management plan hearing by mail to the auditors of counties~~
23 ~~and to the chief executive officials of municipalities affected by the watershed district.~~

24 (d) ~~The notice must include:~~

25
26 (1) ~~a statement that a copy of the proposed watershed management plan has been filed with the board, the~~
27 ~~metropolitan council, where applicable, the auditors of counties affected by the proposed watershed~~
28 ~~district, the commissioner, the director, the governing body of each municipality affected by the~~
29 ~~watershed district, and the soil and water conservation districts affected by the watershed district;~~

30 (2) ~~a general description of the purpose of the watershed district;~~

31 (3) ~~a general description of the property included in the watershed district;~~

32 (4) ~~a general description of the proposed watershed management plan;~~

33 (5) ~~the date, time, and location of the hearing; and~~

34 (6) ~~a statement that all persons affected or interested in the watershed district may attend and give~~
35 ~~statements at the watershed management plan hearing.~~

36
37 Subd. 5. ~~Board approval. After the watershed management plan hearing, the board must, by order, prescribe and~~
38 ~~approve a watershed management plan for the watershed district. The board must send a copy of the order and~~
39 ~~approved watershed management plan to the managers, the county board of each county affected by the watershed~~
40 ~~district, the commissioner, the director, the metropolitan council, where applicable, the governing body of each~~
41 ~~municipality affected by the watershed district, and soil and water conservation districts affected by the watershed~~
42 ~~district. The watershed management plan approved by the board is the watershed management plan for the~~
43 ~~watershed district.~~

45 *(Revisions to 103D)*

46 103D.405 Revised watershed management plan

47 Subdivision 1. Requirements. The revised local water management plan must also conform closely with
48 103B.193 and 103B.401-408 watershed management plan requirements and with guidelines as adopted and
49 amended from time to time by the board of water and soil resources.

1 (a) The managers and the board must revise the watershed management plan for the watershed district at least once
2 every ten years after the original watershed management plan is approved. The revised
3 watershed management plan of the district must conform closely with adopted watershed management plan
4 guidelines of the board of water and soil resources. (b) The managers must include the following items in the
5 revised watershed management plan: (1) updates and supplements of the existing hydrological
6 and other statistical data of the watershed district; (2) specific projects and programs to be considered for
7 implementation; (3) a statement of the extent that the purposes for which the watershed district had been established
8 have been accomplished; (4) a description of problems requiring future action by the watershed district; (5) a
9 summary of completed studies on active or planned projects, including financial data; and (6) an analysis of the
10 effectiveness of the watershed district's rules and permits in achieving its water management objectives in the
11 watershed district. (c) A revised watershed management plan must be transmitted, reviewed, recommended, and
12 approved as provided in subdivisions 2 to 4 and 6.

13
14 Subd. 2. Required ten-year revision. (a) After ten years and six months from the date that the board approved a
15 watershed management plan or the last revised watershed management plan, the managers must consider the
16 requirements under subdivision 1 and adopt a revised watershed management plan outline and send a copy of the
17 outline to the board. (b) By 60 days after receiving a revised watershed
18 management plan outline, the board must review it, adopt recommendations regarding the revised watershed
19 management plan outline, and send the recommendations to the managers. (c) By 120 days after receiving the
20 board's recommendations regarding the revised watershed management plan outline, the managers must complete
21 the revised watershed management plan.

22
23 Subd. 3. Review. The managers must send a copy of the revised watershed management plan to the board, the
24 county board and county auditor of each county affected by the watershed district, the director, the governing body
25 of each municipality affected by the watershed district, soil and water conservation districts affected by the
26 watershed district, and the metropolitan council, if the watershed district is within
27 the metropolitan area.

28
29 Subd. 4. Director's and metropolitan council's recommendations. The director and the metropolitan council, if
30 applicable, must review and make recommendations on the revised watershed management plan. By 60 days after
31 receiving the revised watershed management plan unless the time is extended by the board, the director and the
32 council must send the recommendations on the revised watershed management plan to the board, and a copy of the
33 recommendations to the managers, the county auditor of each county affected by the watershed district, the
34 governing body of each municipality affected by the watershed district, and soil and water conservation districts
35 affected by the watershed district.

36
37 Subd. 5. Notice. (a) The board must give notice and hold a revised watershed management plan hearing on the
38 proposed revised watershed management plan by 45 days after receiving the director's and metropolitan council's
39 recommendation. (b) The board must give notice of the revised watershed
40 management plan hearing by publication in a legal newspaper published in counties affected by the watershed
41 district. The last publication must occur at least ten days before the revised watershed management plan hearing.
42 (c) The board must give notice of the revised watershed management plan hearing by mail to the auditors of
43 counties and to the chief executive officials of municipalities affected by the watershed district.
44 (d) The notice must include:

45
46 (1) a statement that a copy of the proposed revised watershed management plan has been filed with the board, the
47 metropolitan council, where applicable, the auditors of counties affected by the proposed watershed district, the
48 commissioner, the director, the governing body of each municipality affected
49 by the watershed district, and the soil and water conservation districts affected by the watershed district;
50 (2) a general description of the purpose of the watershed district;
51 (3) a general description of the property included in the watershed district;
52 (4) a general description of the proposed revised watershed management plan;
53 (5) the date, time, and location of the hearing; and

1 (6) a statement that all persons affected or interested in the watershed district may attend and give statements at the
2 revised watershed management plan hearing.

3
4 Subd. 6. Board order. After the revised watershed management plan hearing, the board must prescribe a revised
5 watershed management plan for the watershed district. The board must send a copy of the order and approved
6 revised watershed management plan to the managers, the county board of each county
7 affected by the watershed district, the commissioner, the director, the metropolitan council, where applicable, and
8 soil and water conservation districts affected by the watershed district. The revised watershed management plan
9 approved by the board is the revised watershed management plan for the watershed district.

10
11 103D.411 Amendment of watershed management plan and revised watershed management plan.
12 The managers may initiate an amendment of a watershed management plan or revised watershed management plan
13 by submitting a petition with the proposed amendment to the board. The board must give notice and hold a hearing
14 on the amendment in the same manner as for the watershed management plan. After the hearing, the board may, by
15 order, approve or prescribe changes in the amendment. The amendment becomes part of the watershed
16 management plan after approval by the board. The board must send the order and approved amendment to the
17 entities that receive an approved watershed management plan under section 103D.401, subdivision 5.
18

20

21 *(Financing revisions)*

22
23 103B.335 Tax levy authority.

24
25 Subdivision 1. Local water planning and management.

26 The governing body of any county, municipality, or township may levy a tax in an amount required to implement
27 sections 103B.301 to 103B.355. The amount of the levy up to 0.02418 percent of taxable market value is exempt
28 from the levy limit under section 275.70 to 275.74, effective for taxes levied in 2003, payable in 2004 and
29 thereafter.

30
31 Subd. 2. Priority programs; conservation and watershed districts. A county may levy amounts necessary to pay
32 the reasonable increased costs to soil and water conservation districts and watershed districts of administering and
33 implementing priority programs identified in an approved and adopted plan.

34
35 HIST: 1990 c 391 art 2 s 24; 1992 c 511 art 2 s 4; art 5 s 3

36
37
38 275.066 Special taxing districts; definition.

39
40 For the purposes of property taxation and property tax state aids, the term "special taxing districts" includes the
41 following entities:

- 42
43 (1) watershed districts under chapter 103D;
44
45 (2) sanitary districts under sections 115.18 to 115.37;
46
47 (3) regional sanitary sewer districts under sections 115.61 to 115.67;
48
49 (4) regional public library districts under section 134.201;
50
51 (5) park districts under chapter 398;
52
53 (6) regional railroad authorities under chapter 398A;

p.38

DRAFT DOCUMENT. This document may contain errors or editing mistakes. We would appreciate you bringing them to our attention by contacting marybeth.block@bwsr.state.mn.us or calling 651-297-7965.

draft103Bvisions.doc/27-Nov-02

- 1
2 (7) hospital districts under sections 447.31 to 447.38;
3
4 (8) St. Cloud metropolitan transit commission under sections 458A.01 to 458A.15;
5
6 (9) Duluth transit authority under sections 458A.21 to 458A.37;
7
8 (10) regional development commissions under sections 462.381 to 462.398;
9
10 (11) housing and redevelopment authorities under sections 469.001 to 469.047;
11
12 (12) port authorities under sections 469.048 to 469.068;
13
14 (13) economic development authorities under sections 469.090 to 469.1081;
15
16 (14) metropolitan council under sections 473.123 to 473.549;
17
18 (15) metropolitan airports commission under sections 473.601 to 473.680;
19
20 (16) metropolitan mosquito control commission under sections 473.701 to 473.716;
21
22 (17) Morrison county rural development financing authority under Laws 1982, chapter 437, section 1;
23
24 (18) Croft Historical Park District under Laws 1984, chapter 502, article 13, section 6;
25
26 (19) East Lake county medical clinic district under Laws 1989, chapter 211, sections 1 to 6;
27
28 (20) Floodwood area ambulance district under Laws 1993, chapter 375, article 5, section 39;
29
30 (21) a joint powers Middle Mississippi river watershed management organization under sections 103B.211 and
31 103B.241;
32
33 (22) emergency medical services special taxing districts under section 144F.01;
34
35 (23) a county levying under the authority of section 103B.241, 103B.245, 103B.251; and
36
37 (24) any other political subdivision of the state of Minnesota, excluding counties, school districts, cities, and
38 towns, that has the power to adopt and certify a property tax levy to the county auditor, as determined by the
39 commissioner of revenue.
40
41 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
42
43 * NOTE: The amendment to clause (22) by Laws 2001, First *Special Session chapter 5, article 3, section 50, is
44 effective *for taxes levied in 2002, payable in 2003, through taxes levied *in 2007, payable in 2008. Laws 2001,
45 First Special Session *chapter 5, article 3, section 50, the effective date.
46
47

Nutrient Reduction of the Upper Pelican River Area Becker County, Minnesota (Campbell Lake, Big and Little Floyd Lakes, Rice Lake Wetland, Big and Little Detroit Lakes sub-watersheds)

Campbell Lake, Campbell Creek, Floyd Lake Subwatershed Area

IMPAIRMENT: *Elevated lake phosphorus and algal concentrations and reduced water clarity.*

Overall Goal: 50% reduction in total phosphorus and sediment loadings.

Annually, as much as 150 tons of sediment and up to 2000 pounds of phosphorus flow into North Floyd Lake. Between 50 – 80% of these loadings generally come during peak discharge at the time of springtime thawing and rainfall events. Summer storm events are also noticeable loading events.

A combination of agricultural runoff and sediments from streambank erosion are the principal sources of Campbell Creek's heavy load of sediment and nutrients to North Floyd Lake.

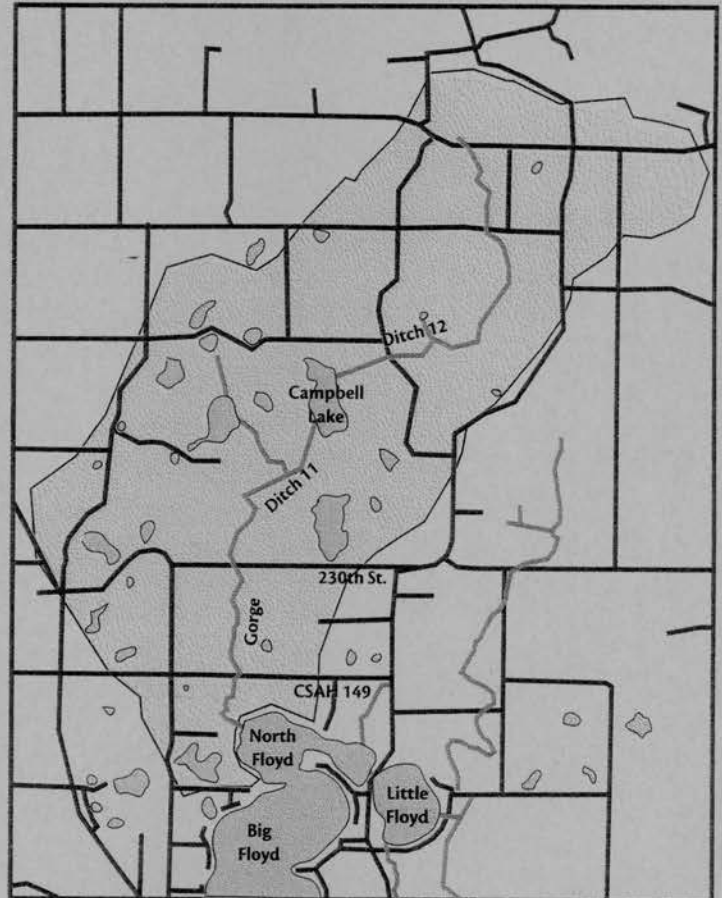
About 15,000 acres drains via Campbell Lake, Ditch 11-12 and Campbell Creek to North Floyd Lake. Drainage from much of this area, a mixture of farmland, woodlands and wetlands, was enhanced by the construction of Ditches 11 and 12 in the early part of the 1900's. The ditch conveyed water from many acres of drained wetlands as well as from Campbell Lake to Campbell Creek. Campbell Creek itself flows through a deep valley with banks comprised of highly erodible soils.

This sets the stage for a large amount of sediment and nutrients to be discharged to North Floyd Lake. Of particular concern are the spring runoff events which account for more than 80% of the nutrient and sediment loadings to the lake. Lesser, though still important, episodes of loadings occur during wet periods, storm events, and beaver dam removals.

The District recognizes the general problems and the causes. It has searched for methods to solve them. A plan drawn up by a consultant in 1997 suggested some measures to address the matter. Accordingly, the District has worked with some landowners to implement "best management practices" aimed at reducing cropland runoff. Also, the timing of beaver dam removals has been altered to try to make sure that such actions do not coincide with runoff events.

The District recognizes that at least two more major actions must be taken to fully solve the problem. Some upstream detention is needed to reduce the peak flows, especially during the springtime snowmelt. Also, erosion control in the Campbell Creek "gorge" is essential.

The District currently is exploring ways that these tasks may be accomplished. Among them is an effort to develop a working relationship with the US Natural Resources and Conservation Service and the Becker County Soil and Water Conservation District resulting in both technical and financial assistance.



Erosion Site on Campbell Creek

Campbell Lake, Campbell Creek, Floyd Lake Subwatershed Area

Lake Management Goals

- **North Floyd Lake (AKA Mud)**

Restoration Policy: Reduce current in-lake P concentration to an in-lake P goal (whole lake) of 30 – 40 µg/L range

- **Big and Little Floyd Lakes**

Non-degradation Policy: Maintaining in-lake TP values in the 20-30 µg/L range

Stream Management Goals

- **Inlet to North Floyd Lake- Campbell Creek (Stream Monitoring Site CC1)**

Restoration Policy: Reduce average of 89 ppb total phosphorus (1998-2000 conditions) to 40 – 50 ppb total phosphorus. average total phosphorus for the study period was on the order of 89 ppb with 42 ppb noted in ortho-phosphorus. The corresponding total suspended solids value was noted to be about 12.7 mg/L.

Recreational Benefit:

Attaining an in-lake average P concentration of 30 – 40 µg/L or lower should keep chlorophyll-a (algae) concentrations at or below 20 µg/L about 75 to 90 percent of the summer and Secchi at or above 2 meters 60 to 80 percent of the summer.

Improvement of North Floyd will have downstream beneficial effects on Little Floyd, likely dropping average summer TP to values less than 25 ug P/L.

Consequences of no action: water quality for North Floyd Lake will continue to be impaired. The longer elevated phosphorus loading occurs via Campbell Creek into North Floyd Lake the greater the likelihood of internal P recycling from lake sediments, especially for lakes with significant shelf depths of 10 and 35 feet.

Rice Lake Wetland and Detroit Lake Area

Summary

Detroit Lake is 3,089 acres within the City of Detroit Lakes, in Becker County, Minnesota. A borderline mesotrophic, general development lake, it has experienced over the past several years an increase in frequency and severity of nuisance algal blooms.

Detroit was the subject of a 1993-approved Phase I Clean Water Partnership study. The study's "water quality goal" for Detroit Lake is to maintain maximum trophic state indices below 50. The "management plan" emphasized anti-degradation measures to maintain and protect fishing, swimming, boating, and fish/wildlife habitat uses and the level of water quality necessary to support those uses. Pollutant reduction recommendations included reduction of episodes of high nutrient loadings from (1) upstream areas in general and (2) the Rice Lake wetland in particular. Also recommended was to control in-lake nuisance macrophyte populations, including special attention to the exotic aquatic plant flowering rush.

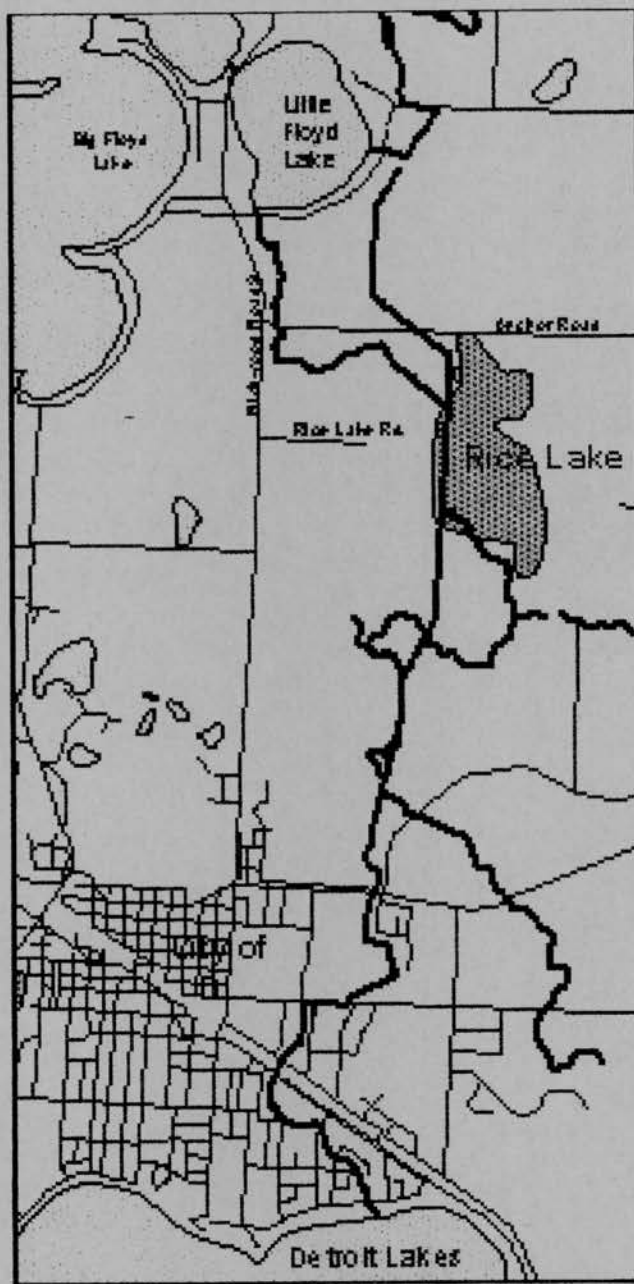
After 1993, numerous urban best management practices (BMP's) were adopted to reduce non-point sources. Partial success of these measures is indicated by the fact that Little Detroit Lake, a shallow portion of Detroit Lake, has experienced significant in-lake phosphorus reductions and transparency improvements presumably because of the reduction of surface runoff and nutrient loadings.

Yet there has been no detectable improvement in Big Detroit Lake, apparently because of nutrient discharges through Rice Lake wetland, along with some internal loading from the deeper waters of Big Detroit, have overwhelmed any possible improvements from these measures.

A Rice Lake water impoundment project element described in the 1993 Phase I study could not be implemented because of potential flooding problems revealed by a detailed hydrologic study conducted by the MNDNR.

Based upon that study, and the Pelican River Watershed District's continuing monitoring and analysis efforts, it is clear that nutrient loadings from the Rice Lake area are the main source of external nutrient loadings to Detroit Lake.

Internal loading from within Big Detroit is another problem. Depleted oxygen and elevated ortho-phosphorus are found in the deeper areas of the lake in July and August. It is believed that this phosphorus migrates from deep areas of the lake to the surface during the summer causing severe summer algae blooms; fall



turnover brings large quantities of biologically available phosphorus to the surface, also causing clarity problems.

Loadings from untreated runoff areas, including the immediate shoreline area of the lake are also recognized as a continuing problem. Construction of additional stormwater treatment facilities, including ponds and in-line devices, as well as enhanced shoreline and urban BMP's are required.

Detroit Lake

The lake has a mean depth of 18.4 ft and a hydraulic residence time of approximately 5 years. Existing uses include swimming, boating, fishing, and fish/wildlife habitat. Point sources are absent. In-lake water quality data and tributary data are available for 12 consecutive years.

This water body has two distinct basins - Big Detroit and Little Detroit. Three major nutrient sources have been identified: (1) urban stormwater runoff, (2) internal lake phosphorus loading of Big Detroit lake basin, and the (3) Rice Lake wetland.

Urban Stormwater Runoff - Intensification of watershed development. Classified as a "general development" lake, Big and Little Detroit lake basins have dense shoreline development and experience physical constraints typical of a fully developed urban watershed. In 1993, city water and sewer was installed around the lake which spurred on development and re-development. In the past ten years, the occupancy of most of the properties have been converted to year-round homes. Most of the older summer cottages have been replaced with larger structures and greatly expanded impervious surfaces. Almost 34% of the shoreline has been rip-rapped, and 80% has experienced vegetation, topographic or littoral alterations. These changes have continued in spite of public education and aggressive enforcement of shoreland ordinances, and other regulations in the 1990's. These recent shoreland changes are accompanied by second and third tier development, some of which have direct access to the lake. The numbers of boats and personal watercraft have increased by 15% in the last five years.

In order to address the urban stormwater pollutant sources, a number of Phase 2 BMP's have already been undertaken to date. With some notable exceptions, it is believed that these activities have been successful in addressing many of the urban stormwater nutrient problems.

Best Management Practices (BMP's) <i>Physical, chemical, biological pollutant treatment, programmatic/institutional measures</i>	Funding sources	CLP/CWP Funding (incl. loans)	Other Funding
Storm and sanitary sewer around lake	City/State/Private		\$25 million
10 stormwater treatment ponds	City/State/PRWD	\$300,000	\$350,000
1 Vortek sediment removal device	State		\$500,000
Nutrient Reduction through bio-mass removal	PRWD		\$50,000/yr
Other Educational Activities	PRWD	\$10,000	\$10,000
Surface Water Management Plan Development	City/PRWD		\$35,000
Rice Lake Planning	PRWD/State	\$25,000	\$25,000
Ordinance restricting phosphorus fertilizer	City		\$25,000
Increased restrictions, enhanced enforcement of BMP's in shoreland areas	City/PRWD/DNR		\$500,000
Lake water quality curriculum development	School/City/PRWD	\$15,000	\$25,000
Other urban BMP's (street cleaning, etc.)	City		\$500,000
Enhanced Monitoring, Evaluation	PRWD/City/PCA	\$25,000	\$25,000
Analysis	PCA/PRWD	\$25,000	\$25,000

From 12 years of monitoring data, it appears during the past six years, the Little Detroit lake basin has experienced improved lake conditions - decreases in total phosphorus and increases in clarity. A relatively small, shallow (<16 feet) basin of the larger Big Detroit water body, with a short residence time, it is reasonable to conclude the installation of city water and sewer had the largest pollution reduction impact to Little Detroit due to the elimination of septic systems and most direct stormwater discharges have permitted significant in-lake improvements.

On the other hand over the past six years, no such water quality improvement can be claimed for Big Detroit. Even with the installation of city water and sewer, construction of 10 stormwater wet detention basins, and enforcement of shoreland BMP's, the Big Detroit lake basin still continues to receive enormous amounts of nutrients and sediments pollutant loads

from the Pelican River. It has been determined the major source of nutrient loads are from the upstream drained Rice Lake wetland.

Internal Loading of Big Detroit. Currently, Big Detroit lake basin is at a critical point - a borderline mesotrophic-eutrophic lake. The maximum depth of Big Detroit is 80 feet. Approximately 50% of the area of Big Detroit and 18% of the lake's volume is deeper than 25 feet. Big Detroit develops a thermocline at about 30 feet in early June, and by early July there is as much as 20 degrees (F) temperature difference between 20 and 30 feet. By July little oxygen is present below the thermocline, and both bottom and surface phosphorus levels begin to rise. It is believed that biologically available ortho-phosphorus is dispersed ("entrained") through the thermocline and becomes available for the production of algae near the surface. In the 1993 *Diagnostic and Feasibility Study for Lake Sallie and Detroit Lake*, results from modeling predicted an estimated annual internal TP loading of just over 1000 kg.

Pollutant loading from Rice Lake Wetland to the Pelican River. The 1993 Phase I report focused attention on the problem of nutrient discharges from Rice Lake to Detroit Lake. Rice Lake was partially drained in 1915 in order to enhance grazing and cropland opportunities for adjacent and upstream landowners. A 1918 State Engineer's Report concluded the design of the ditch was not sufficient to adequately drain Rice Lake, making it a "failed" ditch project. Today, most of the area of Rice Lake is a shallow wetland with a meandered area of 260 acres, attached to an additional 700 more wetland acres. Water from the Campbell, Floyd and North Pelican sub-watersheds is carried through Rice lake by means of Pelican River (Ditch 13) which outlets to Big Detroit Lake.

The gradient through the Rice Lake area is low. Water levels of Ditch 13 (Pelican River) at Anchor Road on the north end of Rice Lake are about four feet higher than those at Highway 34, about one mile south of Rice Lake. Much of the difference in water level is caused by impediments to flow such as floating bogs and other emergent wetland and aquatic vegetation, and in-channel debris and abandoned beaver dams.

Some nutrients enter Rice Lake from Little Floyd Lake, and from cultivation and feedlot operations upstream from Rice Lake. Our understanding is that these are absorbed by the wetlands and bogs of the Rice Lake area. In any event, they represent a small proportion of the nutrient discharge to Big Detroit.

For several years the District has monitored discharge and nutrient loadings from Rice Lake and has reached the conclusion that two phenomena cause episodic discharges of phosphorus to downstream areas. (1) Heavy runoff events appear to lift large areas of floating bog, allowing flows to sluice through and under the bogs, picking up and carrying large quantities of nutrient-enriched sediment. (2) chemical reactions during periods of low oxygen availability cause wetland sediments to release soluble phosphorus to the water column. Both processes result in downstream discharges of phosphorus averaging 2,000 kg per year and sediments averaging 100 tons per year. The spring runoff and the July/August periods accounts for about two-thirds of these loadings.

The Phase I Clean Water Partnership plan to reduce these loadings focused on a scheme to impound water into the Rice Lake and adjacent areas. The plan was abandoned after a DNR hydrologic study predicted the possibility of upstream flooding in residential developments near Little Floyd Lake.

Since that time much additional information has been collected, and thought has been given to what should be done. One of the more promising ideas involves dispersing some ditch flow into surrounding wetlands, and old stream channels. Other ideas include, diversion of relatively clean Little Floyd effluent around the Rice Lake area, aeration of ditch flow, or chemical treatment.

Rice Lake Wetland and Detroit Lake Area

Present Situation: Detroit Lake is irrefutably the engine for regional economic development in west central Minnesota. The area lakes are major attractions for both industry and tourism alike. Deterioration of these assets will have dire economic and social consequences. Currently, excessive amounts of nutrients entering Detroit Lake are beginning to have a negative impact on the water quality.

Consequences of no action: The accumulated impacts of excessive nutrient loading over the long term will result in lake conditions which will begin to mimic the water quality conditions observed in Lake Sallie with a decline in water clarity and increases in the amount of algae.

Management Goal: The long term goal is to prevent further degradation and maintain water quality. In order to achieve this, a 50% reduction of nutrients entering Detroit Lake must occur. Success will be apparent to lake users since it will mean a perceptible improvement of in-lake conditions with reduced numbers of days with severe summer algae blooms and in water clarity throughout the summer season. The economic impact will be to sustain a healthy environment base for the tourism industry.

Towards achieving this non-degradation goal, the largest pollutant loading problem areas - Rice Lake Wetland and Detroit Lakes Urban sub-watersheds- will be targeted. The goal is to treat the whole drainage system using biological, physical and chemical management practices, as well as prevent non-point source pollution.

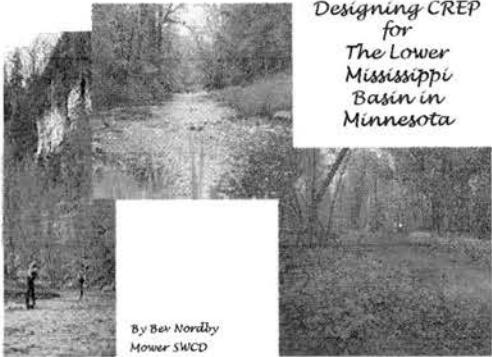
Management Strategies

1. Treatment to reduce episodes of internal loading from Rice Lake and adjacent wetlands;
2. Enhanced implementation of urban BMP's;
3. Agricultural BMP's to control feedlot and other agricultural runoff to Rice Lake;
4. Stimulate the adoption of shoreline best-management practices.

Upper Pelican River Watershed Lake Morphometry and Characteristics Summary

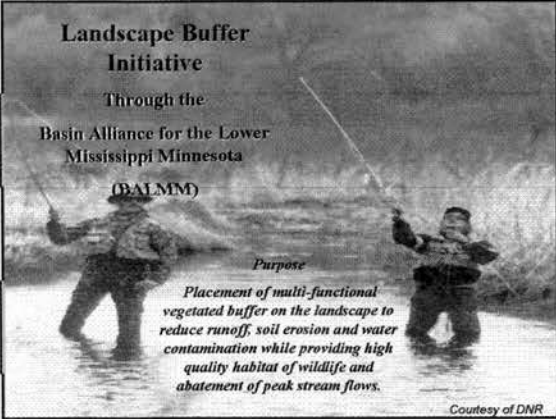
	B. Floyd	N.Floyd	L. Floyd	B. Detroit	L. Detroit
Surface Acres (GIS)	862	298	217	2076	941
DNR Acres	812		231	3089	w/B.Det.
Shoreline Length (feet)	29005	18850	11740	40900	25295
Shoreline length (miles)	5.5	3.6	2.2	7.7	4.8
Shoreline Ratio (acres/mile)	157	83	98	268	196
Watershed Area	14,892	See Big Floyd		40,017	see big detroit
Watershed area/DNR acres	18.3	See Big Floyd		13.0	see big detroit
Basin Area	8352	See Big Floyd		5800	see big detroit
Lake Area					
% less than 15 feet deep	70	w/BF	47	40	90
% less than 10 feet	65.6%	44.5%	43.0%	37.5%	73.2%
Volume (PRWD) in acre feet	9869.8	4776.5	3259.3	37589.2	8003.1
Volume (PRWD) in million cubic meters	12.2	5.9	4.0	46.3	9.9
% more than 20 feet	12.0%	25.8%	14.9%	25.5%	0.0%
% more than 30 feet	1.5%	9.5%	0.8%	9.0%	0.0%
Average Depth (PRWD)	11.8	16	14.6	18.4	8.5
Outlets	1	1	2	1	2
Inlets	1	2	1	4	1
Inflow (annual acre feet)	NA	6428	11478	6000	6000
Inflow (annual millions of cubic meters)	MA	7.9	14.2	7.4	7.4
Residence time in days	NA	271	104	2287	487
Shoreline with moderate or major modification (%)	1997	1997	1997	1998	1998
vegetation	89%	22%	79%	80%	93%
land	83%	34%	70%	24%	13%
littoral	15%	14%	36%	66%	87%
Shoreline with no modification (%)	10%	61%	17%	19%	6%
Shore Impact Zone structures (%)	34	2	4	42	18
Retaining Walls	101	3	14	80	35
Weed Rollers	2	0	0	8	4
Sand blanketed shoreline (%)	18%	2%	7%	10%	14%
Rip-Rapped shoreline (%)	19%	4%	11%	34%	21%
Boats	361	16	60	337	270
Personal Watercraft	33	2	2	64	48
Lake acres per boat	2.4	18.6	3.6	6.2	3.5
First Tier Residence (including RV's)	183	21	80	236	158
Second Tier Residences	65	6	28	96	320
Estimated Seasonal Residences	40.0%	15.0%		10.0%	10.0%
Est Impervious Coverage in basin	20.0%	22.0%		24.0%	25.0%
Number of Septic System (1st tier)	80	2		0	30

1. High Priority Water – How the Project fits with other water plans	
	Project Area
Watershed Location	Red River Basin - Ottertail River
Hydrologic Unit Code	N/A
Latitude/Longitude	97W 46N
Watershed ID	Red River Basin; Ottertail; Pelican River
Minnesota's 2001 Nonpoint Source Management Strategy NPSMS Page	p.4.2-16 a prioritization scheme was developed for prioritizing management (monitoring, protection, restoration) of lake for achieving (protecting) swim able use... In this scheme an emphasis is placed on protecting lakes currently in good condition; i.e., those characterized as full support or marginal support based on their trophic status. This strategy assumes that protecting resources currently in good condition is a better investment and a higher priority than restoring resources that are highly impacted and which may or may not respond to reductions in nutrient loading. P. 4.2-20; Addressing storm water from existing and future developments is the number one water pollution concern in urban or urbanizing watersheds; P4.2-28; Goal 2: Promote Lake Monitoring Protection, Prioritization at the Local Level; Goal 3: Provide funding and technical assistance to lake watershed management projects where lake and watershed evaluations have been conducted and lake water quality improvements projects are projected based on implementation of specific best management practices; Goal 5: Develop incentives program for protection of Shoreland (aquatic and terrestrial) vegetation and boarder implementation of BMP's ordinances and strategies for lake protection; Goal 9: Minimize the impact of urban storm water runoff to lakes; Goal 11: Review impacts to lakes caused by ditch projects and clean-outs (pp. 28-33)
Unified Watershed Assessment (UWA) Category	Category 1: Watershed in need of restoration
UWA Ranking	Otter Tail River ranked high and medium for need of restoration due to turbidity, bacteria, oxygen depletion, aquatic restoration, wetland restoration (Table 2)
PRIORITY Watershed?	Project is not a TMDL Watershed
Included in County Water Management Plan	Yes (pages attached)
Included in Red River Basin Water Quality Plan (Nov 99)	Section II B-19: Nutrient loading, in particular phosphorus, contributes to algal blooms and vascular plant overproduction" -Lakes-Strategy 2: BMP's; Lakes Strategy 3: Lake Restoration; " Nutrient loading, in particular phosphorus, is a problem for streams" Strategy 3: BMP's; and "Monitoring/Assessment – Strategy 5.
Pelican River Watershed	Pelican River Watershed District Water Management Plan
Becker County Local Water Plan	Pages Many sections of that plan will support the protection of lake water quality.
Minnesota Watermarks	Protecting and improving water quality for lakes is both a selected environmental condition indicator and a pressure indicator for the Red River Basin (p31); it's Objective B on page 5
Minnesota Greenprint for Environmental Education	Strategies: 01- Enhanced partnerships and coordination between EE providers; 02- designated funding for EE at the local level; 06- Increased education regarding responsible environmental choices (pp. 13-15); audiences addressed: business communities; consumers; families; producers/landowners



*Designing CREP
for
The Lower
Mississippi
Basin in
Minnesota*

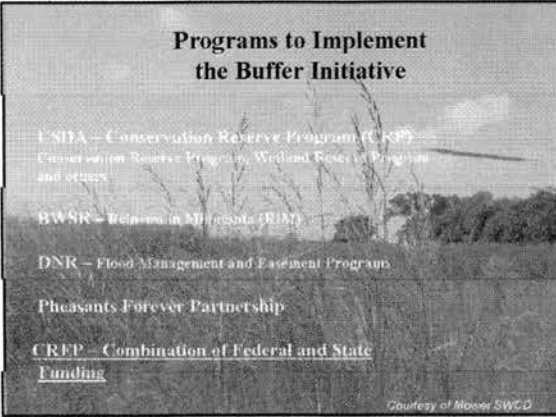
*By Bev Nordby
Mower SWCD*



**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

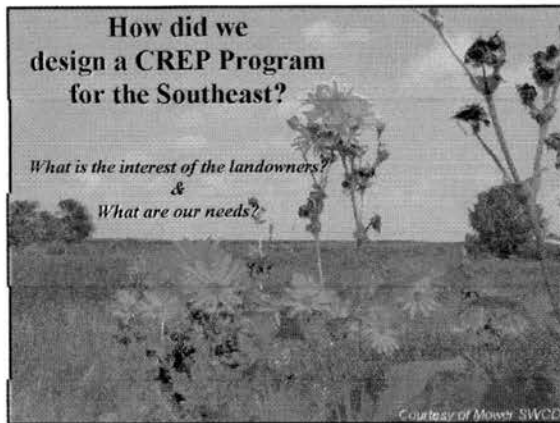
BWSR – Wetlands in Minnesota (WIM)

DNR – Flood Management and Easement Programs

Pheasants Forever Partnership

CREP – Combination of Federal and State
Funding

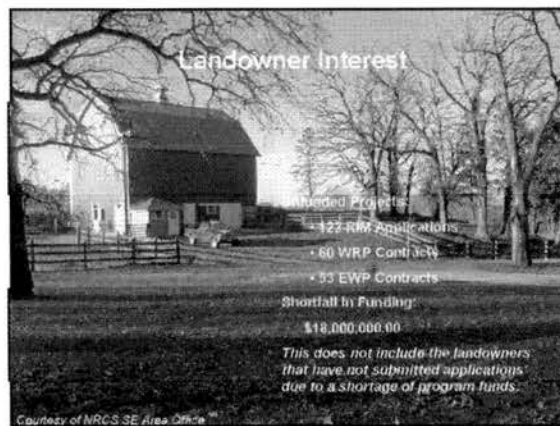
Courtesy of Mower SWCD



**How did we
design a CREP Program
for the Southeast?**

*What is the interest of the landowners?
&
What are our needs?*

Courtesy of Mowry SWCD



Landowner Interest

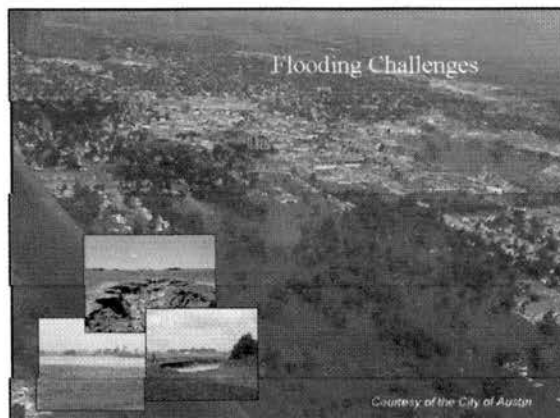
Approved Projects:

- 122 RMP 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

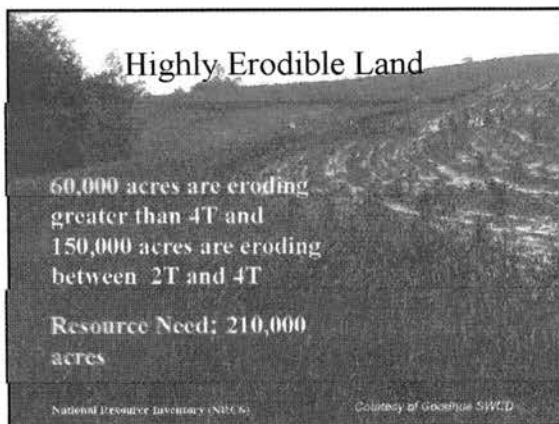
Courtesy of the City of Austin



**Priority Areas
Landscape Buffer Initiative**

- Highly Erodible Land
- Riparian Zones
- Wetland Restoration Sites
- Groundwater Protection Zones

Courtesy of NRCS SE Area Office

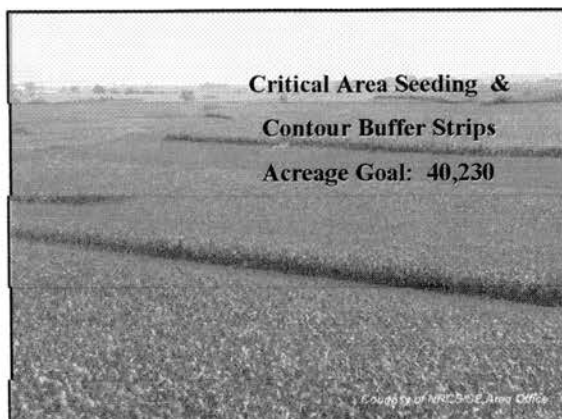


Highly Erodible Land

60,000 acres are eroding greater than 4T and 150,000 acres are eroding between 2T and 4T

Resource Need: 210,000 acres

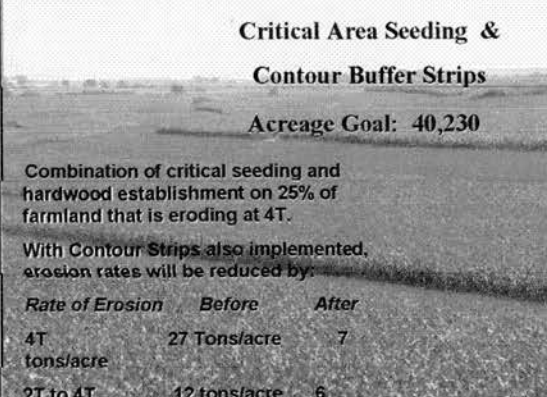
National Resource Inventory (NRI 6) Courtesy of Goodhue SWCD



**Critical Area Seeding &
Contour Buffer Strips**

Acreage Goal: 40,230

Courtesy of NRCS SE Area Office



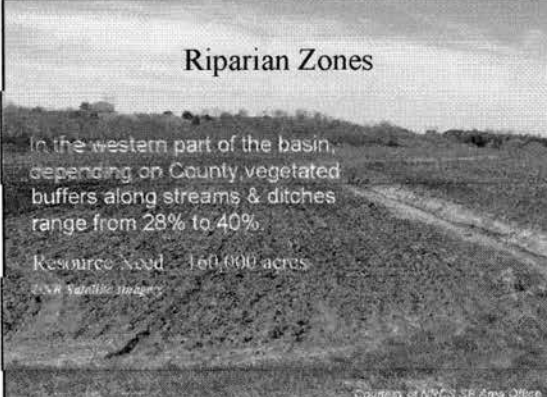
**Critical Area Seeding &
Contour Buffer Strips**

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 tons/acre	27 Tons/acre	7
2T to 4T	12 tons/acre	6

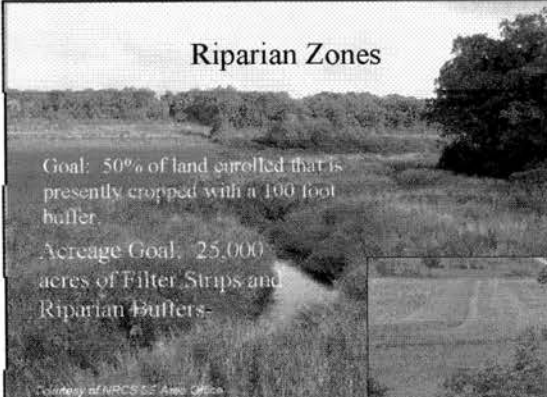


Riparian Zones

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

Courtesy of NRCS SE Area Office

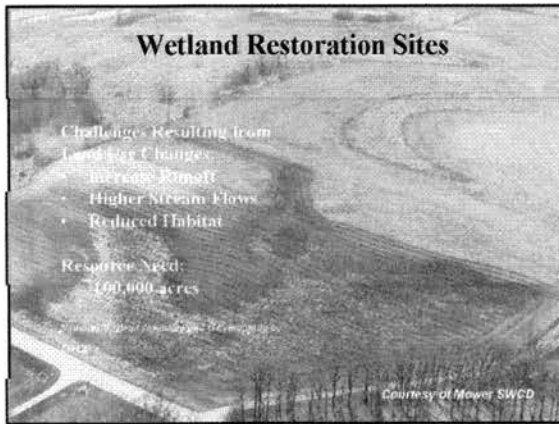


Riparian Zones

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



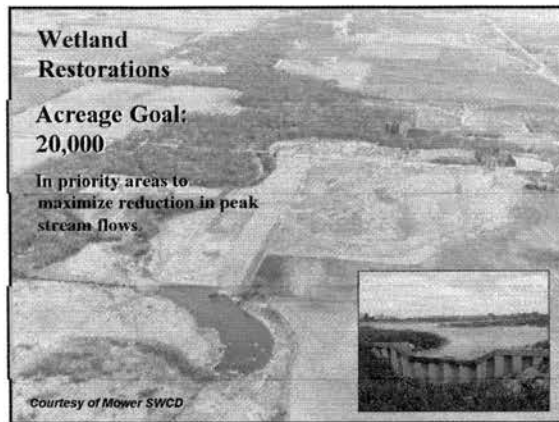
Wetland Restoration Sites

Challenges Resulting from Land Use Changes:

- Increase Runoff
- Higher Stream Flows
- Reduced Habitat

Resource Need:
100,000 acres

Courtesy of Mower SWCD

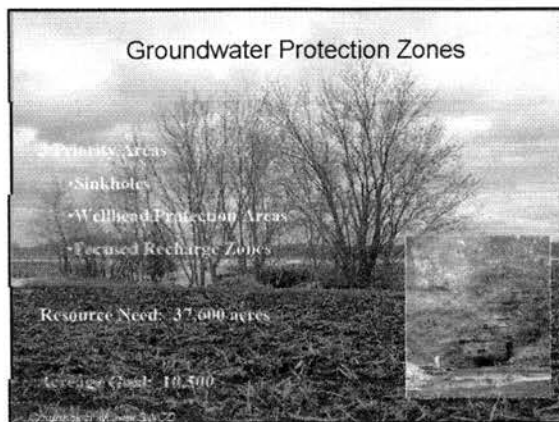


Wetland Restorations

Acreage Goal:
20,000

In priority areas to maximize reduction in peak stream flows.

Courtesy of Mower SWCD



Groundwater Protection Zones

Priority Areas:

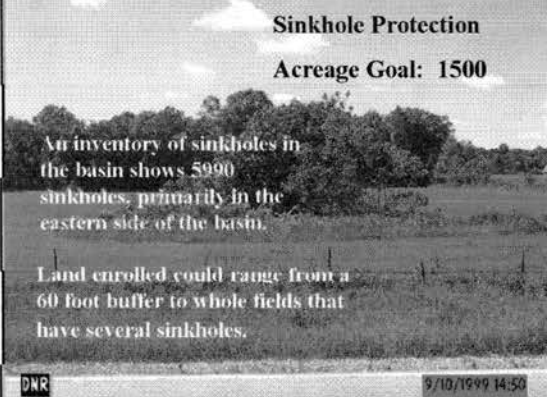
- Sinkholes
- Wellhead Protection Areas
- Focused Recharge Zones

Resource Need: 37,000 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

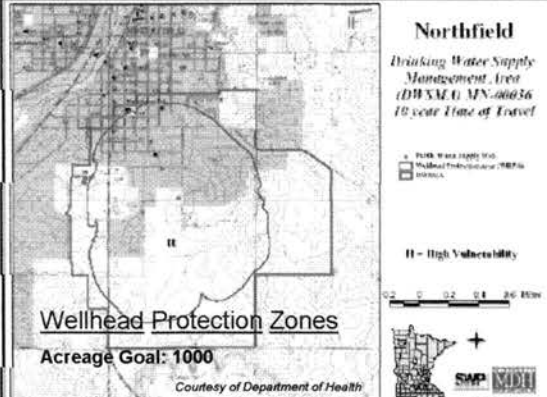
Focused Recharge Zone
At Decorah Shale Outcroppings

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
18 year Time of Travel



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 Set-Aside Bill)

80% Federal Government, 20% State

Courtesy of AAS, 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	Choice of 20 year, 50 years and Permanent
Easements	
Wetland Restorations	Permanent (State Statue)
Groundwater Protection	Choice of 20 year, 50 years and Permanent
Easements	



How Many Acres?

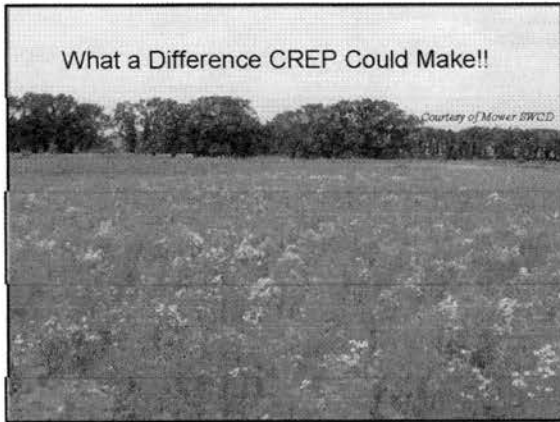
Out of the 2,790,060 acres that are cultivated in the basin, the application is addressing 95,730 acres that are marginal and/or are in sensitive karst areas.

Courtesy of NRCS SE Area Office

Challenges of our Landscape....

Root River
Discharging Into
Mississippi
August 1999

Courtesy of the NRCA



Place
Postage
Here

Balmm!

Basin Alliance for the Lower Mississippi in Minnesota

Support and production of this brochure provided by



Minnesota Pollution Control Agency



Printed on recycled paper with minimum 20% post-consumer waste.

BALMM Members

Area 7 Minnesota Soil and Water Conservation Districts Association, Bluffland Environmental Watch, Cannon River Watershed Partnership, Dakota County/SWCD, Minnesota Board of Water and Soil Resources, Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Mississippi River Citizen Commission, Natural Resources Conservation Service, Prairie Island Indian Community, Southeast Minnesota Water Resources Board, St. Mary's University Resource Studies Center, University of Minnesota Extension, U.S. Fish & Wildlife Service, Whitewater River Watershed Project

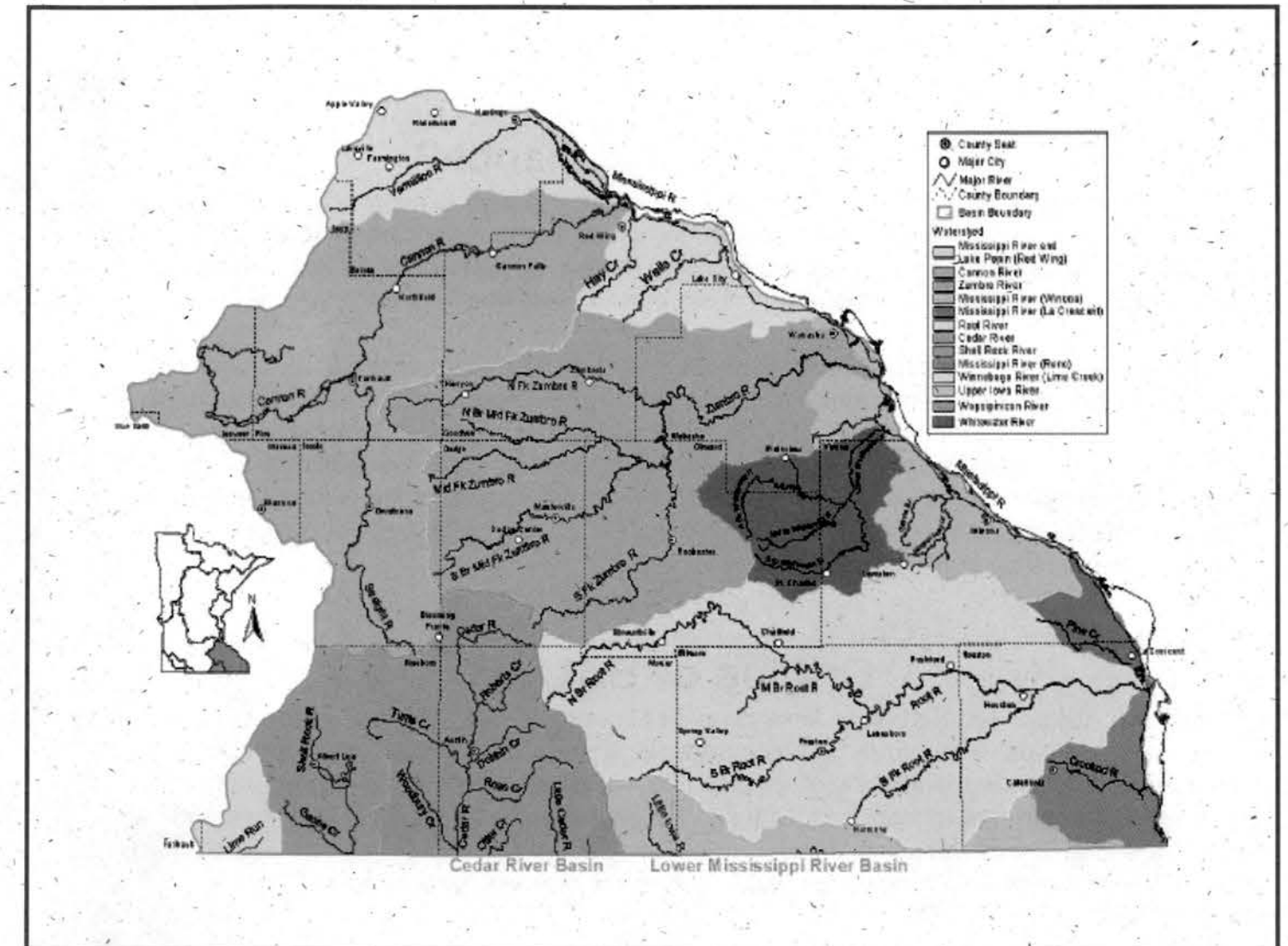
BALMM Staff

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e-mail: kevin.scheidecker@mn.usda.gov

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SE MN Water Resources Board Liaison: Bea Hoffmann, Winona State University, P.O. Box 5838, Winona, MN 55987. Phone 507/457-5223
e-mail: bhoffmann@vax2.winona.msus.edu



Providing local leadership
for
Water Quality Protection & Improvement
in the Lower Mississippi River Basin

Water Quality Concerns

The Lower Mississippi River Basin abounds with beautiful bluffs, springs, caves and dozens of streams capable of supporting trout, small mouth bass and other popular game fish species. It is a strong recreational magnet for tourists and residents alike as a growing population seeks high-quality outdoor experience. However, decades of monitoring show that both ground water and surface water are being polluted as a result of human activities in both rural and urban areas. Water quality standards for nitrate nitrogen and fecal coliform bacteria are widely exceeded, while sediment from soil erosion damages fish and wildlife habitat from small trout brooks to the mighty Mississippi.

Why a Basin Alliance?

To an ever-increasing extent, water quality protection and improvement efforts in Minnesota and up and down the Mississippi River are being organized by drainage basin. Public and private funding sources are showing a growing preference for working through basin initiatives rather than supporting a host of separate, uncoordinated efforts.

The reason is simple. To achieve measurable water quality improvements, all significant contributors to water quality problems within the drainage basin need to contribute to the solution. This poses a challenge to local, state and federal agencies responsible for land and water resource management. Rather than working strictly within political boundaries (counties, cities, and states), basin management requires coordinating with other agencies across political boundaries within the hydrologic boundaries of a basin. A basin organization can help to facilitate this coordination.

Origins of BALMM

The Basin Alliance for the Lower Mississippi in Minnesota (BALMM) was formed in October 1999 to coordinate efforts to protect and improve water quality in the Lower Mississippi River Basin. Alliance members include Soil and Water Conservation District managers and county water planners together with a host of regional, state and federal agencies and organizations. These members decided to coordinate their efforts through an informal, ad-hoc alliance rather than forming an additional unit of regional government.

Purpose of BALMM

The purpose of BALMM is to create an organized, unified effort in the Lower Mississippi River Basin that will:

1. Make the case to the public, elected officials and funding sources for giving priority attention to water quality restoration and protection in southeastern Minnesota;
2. Establish ongoing coordination of local, state, tribal and federal agencies to plan and implement water quality protection and restoration activities that are economically and environmentally sustainable and reflect local and downstream priorities.

Accomplishments

Within its first year, BALMM developed the Lower Mississippi River Basin Plan Scoping Document which includes measurable, pollutant-specific water quality goals along with 10 strategies for achieving them. These strategies are being implemented through existing organizations. For example, the nine-county Southeast Minnesota Water Resources Board has secured a federal grant to implement the BALMM feedlot strategy, and the Area 7 Minnesota Association of SWCDs is taking the lead on soil conservation strategy implementation.

BALMM Strategies

BALMM members put a strong emphasis on implementing land use practices to improve or protect water quality. These strategies include three approaches to managing broad areas – Watershed Management, Aquifer Protection, and Flood Plain Management — along with seven specific land-use strategies that can be implemented as part of one or more of these comprehensive area strategies. These are:

Perennial Vegetation Increase acreage of well-managed hay and pastureland, vegetative buffer strips, woodlands, etc. This will increase infiltration and reduce surface runoff following rain and snow melt events.

Wetland Protection and Restoration Work with willing landowners to restore wetland functions in critical parts of the landscape.

Soil Conservation on Row-Crop Land Promote conservation tillage, contour farming and install needed structures to keep erosion at or below the replacement rate of soil erosion.

Urban and Rural-Residential Land Management Reduce impacts from urban stormwater and wastewater, while managing urban development.

Nutrient and Pesticide Management Promote optimal use of fertilizer and chemicals to minimize runoff and leaching from farm fields and urban land.

Animal Feedlot Management Support implementation of new state feedlot rules to reduce feedlot runoff and improve manure management.

Aggregate Mining Activities Management Coordinate permitting and environmental review to minimize potential impacts on ground water and surface water while maintaining local supplies at reasonable cost.



FARM SERVICE AGENCY

MINNESOTA STATE OFFICE

UNITED STATES DEPARTMENT OF AGRICULTURE
375 JACKSON STREET, SUITE 400
ST. PAUL, MN 55101-1852

Phone (651) 602-7700
FAX: (651) 602-7743

November 25, 2002

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DEC 02 2002

Bd. of Water & Soil Resources
St. Paul

Mr. Ronald D. Harnack
Executive Director
Minnesota Board of Water & Soil Resources
One West Water Street
Suite #200
St. Paul, Minnesota 55107

RE: SE, MN CREP Proposal

Dear Ron:

This letter is to provide follow-up to the meeting, which occurred here in the MN FSA State Office on November 20, 2002, regarding the Conservation Reserve Enhancement Program (CREP) proposal that is being submitted for SE, MN.

First of all the State Committee and I were very pleased with the accomplishments of the meeting. Many issues were addressed and positive outcomes were achieved. The information presented at the meeting was very informative and useful to better understand the conservation needs in the Lower Mississippi River Basin. The efforts of those who worked to gather and present the information were very much appreciated. We view this CREP proposal as one that is very different than the MN River Watershed CREP and one that is focused, targeted and provides excellent conservation opportunities. The members of the Basin Alliance for the Lower Mississippi River are to be recognized and complimented for all the efforts they have put forth to date as they now move toward an implementation phase for addressing environmental issues and needs in the basin by proposing programs such as the CREP.

During the November 20, 2002 meeting there were a series of issues that received consensus and an issue regarding easement options for riparian buffers and groundwater protection which did not reach consensus. The issues that received consensus as outlined on the decision page of the November 20, 2002 agenda (refer to attachment) were the location criteria, list of practices (except the living snow fence practice was not included at this time), an enrollment threshold of 120 acres with next level review to start with the COC and SWCD Board, a 15-year CRP-1 contract length is to be used, support to propose managed haying/grazing/rotation of contour grass buffer strips, and that the CRP-SIP/PIP/25% Incentive for practice CP23 will be offered with the same set of practices consistent with current CRP policy. In addition, consensus was reached that RIM payment levels as outlined in Steve Taffs October 28, 2002 memorandum (refer to attachment) would be used. Also, a 50% CRP incentive would be proposed as an add-on to the CRP soil rental rate with the possibility for adjustment if public comment did not respond favorably or there was a need for adjustment to achieve the 80:20 federal/state match provided there is not a negative impact on current land rents. Also, the FSA State

Mr. Ronald D. Harnack

11/25/02

Page 2

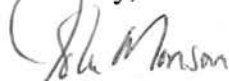
Committee has agreed they could not support rate adjustments to RIM or CRP payments designed to just address concerns over tax implication or capital gains issues. In reference to easements there was consensus 20-year easements would be the only option for the 40,230 acres of highly erodible lands or in some situations no RIM easement will apply but only the CRP enhancements. By state law the 20,000 acres of wetland restorations would be permanent easements.

As you know the issue of easements, especially permanent easements is one that has received much debate and concern not only with the MN River Watershed CREP but now with the SE, MN CREP proposal. It was our understanding with the MN River Watershed CREP that RIM easement options other than permanent would be publicized, offered and explained to the producer by BWSR and SWCD's but we feel strongly this did not often occur which resulted in 99% permanent easements. Confidence has diminished! Therefore, the MN FSA State Committee will go on record to state they DO NOT support easements, especially permanent easements. However, in trying to maintain a spirit and sense of cooperation and trust the State Committee is willing to compromise on easement options for the SE, MN CREP's 25,000 acres of riparian corridors and 10,500 acres of groundwater protection. These options would only include those 20-year, 35-year, 50-year, and 85-year RIM easement lengths. The State Committee feels 100 years of conservation is permanent in our life times and will not negotiate beyond that. However, the State Committee would be willing to consider limiting the number of RIM easement options of 20, 35, 50, and 85-year lengths to two or three. If consensus cannot be reached on this issue the MN FSA State Committee will not support the SE, MN CREP proposal or any other CREP proposal in any part of the State of Minnesota.

Again, the State Committee and I agree the November 20, 2002 meeting was very successful, productive and well worth the time and effort as we now move forward to resolve the issues before us. If consensus is reached on all issues we would see the need to then present the proposal to the public. If there is no overwhelming opposition, and there is a satisfactory comfort level for State Legislative and Governor commitment, the State Committee and I would support moving the proposal onto the National FSA level with our recommendation for approval.

We plan to pursue the offer made by FSA National Office personnel to visit Minnesota in the very near future to review and discuss the CREP with us all and therefore we will keep you informed of these developments so you can make plans to attend that meeting. In the meantime please feel free to contact me if you have any questions or concerns.

Sincerely,



John Monson,
State Executive Director

Attachments

cc: Bill Hunt, NRCS State Conservationist
Perry Aasness, MDA Assistant Commissioner
Bev Nordby, BALMM Chairperson
Congressman Gil Gutknecht

SE, MN CREP Proposal Agenda
November 20, 2002
MN FSA State Office - St. Paul, MN

Call the meeting to order/Welcome and Introductions – FSA STC Chairperson

Purpose/Opening Remarks – John Monson - FSA State Executive Director
Bill Hunt – NRCS State Conservationist
Ron Harnack - BWSR State Executive Director

CREP Policy and Procedure – Greg Anderson – FSA State Office Staff

SE CREP Proposal Overview – Bev Nordby –BALMM Chairperson

Highly Erodible Land	40,230 acres
Riparian Corridors	25,000 acres
Wetland Restoration	20,000 acres (by State law must be permanent easement)
Groundwater Protection	10,500 acres

Technical Aspects/Practices – Paul Flynn - NRCS State Office Staff
(Living Snow Fence issue)

Overview of Specific Issues to be addressed – Kevin Lines – BWSR State Office Staff

- Targeting/Selection Process/Enrollment Threshold
- FSA COC and SWCD Board roles/next level reviews
- Acreage Goals/Monitoring
- Managed harvesting/grazing/buffer strip rotation
- CRP Contract Lengths (15 Years)
- Easement Options under RIM (20, 35, 50, 85, Permanent – producer acknowledgement)
- Payment Options – RIM/CRP – State/Federal Match
- Public comment opportunities

Easement Options/Payment rate explanation – Steve Taff – U of M
(are all 5 easement options needed?)

CRP Incentive (SIP, PIP, SRR) Overview – Greg Anderson

Discussion/Question/Answer Session regarding SE, MN CREP proposal

Consensus/Resolution of Issues and proposals from above (refer to decision page)

State CREP Priorities (SE, NW, SW) and Governor/Legislative Support

Next Steps and Where to from here?

Adjournment

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

Location Criteria:

- 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

Practices available:

- CP2 - Permanent Native Grasses
- CP3 - Tree Planting
- 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

Enrollment Threshold of 120 acres (next level review)

CRP -1 Contract Length (10-15 years)

Managed haying/grazing under CRP and RIM

Buffer Strip Length (CRP with easement or just CRP?) and Rotation of Buffer Strips

Living Snow Fence inclusion

Rim Easement Options (based on location criteria)

RIM Payment Options

CRP – SIP/PIP/25% Incentive - on all practices or just those under current policy?

CRP-SRR Incentive - add at current level, some other level or not at all?

Public comment opportunity (is there are need for it to occur yet?)

October 28, 2002

To: Kevin Lines, Board of Water and Soil Resources
From: Steven J. Taff, University of Minnesota

You asked for an administratively practical and economically defensible procedure to determine payments for easements under the proposed CREP programs in southeastern and northwestern Minnesota.

You need payments that are high enough to convince the "correct" landowners to sign up (actually, owners of the "correct" parcels)—but not so high that you run out of money too soon. You also want to distance these new programs from the existing (and extremely successful) Minnesota River CREP program, so that you're not inadvertently locked into its contract or payment provisions. Finally, you want to provide an option for limited-term easements that isn't seen as financially irrelevant by landowners.

I suggest you tie the RIM/CREP easement payment to the average township farmland value reported on the Minnesota Land Economics web site. These values are reported annually by local assessors for every property, they are adjusted to reflect cross-boundary differences, and they can be appealed locally. You currently base regular RIM payments on township average *tillable* values, which reflects agricultural value only. That number is not, I think, as useful for RIM/CREP as would be *deeded* value, which reflects all possible property uses and so better approximates the uses that you will be acquiring under easement.

What you're trying to do is pay the owner for rights to the parcel from year 16 onward. The problem is, of course, that we don't have established market prices for these rights at those dates. In the first chart below, I've calculated the ratio of a given annual income (rent, for example) from year 16 onward, discounted, to the total of the same annual payment from year 1 onward, also discounted. You can think of this as the proportion of the current property value that an owner would accept today in exchange for turning over the deed in year 16.

The second table shows an easement payment schedule based on a 8% discount rate and a payment of 70% of full EMV (because you're not buying the full property), adjusted for easement duration. For example, a permanent easement for would be paid at 22.1% of the EMV. The final table shows how this payment schedule would work out at the county level, using county average deeded acre (both tillable and nontillable) values—although you would be presenting each landowner with a schedule specific to the township.

For program budget estimation, I'll use some region averages. From the Minnesota Land Economics database, we know that the 2002 average deeded acre EMV for the combined southeast and the south central reporting districts (the "south/east") is \$1,720 per acre. Permanent easements would be paid at 22.1% of this, or \$380 per acre average for the region. For the combined northwest and west central districts (the "north/west") the average EMV is \$666, and permanent easements would average \$147 per acre.

The current SE-CREP proposal calls for 20,000 acres of permanent wetland, 25,000 acres of permanent riparian land, 10,500 acres of permanent groundwater protection, and 40,200 acres of limited term (20 years after the CRP ends) HEL land. Paying at the 22.1% level for the permanent easements and at the 17.3 % rate for the limited term easements gives us a total state expenditure of:

$$(0.221 * \$1,720 * 55,500) + (0.173 * \$1,720 * 40,200) = \$33,059,000$$

I hope this helps. Please call if you or your board would like to discuss this further.

Easement payment proportion of total property value

	Discount rate										
	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09	0.1	0.15	0.2
20 years	0.24	0.29	0.30	0.30	0.29	0.27	0.25	0.23	0.20	0.12	0.06
35 years	0.37	0.41	0.41	0.39	0.36	0.33	0.29	0.26	0.23	0.12	0.06
50 years	0.47	0.50	0.48	0.44	0.39	0.35	0.31	0.27	0.24	0.12	0.06
85 years	0.60	0.59	0.54	0.47	0.41	0.36	0.32	0.27	0.24	0.12	0.06
permanent	0.74	0.64	0.56	0.48	0.42	0.36	0.32	0.27	0.24	0.12	0.06

Easement payment multipliers (8% rate, 70% of EMV, starting year 16)

	Proportion of full value	Proportion of permanent easement payment
20 years	0.173	0.785
35 years	0.206	0.932
50 years	0.216	0.979
85 years	0.220	0.999
permanent	0.221	1.000

Per acre easement payments
(8% rate for 70% of deeded acre EMV, starting in year 16)

		<i>Easement duration</i>				
	<i>2002 deeded acre EMV</i>	<i>20</i>	<i>35</i>	<i>50</i>	<i>85</i>	<i>Perm.</i>
<i>Aitkin County</i>	436	76	90	94	96	96
<i>Anoka County</i>	3,139	544	646	678	692	693
<i>Becker County</i>	675	117	139	146	149	149
<i>Beltrami County</i>	364	63	75	79	80	80
<i>Benton County</i>	1,268	220	261	274	279	280
<i>Big Stone County</i>	694	120	143	150	153	153
<i>Blue Earth County</i>	1,810	314	372	391	399	399
<i>Brown County</i>	1,655	287	341	357	365	365
<i>Carlton County</i>	554	96	114	120	122	122
<i>Carver County</i>	2,235	387	460	483	492	493
<i>Cass County</i>	620	107	128	134	137	137
<i>Chippewa County</i>	1,293	224	266	279	285	285
<i>Chisago County</i>	1,500	260	309	324	331	331
<i>Clay County</i>	767	133	158	166	169	169
<i>Clearwater County</i>	332	58	68	72	73	73
<i>Cook County</i>	1,151	199	237	249	254	254
<i>Cottonwood County</i>	1,524	264	314	329	336	336
<i>Crow Wing County</i>	901	156	185	195	199	199
<i>Dakota County</i>	2,224	385	458	480	490	491
<i>Dodge County</i>	1,793	311	369	387	395	396
<i>Douglas County</i>	841	146	173	182	185	186
<i>Faribault County</i>	1,682	292	346	363	371	371
<i>Fillmore County</i>	1,356	235	279	293	299	299
<i>Freeborn County</i>	1,642	285	338	355	362	362
<i>Goodhue County</i>	1,781	309	366	385	392	393
<i>Grant County</i>	845	146	174	182	186	186
<i>Hennepin County</i>		-	-	-	-	-
<i>Houston County</i>	1,127	195	232	243	248	249
<i>Hubbard County</i>	904	157	186	195	199	199
<i>Isanti County</i>	1,043	181	215	225	230	230
<i>Itasca County</i>	366	63	75	79	81	81

<i>Jackson County</i>	1,663	288	342	359	366	367
<i>Kanabec County</i>	748	130	154	162	165	165
<i>Kandiyohi County</i>	1,245	216	256	269	274	275
<i>Kittson County</i>	374	65	77	81	82	83
<i>Koochiching County</i>	271	47	56	59	60	60
<i>Lac qui Parle County</i>	901	156	185	195	199	199
<i>Lake County</i>	735	127	151	159	162	162
<i>Lake of the Woods County</i>	226	39	46	49	50	50
<i>Le Sueur County</i>	2,028	352	417	438	447	448
<i>Lincoln County</i>	643	111	132	139	142	142
<i>Lyon County</i>	1,182	205	243	255	260	261
<i>McLeod County</i>	1,716	297	353	371	378	379
<i>Mahnomen County</i>	408	71	84	88	90	90
<i>Marshall County</i>	404	70	83	87	89	89
<i>Martin County</i>	1,899	329	391	410	418	419
<i>Meeker County</i>	1,301	225	268	281	287	287
<i>Mille Lacs County</i>	1,000	173	206	216	220	221
<i>Morrison County</i>	886	154	182	191	195	196
<i>Mower County</i>	1,798	312	370	388	396	397
<i>Murray County</i>	1,263	219	260	273	278	279
<i>Nicollet County</i>	2,086	362	429	451	460	460
<i>Nobles County</i>	1,524	264	314	329	336	336
<i>Norman County</i>	591	102	122	128	130	130
<i>Olmsted County</i>	1,622	281	334	350	357	358
<i>Otter Tail County</i>	744	129	153	161	164	164
<i>Pennington County</i>	270	47	56	58	59	60
<i>Pine County</i>	785	136	162	170	173	173
<i>Pipestone County</i>	1,082	188	223	234	238	239
<i>Polk County</i>	606	105	125	131	134	134
<i>Pope County</i>	657	114	135	142	145	145
<i>Ramsey County</i>	61,157	10,600	12,583	13,208	13,476	13,495
<i>Red Lake County</i>	221	38	45	48	49	49
<i>Redwood County</i>	1,582	274	325	342	349	349
<i>Renville County</i>	1,585	275	326	342	349	350
<i>Rice County</i>	2,254	391	464	487	497	497
<i>Rock County</i>	1,526	264	314	330	336	337

<i>Roseau County</i>	275	48	57	59	61	61
<i>St. Louis County</i>	390	68	80	84	86	86
<i>Scott County</i>	3,260	565	671	704	718	719
<i>Sherburne County</i>	1,278	222	263	276	282	282
<i>Sibley County</i>	1,756	304	361	379	387	387
<i>Stearns County</i>	1,065	185	219	230	235	235
<i>Steele County</i>	1,801	312	371	389	397	397
<i>Stevens County</i>	906	157	186	196	200	200
<i>Swift County</i>	929	161	191	201	205	205
<i>Todd County</i>	583	101	120	126	128	129
<i>Traverse County</i>	950	165	195	205	209	210
<i>Wabasha County</i>	1,427	247	294	308	314	315
<i>Wadena County</i>	549	95	113	119	121	121
<i>Waseca County</i>	2,050	355	422	443	452	452
<i>Washington County</i>	3,557	617	732	768	784	785
<i>Watsonwan County</i>	1,593	276	328	344	351	352
<i>Wilkin County</i>	982	170	202	212	216	217
<i>Winona County</i>	1,284	223	264	277	283	283
<i>Wright County</i>	1,624	281	334	351	358	358
<i>Yellow Medicine County</i>	1,081	187	222	233	238	239

FOR YOUR INFORMATION

December 4, 2002

- BWSR Update
- 2003 Election Directory, Minnesota Legislature
 - Map of House and Senate Members
 - 2003 Proposed Committees and Chairs
 - "Pawlenty Transition Advisory Committee"
 - "House Sets up Leaner Committee Structure"
- BWSR News Release "RIM Reserve Funds Approved for Flood Recovery Efforts"
- Letter to Mayor David Allen, City of Hermantown, regarding Minnesota Wetland Conservation Act
- Memos to Agencies Regarding County Comprehensive Local Water Management Plan
 - Pennington County
 - Red Lake County



Board of Water and Soil Resources

U • P • D • A • T • E

A publication of the Minnesota Board of Water and Soil Resources

December 2002

ENGINEERING

In October, David Schmidt, extension engineer, Manure Management Systems, U of M, introduced a new Microsoft Excel version of the Feedlot Evaluation Model (FLEval), in conjunction with several FLEval training sessions around the state. The training and software offerings were a product of coordination between BWSR, NRCS, MPCA, and UMES to create a new provider for FLEval training and technical support. From the mid-1990s until Justin Jeffery retired in 2001, BWSR and NRCS had been the primary provider of this training and support. Although the training now requires a fee, there was a good turnout for the sessions in October. This included a substantial number of county feedlot officers and some SWCD staff. The Excel version of FLEval will address the increasing problems of running an old DOS-based program on newer Microsoft operating systems. All SWCDs have been notified about the new version of FLEval. It's available on the U of M "manure" web site (<http://manure.coafes.umn.edu>), along with additional technical guidance for using FLEval developed by Justin before he retired, and much more manure related information. Dave intends to provide additional training sessions in the spring.

In late October, Al Kean attended part of the first training session sponsored by the Minnesota Association of County Feedlot Officers (MACFO) for its members. MACFO was organized last winter. (About 55 counties participate in the delegated state feedlot regulatory program.) Al presented an overview of the Feedlot Water Quality Management Cost-Share Program and dialogued with the attendees about coordination between feedlot regulators and technical and financial assistance providers. MPCA distributed their new "Feedlot Manual for County Feedlot Officers" and presented information about the Open Lot Agreement of the Feedlot Rules for feedlots with less 300 animal units. There is substantial concern about promoting small feedlot operators to sign Open Lot Agreements and get started with the associated minimum 50 percent fix by

Oct. 1, 2005 (100 percent fix is required by Oct. 1, 2010). We hope to avoid a big rush of requests for technical and financial assistance shortly before the 2005 deadline.

John Brach, NRCS state conservation engineer, and Al Kean are coordinating with MPCA staff to address NPDES Phase 2 permit requirements for stormwater discharges and conservation engineering practices on private lands. Phase 2 reduces the threshold area of disturbance down to 1 acre. Although there is an exclusion from the NPDES rules for soil disturbance associated with growing crops, it's not clear that conservation practices on noncropland are excluded. Therefore, John and Al are leading efforts to secure an exclusion from having to obtain an NPDES permit for most conservation engineering practices by including standard erosion control requirements in the specifications for these practices. NPDES Phase 2 rules are to be implemented starting March 1, 2003.

Unfortunately, none of the three EPA 319 grant applications submitted by BWSR, the Lake Superior Association of SWCDs, and So. St. Louis SWCD for nonpoint projects in the Lake Superior Basin were funded this year. The pot of funding available for competitive 319 grants was relatively small and the number of grant applications large. This is the second year in a row that no competitive 319 grants were funded in the Lake Superior Basin. It sounds like the Minnesota Coastal Program, which is funded by NOAA and administered by DNR, might be a potential source of grant funding for sharing of coastal engineering assistance by the BWSR, MPCA, and DNR. We're continuing to look for a new funding source for Gene Clark's position that will keep his coastal engineering expertise available for state agencies and local government units in the Lake Superior Basin.

Late October and most of November were busy times for BWSR staff involved with surveying CREP wetland restoration sites and assisting SWCDs with construction

Board of Water and Soil Resources Update, Page 2

inspection. The short days this time of year are a challenge, but the GPS surveying equipment we acquired last year has greatly helped to get much more surveying done per day. The drier weather in late October and November allowed more wetland restorations to be constructed this fall. However, it looks like the cold weather more recently has shut down the construction season.

We're sad to report that Leah Hiniker, BWSR engineering technician for CREP, will move on to a new job starting Dec. 4. Leah is an engineer in training and took an engineer position with the Met Council that has a focus on construction management and inspection. Leah joined the BWSR engineering team in January 2002.

The Red River Basin Technical and Scientific Advisory Committee (TSAC) looked at numerous existing and potential "on-channel" floodwater storage sites in late October to help develop guidance for siting, design, and operation of this type of flood damage reduction measure to avoid or minimize critical environmental concerns. The TSAC used these site investigations to further develop a site screening process. A related observation was the substantial amount of channel erosion that occurred during the June 2002 floods in the Red River Basin, particularly in the Wild Rice River watershed. TSAC is discussing how to better integrate temporary floodwater storage with efforts to improve channel stability. Stay tuned.

-Submitted by Al Kean

NORTH

On Oct. 11, Dan Steward met with the North Region Water Plan Review Committee to review the Cass County and Crow Wing County Water Plans. Once again it was refreshing to be reminded of the major issues that water plans have impacted. In the Cass County review, we were reminded that the original Cass County Water Plan built the case for, and resulted in, the establishment of the highly respected Cass Environmental Services Department.

Bill Best reports that BWSR's efforts to create its own public road wetland mitigation bank has become a reality! Phase I credits for the Vesledahl bank site in Polk County were certified for deposit with BWSR and MN/DOT, each getting a piece of the pie. Phase II

construction is moving forward with the combined efforts of Jon and Chad from the North Central JPB. BWSR contracted with the JPB to oversee the construction—from working directly with the contractor to staking structure alignments/locations with GPS. Several other wetland banks have been deposited or are at some point in the process. The Broden Wetland Bank Site in Polk County has been certified for deposit. BWSR purchased one-half of the total number/type of wetland credits or about 55 acre credits. The Heggedahl wetland bank site in Roseau County is nearly completed and the full court press is on to get it certified for deposit this fall.

Mark and Dale put their heads together to resolve a touchy wetland issue regarding the Three Brothers Golf Course in Buyck. There was some disagreement between the Three Brothers and St. Louis County (LGU) over the amount of replacement. State legislators got involved and turned up the heat. Mark and Dale did a great job of getting the golf course owners, the LGU, and SWCD together to discuss some replacement options. In the end, a replacement plan was put together using the "Exceptional Natural Resource Value" provision in the recently revised WCA Rule. Both sides appear to be able to live with the compromise. Kudos to the LGU for taking the hard line on this project, and kudos to Mark and Dale for helping to find some wiggle room—one less for the DRC to review (I hope).

Mark Nelson and Ron Shelito met recently with the City of Hermantown to review findings of the WCA performance audit completed recently by Dale and Mark. The findings identified several areas where the city needs to improve its WCA implementation. Cities that are growing and developing like the rate Hermantown is typically struggle with staffing and implementing WCA. The city administrator and WCA staff person have made a commitment to improve their implementation of WCA. Dale will be assisting the city in the development of a wetland plan. This should help the city better manage the WCA impacts related to rapid residential and commercial development.

On Oct. 25, Dan Steward attended the annual award banquet of the Central Minnesota Initiative Fund. Of the seven awards presented, the Sauk River Watershed District received the environmental award. The district

Board of Water and Soil Resources Update, Page 3

was well represented, and Dan appreciated their invitation to attend as their guest. Each presentation was a classy affair, complete with a big band introduction, and a high tech video story. Again, local government, this time a watershed district, has pushed the envelope. The recently completed SRWD Overall Plan Update shows an increasing willingness to tackle the water management issues of the day, even with new tools like the storm water utility.

Dan Eklund started his new position with the U.S. Forest Service on Nov. 4. We will not refill his position until the budget situation changes. Dan and his position will be missed. WCA workload continues at a hectic pace.

-Submitted by Ron Shelito

METRO

Metro staff continues to cope with the loss of Doc Snyder to the City of Minneapolis. A lull in metro planning activities and amendments is allowing us to keep Phil Belfiori focused on the future of the Local Water Management program and Lynda Peterson covering most of the metro WCA activity. Considerable support from Land & Water in the form of Jim Haertel and Tom Mings is helping bridge the labor shortage until we know more about budgets and the hiring freeze is lifted.

In other activity, the metro water planning rules workgroup got a chance to revisit the evolved planning program that they started working on over a year ago. The group met four times in fairly rapid succession then went dormant for a handful of months while staff gathered input from other sources statewide. Many of the group's initial ideas survived the processes and will stimulate a more efficient and powerful program in the future.

-Submitted by Steve Woods

SOUTH

In July 2001 the Minnesota Board of Government Innovation & Cooperation funded a study to examine land and water resource programs in south-central Minnesota. The study was a cooperative effort of the Water Resources Center at Minnesota State University, Mankato and south-central counties and soil and water conservation districts (SWCDs). The study's

goal was to clarify roles and responsibilities of local and regional public authorities that manage and influence land and water resources. Study objectives included a description of appropriate functions of each authority, an examination of limitations imposed by organizational structures, and a determination of effects of current organizational relationships and structures on successful implementation of land and water resource programs.

Since the mid-1990s, staff and elected officials in south-central Minnesota counties and SWCDs have been searching for ways to improve cooperation and communication. In general, people felt they were going to too many meetings, too many water-related organizations were competing for scarce resources, and distinctions between various boards and organizations were becoming less and less clear. This, coupled with increasing demands on local government to financially support various groups led people to believe that there must be better and more productive ways to manage land and water resources. Perhaps it was possible to merge some of the existing groups thereby cutting back on time and resources expended.

South-central Minnesota is home to two longstanding and successful joint powers organizations dedicated to land and water resource management. The South-Central Minnesota Comprehensive County Water Planning Project (SCMCCWPP) was established in 1987 to develop comprehensive water plans, and in 1993 the Blue Earth River Basin Initiative (BERBI) was organized to implement practices that enhance land and water resources in the Greater Blue Earth River Basin. Membership in SCMCCWPP consists of 13 counties; seven SWCDs are represented in BERBI. Beginning in about 1997, BERBI and SCMCCWPP have been at the center of debate over how to fund and implement regional water resource programs.

The Board of Government Innovation & Cooperation study began in the summer of 2001 with two facilitated meetings of county commissioners, SWCD supervisors, and county/SWCD staff in the 11-county area representing the Greater Blue Earth River Basin. Participants quickly identified the desirability of a cohesive Greater Blue Earth River Basin organization and the appropriateness of having an organization that had representation from both counties and SWCDs. The Water Resources

Board of Water and Soil Resources Update, Page 4

Center was listed as the third key element in this new coalition. These sessions generated a wealth of material related to perceived current and past problems related to communication and cooperation, and possible solutions to these and other problems. Additionally, participants began discussing structural alternatives (e.g. joint powers board or watershed district) and drafted suggestions on the purpose, mission, and short term and long-term goals of a new organization.

These initial sessions led to several steps and developments that are briefly summarized as follows:

- A small working committee was formed to discuss and prepare materials for presentation to county commissioners and SWCD supervisors in the Greater Blue Earth River Basin. Committee members were selected from staff and board members of the 22 counties and SWCDs in the Basin.
- A literature review and survey of local resource managers was used to determine the range of management activities occurring in the Greater Blue Earth River Basin. Results were organized into six categories. The principal objective of this task was to identify areas of overlap.
- Several documents were developed that explained legal authorities of joint powers boards and watershed district boards along with strengths and weaknesses of each. These were accompanied by summaries of statutes that govern local water resource programs, and summaries of programs used for project implementation (e.g., BWSR cost-share and MPCA Clean Water Partnership grant program).
- A matrix of water resource management functions and tasks was developed. Major categories identified were information and education, monitoring and data collection, inventory and mapping, land and water treatment, and regulation/planning. This was supplemented with a matrix showing local government participation in multi-county organizations (17 in all).
- In September 2001 the committee drafted a Memorandum of Understanding (MOU) between counties and SWCDs in the Greater Blue Earth River Basin. The purpose of the MOU was to establish an understanding of how counties and SWCDs in the

Basin can cooperatively achieve land and water resource improvements in the Blue Earth, Le Sueur, and Watonwan watersheds. Each county and SWCD in the Basin adopted the MOU. Blue Earth County later withdrew from the MOU.

- Articles of agreement to define a Greater Blue Earth River Basin Alliance were drafted and adopted. These articles contained statements describing staff and budget requirements, relationships between the Alliance and other regional authorities, a listing of duties and responsibilities, and procedures used to make a transition from the old organizational structures to the new.
- A draft joint powers agreement establishing the Greater Blue Earth River Basin Alliance was presented for discussion on Jan. 30, 2002. Included in the agreement was a formula apportioning administrative costs among the 11-member counties, a condition viewed to be essential for organizational survival.
- The joint powers agreement was discussed and approved by county/SWCD representatives (one from each board) in March 2002. Formal adoption by the 22 counties and SWCDs in the Basin was recommended.

At the time of this writing some of the 22 boards (counties/SWCDs) have not formally adopted (most have approved it in principal) the joint powers agreement, hence the Greater Blue Earth River Basin Alliance has not been formed and BERBI and SCMCCWPP continue to operate as before. There are several reasons for this reluctance to enter into the new agreement, ranging from uncertainty over how the new organization will function to a condition imposed by some participants that existing joint powers boards (BERBI and SCMCCWPP) disband before the new joint powers agreement is adopted. Discussions to resolve these and other differences of opinion continue.

-Submitted by Chris Hughes & Bob Finley

*Deadline for next edition:
January 15*

2003

ELECTION DIRECTORY

MINNESOTA LEGISLATURE



**Minnesota House of Representatives
and
Minnesota Senate**

2003 House Membership Statistics

Unofficial list as of November 6, 2002

82 Republican members
 52 DFL members
 103 men
 31 women
 15 DFL women
 16 Republican women
 43 newly elected members
 0 newly elected members previously served in the House
 30 newly elected Republican members
 13 newly elected DFL members
 32.1 percent of House members did not serve last session
 36 newly elected members are men
 7 newly elected members are women
 18.6 percent of newly elected members are women
 23.1 percent of all House members are women
 90 percent of incumbents were re-elected
 1 Republican incumbent lost
 9 DFL incumbents lost
 37 seats were open
 6 uncontested House races
 3 uncontested races in DFL-held districts
 3 uncontested races in Republican-held districts

New House Republican members

Peter Adolphson	42A	Doug Lindgren	02B
Jeff Anderson	27B	Doug Magnus	22A
Michael Beard	35A	Denny McNamara	57B
Dick Borrell	19B	Doug Meslow	53B
Laura Brod	25A	Carla Nelson	30A
Tony Cornish	24B	Peter (Pete) Nelson	17B
Raymond Cox*	25B	Stephanie Olsen	47B
Chris DeLaForest	49A	Lynne Osterman	45A
Randy Demmer	29A	Charlotte Samuelson	50B
Brad Finstad	21B	Daniel Severson	14A
Bud Heidgerken	13A	Dean Simpson	10B
Joe Hoppe	34B	Judy Soderstrom	08B
Karen Klinzing	56B	Steve Strachan	36B
Paul Kohls	34A	Dean Urdahl	18B
Morrie Lanning	09A	Lynn Wardlow	38B

New House DFL members

Joseph Atkins	39B	John Lesch	66A
David Dill	06A	Michael Nelson	46A
Bernard (Kent) Eken	02A	Aaron Peterson	20A
Keith Ellison	58B	Katie Sieben	57A
Frank Hornstein	60B	Cy Thao	65A
Lyle Koenen	20B	Paul Thissen	63A
Ron Latz	44B		

* Pending recount. Others may occur.

On the cover: Voters cast their ballots at Lutheran of the Hills Church, Shoreview.

Photo by Tom Olmscheid

2003
Minnesota
House of Representatives
and
Minnesota Senate
Election Directory

Prepared by the
Minnesota House of Representatives
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Minnesota House of Representatives 2003 Members Elect

District/Member/Party			Phone	District/Member/Party			Phone
			Room* (651) 296-				Room* (651) 296-
48B	Abeler, Jim (R)	581	1729	09A	Lanning, Morrie (R)	NA	297-9010
43B	Abrams, Ron (R)	585	9934	63B	Larson, Dan (DFL)	221	7158
42A	Adolphson, Peter (R)	NA	297-9010	44B	Latz, Ron (DFL)	NA	297-9001
19A	Anderson, Bruce (R)	411	5063	40B	Lenczewski, Ann (DFL)	337	4218
03A	Anderson, Irv (DFL)	343	4936	66A	Lesch, John (DFL)	NA	297-9001
27B	Anderson, Jeff (R)	NA	297-9010	01B	Lieder, Bernie (DFL)	323	5091
39B	Atkins, Joseph (DFL)	NA	297-9001	02B	Lindgren, Doug (R)	NA	297-9010
35A	Beard, Michael (R)	NA	297-9010	32A	Lindner, Arlon (R)	417	7806
51B	Bernardy, Connie (DFL)	329	5510	56A	Lipman, Eric (R)	567	4244
59A	Biernat, Len (DFL)	303	4219	22A	Magnus, Doug (R)	NA	297-9010
12B	Blaine, Greg (R)	387	4247	67A	Mahoney, Tim (DFL)	377	4277
19B	Borrell, Dick (R)	NA	297-9010	65B	Mariani, Carlos (DFL)	203	9714
26B	Boudreau, Lynda (R)	473	8237	09B	Marquart, Paul (DFL)	311	6829
29B	Bradley, Fran (R)	559	9249	40A	McElroy, Dan (R)	437	4212
25A	Brod, Laura (R)	NA	297-9010	57B	McNamara, Denny (R)	NA	297-9010
35B	Buesgens, Mark (R)	445	5185	53B	Meslow, Doug (R)	NA	297-9010
45B	Carlson, Lyndon (DFL)	283	4255	58A	Mullery, Joe (DFL)	389	4262
61A	Clark, Karen (DFL)	307	0294	06B	Murphy, Mary (DFL)	357	2676
24B	Cornish, Tony (R)	NA	297-9010	30A	Nelson, Carla (R)	NA	297-9010
25B	**Cox, Raymond (R)	NA	297-9010	46A	Nelson, Michael (DFL)	NA	4176
31B	Davids, Gregory (R)	549	9278	17B	Nelson, Peter (Pete) (R)	NA	297-9010
62A	Davnie, Jim (DFL)	335	0173	10A	Nornes, Bud (R)	471	4946
49A	DeLaForest, Chris (R)	NA	297-9010	47B	Olsen, Stephanie (R)	NA	297-9010
29A	Demmer, Randy (R)	NA	297-9010	16B	Olson, Mark (R)	501	4237
28A	Dempsey, Jerry (R)	575	8635	15B	Opatz, Joe (DFL)	277	6612
06A	Dill, David (DFL)	NA	297-9001	45A	Osterman, Lynne (R)	NA	297-9010
27A	Dorman, Dan (R)	579	8216	11B	Otremba, Mary Ellen (DFL)	393	3201
23B	Dorn, John (DFL)	201	3248	37B	Ozment, Dennis (R)	479	4306
17A	Eastlund, Rob (R)	449	5364	42B	Paulsen, Erik (R)	545	7449
02A	Eken, Bernard (DFL)	NA	297-9001	64B	Paymar, Michael (DFL)	209	4199
58B	Ellison, Keith (DFL)	NA	297-9001	31A	Pelowski, Jr., Gene (DFL)	295	8637
64A	Entenza, Matt (DFL)	261	8799	01A	Penas, Maxine (R)	553	9635
41A	Erhardt, Ron (R)	591	4363	20A	Peterson, Aaron (DFL)	NA	297-9001
16A	Erickson, Sondra (R)	407	6746	39A	Pugh, Thomas (DFL)	267	6828
21B	Finstad, Brad (R)	NA	297-9010	44A	Rhodes, Jim (R)	409	9889
04A	Fuller, Doug (R)	525	5516	05A	Rukavina, Tom (DFL)	375	0170
37A	Gerlach, Chris (R)	531	5506	26A	Ruth, Connie (R)	415	5368
50A	Goodwin, Barbara (DFL)	353	4331	50B	Samuelson, Charlotte (R)	NA	297-9010
54A	Greiling, Mindy (DFL)	253	5387	41B	Seagren, Alice (R)	477	7803
24A	Gunther, Bob (R)	379	3240	21A	Seifert, Marty (R)	593	5374
47A	Haas, Bill (R)	569	5513	05B	Sertich, Anthony (Tony) (DFL)	233	0172
48A	Hackbarth, Tom (R)	577	2439	14A	Serverson, Daniel (R)	NA	297-9010
22B	Harder, Elaine (R)	583	5373	57A	Sieben, Katie (DFL)	NA	297-9001
66B	Hausman, Alice (DFL)	245	3824	10B	Simpson, Dean (R)	NA	297-9010
13A	Heidgerken, Bud (R)	NA	297-9010	55B	Slawik, Nora (DFL)	349	7807
46B	Hilsenrath, Debra (DFL)	227	3709	33A	Smith, Steve (R)	503	9188
08A	Hilty, Bill (DFL)	207	4308	08B	Soderstrom, Judy (R)	NA	297-9010
36A	Holberg, Mary Liz (R)	433	6926	03B	Solberg, Loren (DFL)	309	2365
52B	Holsten, Mark (R)	381	3018	32B	Stanek, Rich (R)	543	5502
34B	Hoppe, Joe (R)	NA	297-9010	14B	Stang, Doug (R)	597	4373
60B	Hornstein, Frank (DFL)	NA	297-9001	36B	Strachan, Steve (R)	NA	297-9010
04B	Howes, Larry (R)	431	2451	28B	Sviggum, Steve (R)	463	2273
07A	Huntley, Thomas (DFL)	351	2228	23A	Swenson, Howard (R)	539	8634
54B	Jacobson, Carl (R)	429	7153	33B	Sykora, Barb (R)	403	4315
07B	Jaros, Mike (DFL)	291	4246	65A	Thao, Cy (DFL)	NA	297-9001
43A	Johnson, Jeff (R)	487	5511	63A	Thissen, Paul (DFL)	NA	297-9001
67B	Johnson, Sheldon (DFL)	229	4201	49B	Tingelstad, Kathy (R)	507	5369
13B	Juhnke, Al (DFL)	371	6206	18B	Urdahl, Dean (R)	NA	297-9010
59B	Kahn, Phyllis (DFL)	255	4257	52A	Vandever, Ray (R)	529	4124
60A	Kelliher, Margaret Anderson (DFL)	231	0171	62B	Wagenius, Jean (DFL)	239	4200
18A	Kielkucki, Tony (R)	367	1534	61B	Walker, Neva (DFL)	213	7152
56B	Klinzing, Karen (R)	NA	297-9010	12A	Walz, Dale (R)	527	4333
15A	Knoblach, Jim (R)	451	6316	38B	Wardlow, Lynn (R)	NA	297-9010
20B	Koenen, Lyle (DFL)	NA	297-9001	55A	Wasiluk, Scott (DFL)	225	1188
34A	Kohls, Paul (R)	NA	297-9010	51A	Westerberg, Andrew (R)	523	4226
53A	Krinkie, Philip (R)	365	2907	11A	Westrom, Torrey (R)	557	4929
30B	Kuisle, William (R)	565	4378	38A	Wilkin, Tim (R)	413	3533

**Pending recount. Others may occur.

*All rooms are in the State Office Building, St. Paul, MN 55155

Note: Room numbers are valid only until 1/7/03

2003
ELECTION DIRECTORY
MINNESOTA LEGISLATURE

2003

Minnesota House of Representatives

Speaker of the House
Majority Leader
Minority Leader
to be elected

Prepared by the
Minnesota House of Representatives
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(651) 296-2146 • 1-800-657-3550 • TTY
(651) 296-9896

**2003
ELECTION DIRECTORY**
MINNESOTA LEGISLATURE

House Public Information Services

Abeler, Jim (R) 48B
581 State Office Building..... (651) 296-1729
E-mail: rep.jim.abeler@house.mn
Home: Anoka
3400 Rum River Drive 55303..... (612) 245-3764
Business: Anoka
600 E. Main Street 55303..... (763) 421-3722
Born: 5/18/54. Married: spouse Barb, 6 children. Occupation: Chiropractor. Education: DC, chiropractic, Northwestern College of Chiropractic. Elected: 1998. Term: 3rd.



Abrams, Ron (R) 43B
585 State Office Building..... (651) 296-9934
E-mail: rep.ron.abrams@house.mn
Home: Minnetonka
2211 Austrian Pine Lane 55305.... (952) 546-5356
Born: 4/52. Married: spouse Joanne, 2 children. Occupation: Attorney. Education: BA, interdepartmental major, University of Minnesota; JD, Harvard University. Elected: 1988. Term: 8th.



Adolphson, Peter (R) 42A
State Office Building..... †(651) 297-9010
E-mail: not available
Home: Minnetonka
15211 Knob Hill Curve 55345..... (952) 934-1055
Business: Hopkins
1311 S. 5th St. 55343..... (952) 936-9490
Born: 9/7/57. Married: spouse Kristin, 4 children. Occupation: Business. Education: BA, business, Gustavus Adolphus College; MBA, finance, National University, San Diego, Calif. Elected: 2002. Term: 1st.



Anderson, Bruce (R) 19A
411 State Office Building..... (651) 296-5063
E-mail: rep.bruce.anderson@house.mn
Home: Buffalo Township
3222 Aadland Avenue 55313 (763) 682-1480
Business: St. Paul
Minnesota Air National Guard HQ 133 Airlift Wing 631 Minuteman Drive 55111
Born: 3/12/50. Married: spouse Dottie, 5 children. Occupation: Agriculture, Military. Education: aviation electronics, USN; AA, agribusiness, Willmar Technical College; BS, business administration, Northwestern College. Elected: 1994. Term: 4th.



Anderson, Irv (DFL) 3A
343 State Office Building..... (651) 296-4936
E-mail: rep.irt.anderson@house.mn
Home: International Falls
909 - 13th Street 56649..... (218) 283-2416
Married: spouse Phyllis, 2 children. Occupation: Legislator. Education: University of Minnesota. Elected: 1964. Term: 16th.



Anderson, Jeff (R) 27B
State Office Building..... †(651) 297-9010
E-mail: not available
Home: Austin
710 Eighth Ave. N.W. 55912 (507) 437-1744
Business: Austin
303 Third St. N.W. 55912..... (507) 433-0400
Married: spouse Heidi, 4 children. Occupation: Teacher. Education: BS, education, Minnesota State University, Mankato. Elected: 2002. Term: 1st.



Atkins, Joseph (DFL) 39B
State Office Building..... †(651) 297-9001
E-mail: not available
Home: Inver Grove Heights
2463 - 78th Street E. 55076..... (651) 451-3837
Business: South St. Paul
222 W. Grand Ave., #100 55075.... (651) 451-6411
Born: 10/6/65. Married: spouse Julie, 3 children. Occupation: Attorney. Education: BA, political science, University of Minnesota-Twin Cities; JD, William Mitchell College of Law. Elected: 2002. Term: 1st.



Beard, Michael (R) 35A
State Office Building..... †(651) 297-9010
E-mail: not available
Home: Shakopee
8434 Horizon Drive 55379.... (952) 445-9374
Business: Edina
7317 Cahill Road
Suite 201 55439..... (952) 562-1234
Born: 7/22/53. Married: spouse Karen, 4 children. Occupation: Business. Education: Bible missions, Bethany College of Missions in Bloomington; entrepreneurial classes, University of St. Thomas. Elected: 2002. Term: 1st.



Bernardy, Connie (DFL) 51B
329 State Office Building..... (651) 296-5510
E-mail: rep.connie.bernardy@house.mn
Home: Fridley
6840 Siverts Lane N.E. 55432..... (763) 571-0015
Business: same
Born: 2/26/63. Married: spouse Dan, 3 children. Occupation: Self-employed. Education: BA, communications, University of Minnesota; certification, government acquisitions and contract management, University of St. Thomas. Elected: 2000. Term: 2nd.



Biernat, Len (DFL) 59A
303 State Office Building..... (651) 296-4219
E-mail: rep.len.biernat@house.mn
Home: Minneapolis
2246 Lincoln St. North East 55418..... (612) 788-4923
Business: St. Paul
Hamline University
1536 Hewitt Avenue 55104..... (651) 523-2444
Born: 11/24/46. Married: spouse Christine Jax, 4 children. Occupation: Professor of Law. Education: BS, English, Minnesota State University, Mankato; MA, education, St. Thomas University; JD, Hamline University; LL.M., New York University. Elected: 1996. Term: 3rd.



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ELECTION DIRECTORY
MINNESOTA LEGISLATURE

House Public Information Services



Blaine, Greg (R) 12B
387 State Office Building..... (651) 296-4247
E-mail: rep.greg.blaine@house.mn
Home: Little Falls
14868 Dove Road 56345..... (320) 632-3576
Born: 3/24/61. Married: spouse Michelle.
Occupation: Farmer. Education: graphic arts,
St. Cloud Technical College; farm business
management, Central Lakes College. Elected:
2001. Term: 2nd.



Borrell, Dick (R) 19B
State Office Building †(651) 297-9010
E-mail: not available
Home: Waverly
4859 U.S. Highway 12 S.W. 55390... (763) 658-4102
Business: Delano
700 S. Seventh St. 55328
Born: 9/24/51. Single: 5 children. Occupation:
Business. Education: BS, business education,
Minnesota State University, Mankato; BS,
business administration, Minnesota State
University, Mankato.. Elected: 2002. Term: 1st.



Boudreau, Lynda (R) 26B
473 State Office Building..... (651) 296-8237
E-mail: rep.lynda.boudreau@house.mn
Home: Faribault
16450 Ames Way 55021 (507) 332-7760
Married: spouse Jim, 3 children. Occupation:
Realtor. Education: Paralegal coursework,
Inver Hills Community College. Elected: 1994.
Term: 5th.



Bradley, Fran (R) 29B
559 State Office Building..... (651) 296-9249
E-mail: rep.fran.bradley@house.mn
Home: Rochester
4316 Manor View Drive N.W. 55901
(507) 288-3439
Married: spouse Mary, 4 children. Occupation:
Retired. Education: BS, mechanical
engineering, South Dakota State University;
graduate work, University of Minnesota.
Elected: 1994. Term: 5th.



Brod, Laura (R) 25A
State Office Building †(651) 297-9010
E-mail: not available
Home: New Prague
201 - 11th St. Circle S.E. 56071 (952) 758-4240
Business: New Prague
111 West Main Street 56071 (612) 644-1271
Born: 12/11/71. Married: husband Wade, 2
children. Occupation: Small business owner.
Education: BA, geography, University of
Minnesota-Twin Cities; MA, urban and
regional studies, Minnesota State University,
Mankato. Elected: 2002. Term: 1st.



Buesgens, Mark (R) 35B
445 State Office Building..... (651) 296-5185
E-mail: rep.mark.buesgens@house.mn
Home: Jordan
4500 Golfview Drive 55352... (952) 492-2992
Married: spouse Sara, 4 children. Occupation:
Educator. Education: BS, mathematics,
Mankato State University; Specialist,
educational administration, Minnesota State
University - Mankato. Elected: 1998. Term:
3rd.



Carlson, Lyndon (DFL) 45B
283 State Office Building..... (651) 296-4255
E-mail: rep.lyndon.carlson@house.mn
Home: Robbinsdale
4200 - 45th Avenue North 55422... (763) 533-9779
Born: 4/40. Married: spouse Carole, 3 children.
Occupation: Retired Teacher. Education: BS,
social studies, graduate work, Minnesota State
University, Mankato; graduate work,
University of St. Thomas. Elected: 1972.
Term: 16th.



Clark, Karen (DFL) 61A
307 State Office Building..... (651) 296-0294
E-mail: rep.karen.clark@house.mn
Home: Minneapolis
2633-18th Avenue South 55407... (612) 722-7728
Born: 7/45. Partner Jacquelyn. Occupation:
Legislator/College Instructor. Education: BS,
nursing, College of St. Teresa, Winona; MPA,
JFK School of Government, Harvard
University. Elected: 1980. Term: 12th.



Cornish, Tony (R) 24B
State Office Building..... †(651) 297-9010
E-mail: not available
Home: Good Thunder
54373 Goose Road, Box 128 56037
(507) 278-4109
Business: same
Single: 3 children. Occupation: Conservation
Officer. Elected: 2002. Term: 1st.



Cox, Raymond (R) 25B
State Office Building †(651) 297-9010
E-mail: not available
Home: Northfield
218 Manitou Street 55057 (507) 645-5736
Business: Northfield
1600 Riverview Lane 55057 .. (507) 645-8975
Born: 6/26/51. Married: spouse Ellen,
3 children. Occupation: Trades. Education:
BA, biology, St. Olaf College. Elected: 2002.
Term: 1st.

**2003
ELECTION DIRECTORY**
MINNESOTA LEGISLATURE

House Public Information Services

Davids, Gregory (R) 31B
549 State Office Building..... (651) 296-9278
E-mail: rep.greg.davids@house.mn
Home: Preston
P.O. Box 32 55965..... (507) 765-2790
Born: 8/28/58. Married: spouse Bonnie, 3 children. Occupation: Insurance Agency Owner/President. Education: Waldorf College, Iowa; BS, social science, Winona State University; graduate work, Mankato State University, Mankato. Elected: 1991. Term: 7th.



Davnie, Jim (DFL) 62A
335 State Office Building..... (651) 296-0173
E-mail: rep.jim.davnie@house.mn
Home: Minneapolis
2741 39th Avenue South 55406 ... (612) 724-5163
Business: Buffalo
1300 N. Highway 25 55313 ... (763) 682-8313
Born: 4/13/59. Married: spouse Cara Letofsky, 2 children. Occupation: Educator. Education: BS, psychology/social work, University of Minnesota; M.Ed, Education, University of Minnesota. Elected: 2000. Term: 2nd.



DeLaForest, Chris (R) 49A
State Office Building †(651) 297-9010
E-mail: not available
Home: Andover
14316 Tamarack St NW 55304 (763) 413-7872
Married: spouse Karen, 1 child. Occupation: Attorney. Education: BA, political science, St. John's University, Collegeville; JD, law, University of Minnesota Law School. Elected: 2002. Term: 1st.



Demmer, Randy (R) 29A
State Office Building †(651) 297-9010
E-mail: not available
Home: Hayfield
502 2nd St. N.E. 55940..... (507) 477-3655
Business: Hayfield
10 Center Ave. N. 55940 (507) 477-3636
Born: 1/03/57. Married: spouse Kathy, 3 children. Occupation: Consultant. Education: BA, BA, agriculture BA, business administration, University of Minnesota. Elected: 2002. Term: 1st.



Dempsey, Jerry (R) 28A
575 State Office Building..... (651) 296-8635
E-mail: rep.jerry.dempsey@house.mn
Home: Hastings
2025 Creekview Court 55066 (651) 385-0319
Married: 4 children. Occupation: Banking. Education: BA, University of St. Thomas; MA, University of Wisconsin - River Falls; Specialist Degree, educational administration, Winona State University. Elected: 1992. Term: 6th.



Dill, David (DFL) 6A
State Office Building †(651) 297-9001
E-mail: not available
Home: Crane Lake
423 Bear Island 55725..... (218) 993-2252
Business: Orr
P.O. Box 293 55771..... (218) 757-3288
Born: 7/07/55. Married: spouse Tucky, 1 child. Occupation: Government. Elected: 2002. Term: 1st.



Dorman, Dan (R) 27A
579 State Office Building..... (651) 296-8216
E-mail: rep.dan.dorman@house.mn
Home: Albert Lea
19263 - 767th Ave. 56007 (507) 377-9441
Business: Albert Lea
505 E. Main St. 56007..... (507) 373-0636
Born: 10/16/62. Married: spouse Mary Jo, 2 children. Occupation: Small Business Owner. Education: BA, political science, University of Minnesota. Elected: 1998. Term: 3rd.



Dorn, John (DFL) 23B
201 State Office Building..... (651) 296-3248
E-mail: rep.john.dorn@house.mn
Home: Mankato
1021 Orchard Road 56001 (507) 388-3649
Business: Mankato
2600 Hoffman Road 56001 (507) 387-5671
Born: 12/28/43. Married: spouse Kathleen, 3 children. Occupation: Teacher. Education: BA, English, St John's University, Collegeville; MA, English, University of Wisconsin. Elected: 1986. Term: 9th.



Eastlund, Rob (R) 17A
449 State Office Building..... (651) 296-5364
E-mail: rep.rob.eastlund@house.mn
Home: Isanti
2123 - 305th Avenue N.E. 55040...(763) 689-1746
Business: Cambridge
355 S. Garfield Street 55008 (763) 689-0349
Born: 6/19/49. Married: spouse Janis, 3 children. Occupation: Property Manager. Education: BS, math, University of Minnesota. Elected: 2000. Term: 2nd.



Eken, Bernard (Kent) (DFL) 1A
State Office Building †(651) 297-9001
E-mail: not available
Home: Twin Valley
3463 - 170th Ave. 56584 (218) 584-8109
Business: same
Born: 12/12/63. Married: spouse Lori, 3 children. Occupation: Teacher. Education: BA, political science/education, Concordia College, Moorhead. Elected: 2002. Term: 1st.



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ELECTION DIRECTORY
MINNESOTA LEGISLATURE

House Public Information Services



Ellison, Keith (DFL) 58B
State Office Building †(651) 297-9001
E-mail: not available
Home: Minneapolis
1629 Bryant Ave. N. 55411 (612) 529-1412
Business: Minneapolis
2000 Plymouth Ave. N. 55411 . (612) 529-3322
Born: 8/4/63. Married: spouse Kim, 4 children.
Occupation: Attorney. Education: BA, economics, Wayne State University, Detroit, Michigan; JD, law, University of Minnesota Law School. Elected: 2002. Term: 1st.



Entenza, Matt (DFL) 64A
261 State Office Building (651) 296-8799
E-mail: rep.matt.entenza@house.mn
Home: St. Paul
1647 Portland Ave. 55104 (651) 647-1425
Born: 10/61. Married: spouse Lois Quam, 3 children. Occupation: Attorney. Education: BA, environmental studies, Macalester College; law, Oxford University, England; JD, University of Minnesota Law School. Elected: 1994. Term: 5th.



Erhardt, Ron (R) 41A
591 State Office Building (651) 296-4363
E-mail: rep.ron.erhardt@house.mn
Home: Edina
4214 Sunnyside Road 55424 . (952) 927-9437
Single. Occupation: Financial Planner. Education: BA, psychology, BBA, general business, University of Minnesota. Elected: 1990. Term: 7th.



Erickson, Sondra (R) 16A
407 State Office Building (651) 296-6746
E-mail: rep.sondra.erickson@house.mn
Home: Princeton
1947 Ridge Road 55371 (763) 389-4498
Born: 3/2/42. Widow, 1 child. Occupation: Retired Teacher. Education: BA, English, Concordia College; graduate work, University of St. Thomas. Elected: 1998. Term: 4th.



Finstad, Brad (R) 21B
State Office Building †(651) 297-9010
E-mail: not available
Home: New Ulm
614 North Payne 56073 (507) 354-4431
Business: same (507) 381-6575
Born: 5/30/76. Married: spouse Jaclyn. Occupation: Agriculture Consultant. Education: BS, agricultural education, University of Minnesota. Elected: 2002. Term: 1st.



Fuller, Doug (R) 4A
525 State Office Building (651) 296-5516
E-mail: rep.doug.fuller@house.mn
Home: Bemidji
2004 Grotte Ave. N.E. 56601 . (218) 751-1055
Business: Bemidji
P.O. Box 781 56619 (218) 751-1055
Born: 5/14/68. Married: spouse Jeri Lynn. Occupation: Real Estate. Education: Accounting and finance, Bemidji State University. Elected: 1998. Term: 3rd.



Gerlach, Chris (R) 37A
531 State Office Building (651) 296-5506
E-mail: rep.chris.gerlach@house.mn
Home: Apple Valley
173 County Road 42 55124 (952) 432-4100
Business: Apple Valley
173 County Road 42 55124 (952) 432-4100
Born: 11/17/64. Married: spouse Shelli. Occupation: Self-employed, Sales. Education: BA, political science, University of St. Thomas; MBA, business, University of South Dakota. Elected: 1998. Term: 3rd.



Goodwin, Barbara (DFL) 50A
353 State Office Building (651) 296-4331
E-mail: rep.barb.goodwin@house.mn
Home: Columbia Heights
650 Sullivan Lane N.E. 55421 (763) 574-1716
Business: Minneapolis
301-4th Avenue South 55415 (612) 348-0297
Born: 1/25/49. Married: spouse David, 2 children. Occupation: Principal Planner specializing in communications. Education: AA, Liberal Arts, North Hennepin Community College; BA, political science, sociology, Hamline University. Elected: 2000. Term: 2nd.



Greiling, Mindy (DFL) 54A
253 State Office Building (651) 296-5387
E-mail: rep.mindy.greiling@house.mn
Home: Roseville
2495 Marion Street 55113 (651) 490-0013
Born: 2/48. Married: spouse Roger, 2 children. Occupation: Legislator/Homemaker/Community Volunteer. Education: BA, education, Gustavus Adolphus College; MA, education, University of Minnesota. Elected: 1992. Term: 6th.



Gunther, Bob (R) 24A
379 State Office Building (651) 296-3240
E-mail: rep.bob.gunther@house.mn
Home: Fairmont
530 Kings Road 56031 (507) 235-6154
Business: Fairmont
217 S. State Street 56031 (507) 238-9449
Born: 7/12/43. Married: spouse Nancy, 1 child. Occupation: Business. Education: BS, marketing, St. Cloud State University. Elected: 1995. Term: 5th.

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ELECTION DIRECTORY**
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House Public Information Services

Haas, Bill (R) 47A
569 State Office Building..... (651) 296-5513
E-mail: rep.bill.haas@house.mn
Home: Champlin
215 Lowell Road 55316 (763) 421-6153
Born: 6/25/49. Married: spouse Joenie, 2 children. Occupation: Employee Benefits Broker, Consultant. Education: AA, math/biology, University of Minnesota. Elected: 1994. Term: 5th.



Hackbarth, Tom (R) 48A
577 State Office Building..... (651) 296-2439
E-mail: rep.tom.hackbarth@house.mn
Home: Cedar
19255 Eidelweiss Street N. W. 55011
(763) 753-3215
Born: 12/28/51. Married: spouse Mary, 3 children. Occupation: Automotive Parts. Education: North Hennepin Community College. Elected: 1994. Term: 4th.



Harder, Elaine (R) 22B
583 State Office Building..... (651) 296-5373
E-mail: rep.elaine.harder@house.mn
Home: Jackson
107 Parkside Avenue 56143... (507) 847-3550
Married: spouse Ronald, 2 children. Occupation: Business. Education: BS, secondary education, Minnesota State University, Mankato. Elected: 1994. Term: 5th.



Hausman, Alice (DFL) 66B
245 State Office Building..... (651) 296-3824
E-mail: rep.alice.hausman@house.mn
Home: St. Paul
1447 Chelmsford Street 55108 (651) 646-6220
Married: spouse Robert, 2 children. Occupation: Legislator. Education: BS, education, Concordia College, Seward, Neb.; MA, education, Concordia College, River Forest, Ill.. Elected: 1989. Term: 8th.



Heidgerken, Bud (R) 13A
State Office Building †(651) 297-9010
E-mail: not available
Home: Freeport
316 Second Ave. N.E. 56331 .. (320)836-2105
Business: Same
Born: 9/27/43. Married: spouse Ann Blommel, 4 children. Occupation: Business. Education: BS, English, BS, history and political science, St. Cloud State University. Elected: 2002. Term: 1st.



Hilstrom, Debra (DFL) 46B
227 State Office Building..... (651) 296-5709
E-mail: rep.debra.hilstrom@house.mn
Home: Brooklyn Center
3509-66th Avenue North 55429.....(763) 561-6487
Business: Brooklyn Center
3509-66th Avenue North 55429.....(763) 561-6487
Born: 6/21/68. Married: spouse Joel, 2 children. Occupation: Small Business Owner. Education: BA, sociology, University of Minnesota. Elected: 2000. Term: 2nd.



Hilty, Bill (DFL) 8A
207 State Office Building..... (651) 296-4308
E-mail: rep.bill.hilty@house.mn
Home: Finlayson
64105 Norway Spruce Road 55735
(320)233-6626
Business: Finlayson
6421 County Road 36 55735 (320)233-6444
Married: spouse Laurie, 5 children. Occupation: Business. Education: BS, psychology, Purdue University; MA, English, Purdue University. Elected: 1996. Term: 4th.



Holberg, Mary Liz (R) 36A
433 State Office Building..... (651) 296-6926
E-mail: rep.maryliz.holberg@house.mn
Home: Lakeville
12195 Upper 167th Street 55044.....(952) 435-8723
Married: spouse Thomas, 2 children. Occupation: Homemaker. Education: Elementary education, St. Cloud State University. Elected: 1998. Term: 3rd.



Holsten, Mark (R) 52B
381 State Office Building..... (651) 296-3018
E-mail: rep.mark.holsten@house.mn
Home: Stillwater
7790 Minar Lane 55082 (651) 430-2538
Born: 9/65. Married: spouse Lisa, 2 children. Occupation: Account Executive. Education: BA, sociology, University of Minnesota-Duluth; Licensure, teaching, University of St. Thomas. Elected: 1992. Term: 6th.



Hoppe, Joe (R) 34B
State Office Building †(651) 297-9010
E-mail: not available
Home: Chaska
8530 Weston Ridge Parkway 55318
(952) 368-9617
Business: Edina
3600 Minnesota Drive
Suite 200 55345 (952) 842-8843
Born: 12/13/64. Married: spouse Deanne, 2 children. Occupation: Communications. Education: BA, history, St. John's University. Elected: 2002. Term: 1st.



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ELECTION DIRECTORY**
MINNESOTA LEGISLATURE

House Public Information Services



Hornstein, Frank (DFL) 60B
State Office Building t(651) 297-9001
E-mail: not available
Home: Minneapolis
4344 Drew Ave. S. 55410 (612) 926-3406
Born: 9/27/59. Married: spouse Marcia Zimmerman, 3 children. Occupation: Community Organizer. Education: BA, environmental studies, Macalester College; MA, urban and environmental policy, Tufts University, Massachusetts. Elected: 2002. Term: 1st.



Howes, Larry (R) 4B
431 State Office Building (651) 296-2451
E-mail: rep.larry.howes@house.mn
Home: Walker
5340 Ladyslipper Lane 56484 (218) 547-4707
Born: 6/30/47. Married: spouse Myrna, 5 children. Occupation: Manager. Elected: 1998. Term: 3rd.



Huntley, Thomas (DFL) 7A
351 State Office Building (651) 296-2228
E-mail: rep.thomas.huntley@house.mn
Home: Duluth
1924 Wallace Avenue 55803 . (218) 724-6568
Business: Duluth
10 University Drive 55812 (218) 726-7509
Born: 2/38. Married: spouse Gail, 2 children. Occupation: Associate Professor of Biochemistry and Molecular Biology. Education: BS, chemistry, University of Minnesota; PhD, biochemistry, Iowa State University. Elected: 1992. Term: 6th.



Jacobson, Carl (R) 54B
422 State Office Building (651) 296-7153
E-mail: rep.carl.jacobson@house.mn
Home: Vadnais Heights
3300 Belmar Drive 55127 (651) 787-0775
Born: 7/27/69. Married: spouse Joyce. Occupation: Public Accountant. Education: BS, accounting, Minnesota State University, Mankato. Elected: 2000. Term: 2nd.



Jaros, Mike (DFL) 7B
291 State Office Building (651) 296-4246
E-mail: rep.mike.jaros@house.mn
Home: Duluth
3108 Minnesota Avenue 55802 ... (218) 727-0412
Born: 4/44. Married: spouse Annette, 3 children. Occupation: Legislator. Education: BA, foreign languages (Russian, Spanish, Latin), University of Minnesota. Elected: 1972. Term: 14th.



Johnson, Jeff (R) 43A
487 State Office Building (651) 296-5511
E-mail: rep.jeff.johnson@house.mn
Home: Plymouth
4620 Minnesota Lane 55446 .. (763) 577-1893
Business: Plymouth
Midwest Employment Resources
4620 Minnesota Lane 55446 .. (612) 708-4804
Born: 11/11/66. Married: spouse Sondi, 2 children. Occupation: Attorney. Education: BA, economics, Concordia College, Moorhead; JD, Law, Georgetown University Law School. Elected: 2000. Term: 2nd.



Johnson, Sheldon (DFL) 67B
229 State Office Building (651) 296-4201
E-mail: rep.sheldon.johnson@house.mn
Home: St. Paul
2031 Howard St. S. 55119 (651) 730-4917
Business: Maplewood
297 S. Century Avenue 55119 (651) 266-1435
Born: 3/25/54. Single, 2 children. Occupation: Corrections. Education: BA, social work, Bethel College, St. Paul; MA, psychology, University of St. Thomas. Elected: 2000. Term: 2nd.



Juhnke, Al (DFL) 13B
371 State Office Building (651) 296-6206
E-mail: rep.al.juhnke@house.mn
Home: Willmar
3951 Horizon Hills Circle 56201 .. (320)235-4442
Business: Willmar
518 S.W. Litchfield Ave. 56201 (320)894-7088
Born: 11/19/58. Married: spouse Claire, 2 children. Occupation: Real Estate Appraiser. Education: BS, soil science, University of Minnesota - St. Paul. Elected: 1996. Term: 4th.



Kahn, Phyllis (DFL) 59B
255 State Office Building (651) 296-4257
E-mail: rep.phyllis.kahn@house.mn
Home: Minneapolis
115 West Island Avenue 55401 ... (612) 378-2591
Born: 3/23/37. Married: spouse Donald, 2 children. Occupation: Legislator. Education: BA, physics, Cornell University; PhD, biophysics, Yale University; MPA, public administration, Harvard University. Elected: 1972. Term: 16th.



Kelliher, Margaret Anderson (DFL) 60A
231 State Office Building (651) 296-0171
E-mail: rep.margaret.kelliher@house.mn
Home: Minneapolis
620 Morgan Ave. S. 55405 (612) 377-9836
Born: 3/68. Married: spouse David, 2 children. Occupation: Community Organizer/Writer. Education: BA, history, political science, Gustavus Adolphus College. Elected: 1998. Term: 3rd.

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ELECTION DIRECTORY**
MINNESOTA LEGISLATURE

House Public Information Services

Kielkucki, Tony (R) 18A
367 State Office Building..... (651) 296-1534
E-mail: rep.tony.kielkucki@house.mn
Home: Lester Prairie
5667 State Highway 7 55354 .. (320)395-2905
Business: Winsted
110 Winsted Avenue 55395 (320)485-2182
Born: 7/11/51. Married: spouse Lavon, 3 children. Occupation: Educator. Education: BS, sociology, St. Thomas College, pastoral Studies, St. Paul Seminary. Elected: 1996. Term: 4th.



Klinzing, Karen (R) 56B
State Office Building †(651) 297-9010
E-mail: not available
Home: Woodbury
3638 Williamsburg Pkwy 55129...(651) 578-2582
Business: Bloomington
Kennedy High School
9701 Nicollet Ave. S. 55420 ... (952) 885-7800
Born: 9/28/70. Married: spouse William, 2 children. Occupation: Teacher. Education: BS, sociology, University of Wisconsin-Madison; BS, political science, University of Wisconsin-Madison; BS, secondary education, University of Wisconsin-Madison. Elected: 2002. Term: 1st.



Knoblach, Jim (R) 15A
451 State Office Building..... (651) 296-6316
E-mail: rep.jim.knoblach@house.mn
Home: St. Cloud
1552 Prairie Hill Road 56301. (320)252-6179
Business: St. Cloud
P.O. Box 7563 56302 (320)252-6179
Married: spouse Janet, 2 children. Occupation: Small Business Owner. Education: BS, economics/business administration, St. John's University, Collegeville; MBA, Harvard University; MA, American government, Georgetown University; CPA. Elected: 1994. Term: 5th.



Koenen, Lyle (DFL) 20B
State Office Building †(651) 297-9001
E-mail: not available
Home: Maynard
175 - 30th Ave. S.E. 56260 (320)367-2556
Born: 6/16/56. Married: spouse Sandy, 4 children. Occupation: Farmer. Education: AA, agriculture, Willmar Technical College. Elected: 2002. Term: 1st.



Kohls, Paul (R) 34A
State Office Building †(651) 297-9010
E-mail: not available
Home: Victoria
8335 Grace Court 55386 (952) 443-0048
Business: Minneapolis
333 S. Seventh St.
Suite 2000 55402 (612) 340-8966
Born: 4/15/74. Married: spouse Kelly, 1 child. Occupation: Attorney. Education: BA, political science, University of St. Thomas; JD, law, University of Minnesota, Law School. Elected: 2002. Term: 1st.



Krinkie, Philip (R) 53A
365 State Office Building..... (651) 296-2907
E-mail: rep.phil.krinkie@house.mn
Home: Shoreview
1045 Lake Beach Drive 55126 (651) 481-8355
Business: St. Paul
Snelling Co.
1404 Concordia Avenue 55104 ... (651) 646-7381
Born: 2/50. Married: spouse Mary. Occupation: Small Business Owner. Education: BA, urban studies, Coe College, Cedar Rapids, Iowa. Elected: 1990. Term: 7th.



Kuisle, William (R) 30B
565 State Office Building..... (651) 296-4378
E-mail: rep.william.kuisle@house.mn
Home: Rochester
6311 County Road 8 S.W. 55902...(507) 282-5714
Born: 1/11/58. Single. Occupation: Farmer. Education: AA, Rochester Community College/University Wisconsin-River Falls. Elected: 1996. Term: 4th.



Lanning, Morrie (R) 9A
State Office Building †(651) 297-9010
E-mail: not available
Home: Moorhead
2018 S. Third St. 56560 (218) 236-5566
Business: Moorhead
Concordia College
901 S. Eighth St. 56562 (218) 299-3455
Born: 8/27/44. Married: spouse Ruthie, 2 children. Occupation: Vice President for Student Affairs, Dean of Students. Education: BA, psychology, history, and political science, Concordia College; MS, guidance and counseling, North Dakota State University. Elected: 2002. Term: 1st.



Larson, Dan (DFL) 63B
221 State Office Building..... (651) 296-7158
E-mail: rep.dan.larson@house.mn
Home: Bloomington
9025 - 13th Ave. S. 55425 (952) 854-8550
Born: 6/29/65. Married: spouse Sheila, 2 children. Occupation: Business. Education: BA, history, University of Minnesota. Elected: 1998. Term: 3rd.



Latz, Ron (DFL) 44B
State Office Building †(651) 297-9001
E-mail: not available
Home: St. Louis Park
1641 Utah Ave. S. 55426 (952) 545-9065
Business: Minneapolis
520 Marquette Ave.
Suite 900 55402 (612) 349-5207
Born: 8/09/63. Married: spouse Julia, 2 children. Occupation: Attorney. Education: BA, political science, University of Wisconsin-Madison; JD, law, Harvard Law School. Elected: 2002. Term: 1st.



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House Public Information Services



Lenczewski, Ann (DFL) 40B
337 State Office Building..... (651) 296-4218
E-mail: rep.ann.lenczewski@house.mn
Home: Bloomington
10306 Humboldt Cir. 55431 .. (952) 881-8627
Married: spouse Nels Erickson, 4 children.
Occupation: Full-time legislator. Education:
BA, psychology, College of St. Benedict; public
policy, Hubert H. Humphrey Institute of Public
Affairs. Elected: 1998. Term: 3rd.



Lesch, John (DFL) 66A
State Office Building †(651) 297-9001
E-mail: not available
Home: St. Paul
1254 Dale St. N. 55117..... (651) 489-7238
Business: St. Paul
400 City Hall
15 W. Kellogg Blvd. 55102 (651) 266-8740
Born: 1/15/73. Married: spouse TiMarie, 1
child. Occupation: prosecutor. Education: BA,
philosophy and psychology, Saint Louis
University; JD, law, Hamline University School
of Law. Elected: 2002. Term: 1st.



Lieder, Bernie (DFL) 1B
323 State Office Building..... (651) 296-5091
E-mail: rep.bernie.lieder@house.mn
Home: Crookston
911 Thorndale Avenue 56716 (218) 281-1991
Widowed: 3 children. Occupation:
Professional Engineer. Education: engineering,
University of Illinois, Purdue University.
Elected: 1984. Term: 10th.



Lindgren, Doug (R) 2B
State Office Building †(651) 297-9010
E-mail: not available
Home: Bagley
Fourth St. S.E., P.O. Box 393 56621... (218) 694-2844
Business: Bagley
121 Central St. E., P.O. Box V 56621... (218) 694-6250
Born: 6/04/50. Married: spouse Colleen, 3
children. Occupation: Business. Education: BS,
elementary education, Bemidji State University.
Elected: 2002. Term: 1st.



Lindner, Arlon (R) 32A
417 State Office Building..... (651) 296-7806
E-mail: rep.arlon.lindner@house.mn
Home: Corcoran
19508 Country Cir. E. 55374 (763) 420-3491
Born: 8/3/35. Married: spouse Shirlee, 4
children. Occupation: Self-employed
Businessman. Education: BA, economics,
North Texas University; MDiv, Central Baptist
Theological Seminary of Minneapolis. Elected:
1992. Term: 6th.



Lipman, Eric (R) 56A
567 State Office Building..... (651) 296-4244
E-mail: rep.eric.lipman@house.mn
Home: Lake Elmo
8249 Deer Pond Court North 55042
(651) 773-1985

Business: Lake Elmo
P.O. Box 82 55402..... (651) 773-1985
Born: 6/27/64. Married: spouse Kimberly, 2
children. Occupation: Attorney. Education:
BA, political science, Union College; JD, law,
George Washington University. Elected: 2000.
Term: 2nd.



Magnus, Doug (R) 22A
State Office Building †(651) 297-9010
E-mail: not available
Home: Slayton
865 U.S. Hwy 59 56172 (507) 836-8613
Married: spouse Brenda, 2 children.
Occupation: Farmer. Education: BS, animal
science, South Dakota State University.
Elected: 2002. Term: 1st.



Mahoney, Tim (DFL) 67A
377 State Office Building..... (651) 296-4277
E-mail: rep.tim.mahoney@house.mn
Home: St. Paul
1157 Breen Street 55106 (651) 776-3200
Single, 2 children. Occupation: Pipefitter.
Education: pipefitting, St. Paul Technical
College. Elected: 1998. Term: 3rd.



Mariani, Carlos (DFL) 65B
203 State Office Building..... (651) 296-9714
E-mail: rep.carlos.mariani@house.mn
Home: St. Paul
187 West Congress 55107 (651) 224-6647
Born: 7/13/57. Married: spouse Maritza, 3
children. Occupation: Non-profit
Management. Education: history, Macalester
College; law, University of Minnesota. Elected:
1990. Term: 7th.



Marquart, Paul (DFL) 9B
311 State Office Building..... (651) 296-6829
E-mail: rep.paul.marquart@house.mn
Home: Dilworth
605 First Street N. E. 56529 (218) 233-9200
Business: Glyndon
DGF School
513 Parke Avenue 56547 (218) 498-2263
Born: 1/9/57. Married: spouse Colleen, 2
children. Occupation: Educator/Teacher.
Education: BS, education-social studies,
University of North Dakota; MS, education
administration, Tri-College University.
Elected: 2000. Term: 2nd.

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House Public Information Services

McElroy, Dan (R) 40A
437 State Office Building..... (651) 296-4212
E-mail: rep.dan.mcelroy@house.mn
Home: Burnsville
12805 Welcome Lane 55337.. (952) 890-2224
Born: 7/15/48. Married: spouse Mary.
Occupation: Management Consultant.
Education: BA, history, University of Notre Dame. Elected: 1994. Term: 5th.



McNamara, Denny (R) 57B
State Office Building †(651) 297-9010
E-mail: not available
Home: Hastings
700 Sixth St. W. 55033 (651) 437-2597
Business: Hastings
9045 - 180th St. E. 55033 (651) 437-9463
Born: 9/29/52. Married: spouse Lynne, 2 children. Occupation: Business. Education: BS, business administration, University of Minnesota. Elected: 2002. Term: 1st.



Meslow, Doug (R) 53B
State Office Building †(651) 297-9010
E-mail: not available
Home: White Bear Lake
Business: White Bear Lake
2125 Second Street 55110 (651) 426-1533
Born: 7/25/59. Married: spouse Jenny, 2 children. Occupation: Prosecutor. Education: BA, political science, St. Olaf College; JD, law, University of Minnesota Law School. Elected: 2002. Term: 1st.



Mullery, Joe (DFL) 58A
389 State Office Building..... (651) 296-4262
E-mail: rep.joe.mullery@house.mn
Home: Minneapolis
4101 Vincent Ave. N. 55412.. (612) 521-4921
Occupation: Attorney. Education: JD, University of Minnesota Law School. Elected: 1996. Term: 4th.



Murphy, Mary (DFL) 6B
357 State Office Building..... (651) 296-2676
E-mail: rep.mary.murphy@house.mn
Home: Hermantown
5180 W. Arrowhead Road 55811...(218) 729-6399
Single. Occupation: Grounds Manager/ Historical Preservation. Education: BA, history, College of St. Scholastica; graduate work, University of Minnesota-Duluth, University of Wisconsin-Superior, American University, Macalester College, Indiana University. Elected: 1976. Term: 14th.



Nelson, Carla (R) 30A
State Office Building †(651) 297-9010
E-mail: not available
Home: Rochester
931 S.W. 22nd Ave. 55902 (507) 288-2159
Born: 5/22/57. Married: spouse Terry, 3 children. Occupation: Teacher. Education: BSE, education, Drake University, Des Moines, Iowa; MA, education, University of Minnesota. Elected: 2002. Term: 1st.



Nelson, Michael (DFL) 46A
State Office Building (651) 297-9001
E-mail: not available
Home: Brooklyn Park
7441 Hampshire Ave. N. 55428(763) 561-2795
Business: (651) 271-9681
Born: 6/2/1954. Married: spouse Kathleen, 3 children. Occupation: Trades. Education: carpentry, Hennepin Technical College. Elected: 2002. Term: 1st.



Nelson, Peter (Pete) (R) 17B
State Office Building (651) 297-9010
E-mail: not available
Home: Lindstrom
13426 Third Ave. N.,
Box 744 55045 (651) 257-5040
Business: same (651) 257-1128
Born: 6/24/45. Married: spouse Debra, 2 children. Occupation: Owner, meat processing and sales business. Elected: 2002. Term: 1st.



Nornes, Bud (R) 10A
471 State Office Building..... (651) 296-4946
E-mail: rep.bud.nornes@house.mn
Home: Fergus Falls
22195 River Oaks Drive 56537 (218) 736-7777
Business: same
Born: 3/21/43. Married: spouse Joyce, 3 children. Occupation: Communications. Education: broadcasting, Brown Institute. Elected: 1996. Term: 4th.



Olsen, Stephanie (R) 47B
State Office Building (651) 297-9010
E-mail: not available
Home: Brooklyn Park
4632 Marigold Avenue N. 55443...(763) 315-4982
Born: 11/27/67. Married: spouse Troy. Occupation: Teacher/Education Researcher. Education: BS, social studies and secondary education, St. Cloud State University. Elected: 2002. Term: 1st.



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MINNESOTA LEGISLATURE

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Olson, Mark (R) 16B
501 State Office Building..... (651) 296-4237
E-mail: rep.mark.olson@house.mn
Home: Big Lake
17085 - 142nd Street 55309 (763) 263-3500
Business: same
Single. Occupation: Carpenter/Log Home Builder. Education: Secondary/Wright Technical Center. Elected: 1992. Term: 6th.

Opatz, Joe (DFL) 15B
277 State Office Building..... (651) 296-6612
E-mail: rep.joe.opatz@house.mn
Home: St. Cloud
422 Riverside Drive S. E. 56304 ... (320) 252-1138
Business: St. Cloud
St. Cloud State University 56301
(320) 255-2122



Born: 7/23/52. Married: spouse Pamela Steckman, 2 children. Occupation: University Administrator. Education: BA, psychology, St. Cloud State University; MEd, education, Kent State University; PhD, education, University of Minnesota. Elected: 1992. Term: 6th.

Osterman, Lynne (R) 45A
State Office Building †(651) 297-9010
E-mail: not available
Home: New Hope
8593 48th Ave. N. 55428 (763) 536-0499
Born: 12/12/62. Married: spouse Ron, 2 children.
Occupation: Communications/Project Manager.
Education: BS, speech communications/mass communications, St. Cloud State University.
Elected: 2002. Term: 1st.



Otremba, Mary Ellen (DFL) 11B
393 State Office Building..... (651) 296-3201
E-mail: rep.maryellen.otremba@house.mn
Home: Long Prairie
21616 Ginseng Road 56347 ... (320) 732-6201
Business: Swanville
Swanville High School,
Box 98 56382 (320) 547-2431
Widow: 4 children. Occupation: Teacher/
Farmer. Education: BA, home and community
service; College of St. Benedict; graduate work,
parent education and family life, St. Cloud
State University. Elected: 1997. Term: 4th.



Ozment, Dennis (R) 37B
479 State Office Building..... (651) 296-4306
E-mail: rep.dennis.ozment@house.mn
Home: Rosemount
3275 - 145th St. E. 55068 (651) 423-1331
Born: 5/2/45. Married: spouse Gayle, 2
children. Occupation: Retired Fire Captain.
Education: Fire science, Metropolitan
Community College; public administration,
University of Minnesota. Elected: 1984.
Term: 10th.



Paulsen, Erik (R) 42B
545 State Office Building..... (651) 296-7449
E-mail: rep.erik.paulsen@house.mn
Home: Eden Prairie
9158 East Staring Lane 55347 (952) 949-8869
Business: Bloomington
NavPoint Financial, Inc.
7900 Xerxes Avenue South,
Suite 500 55431 (952) 893-1500
Born: 5/14/65. Married: spouse Kelly, 4 chil-
dren. Occupation: Business. Education: BA,
mathematics, St. Olaf College. Elected: 1994.
Term: 5th.

Paymar, Michael (DFL) 64B
209 State Office Building..... (651) 296-4199
E-mail: rep.michael.paymar@house.mn
Home: St. Paul
2009 Juliet Avenue 55105 (651) 698-3084
Occupation: Program Coordinator, national
training project. Education: BA, education,
College of St. Scholastica; MA, public
administration, Hamline University. Elected:
1996. Term: 4th.



Pelowski Jr., Gene (DFL) 31A
295 State Office Building..... (651) 296-8637
E-mail: rep.gene.pelowski@house.mn
Home: Winona
257 Wilson Street 55987 (507) 454-3282
Business: Winona
Winona Senior High 901 Gilmore 55987
(507) 454-9500
Born: 2/52. Married: spouse Deborah, 2 children.
Occupation: Educator/Golf Professional.
Education: BS, social studies, Winona State
University; MS, education, Winona State
University. Elected: 1986. Term: 9th.



Penas, Maxine (R) 1A
553 State Office Building..... (651) 296-3635
E-mail: rep.maxine.penas@house.mn
Home: Badger
23588-310th Avenue 56714 ... (218) 528-3278
Born: 10/6/46. Married: spouse Albert, 3
children. Occupation: Retired Teacher/Farmer.
Education: BA, biology/chemistry, College of
St. Benedict. Elected: 2000. Term: 2nd.



Peterson, Aaron (DFL) 20A
State Office Building †(651) 297-9001
E-mail: not available
Home: Madison
Route 3, Box 90 56256 (320) 226-1737
Business: same
Born: 9/25/70. Single. Occupation:
Consultant. Education: BS, geology and
watershed science, Colorado State University;
MPA, natural resources policy, Evans School
of Public Affairs, University of Washington-
Seattle. Elected: 2002. Term: 1st.



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ELECTION DIRECTORY**
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House Public Information Services

Pugh, Thomas (DFL) 39A
267 State Office Building..... (651) 296-6828
E-mail: rep.tom.pugh@house.mn
Home: South St. Paul
980 Terrace Lane 55075..... (651) 455-5016
Business: South St. Paul
222 W. Grand Ave. 55075..... (651) 451-6411
Born: 8/49. Married: spouse Susan, 2 children.
Occupation: Attorney. Education: AB,
government, Dartmouth College; JD, University
of Minnesota. Elected: 1988. Term: 8th.



Rhodes, Jim (R) 44A
409 State Office Building..... (651) 296-9889
E-mail: rep.jim.rhodes@house.mn
Home: St. Louis Park
3408 Rhode Island Ave. S. 55426... (952) 933-1325
Business: Roseville
1700 W. Highway 36,
Suite 301 55113..... (651) 697-7924
Born: 4/9/42. Married: spouse Judy, 2
children. Occupation: Nonprofit Credit
Counselor. Education: AA, University of
Minnesota. Elected: 1993. Term: 6th.



Rukavina, Tom (DFL) 5A
375 State Office Building..... (651) 296-0170
E-mail: rep.tom.rukavina@house.mn
Home: Virginia
6930 U.S. Highway 169 55792..... (218) 749-5690
Born: 8/23/50. Married: spouse Lenore, 2
children. Occupation: Legislator. Education:
BA, political science, University of Minnesota-
Duluth. Elected: 1986. Term: 9th.



Ruth, Connie (R) 26A
415 State Office Building..... (651) 296-5368
E-mail: rep.connie.ruth@house.mn
Home: Owatonna
689 Woodhill Place 55060..... (507) 451-1144
Married: spouse Douglas, 3 children.
Occupation: Legislator. Education: BA,
organization management/communications,
Concordia University; MA, organizational
management, Concordia University. Elected:
2000. Term: 2nd.



Samuelson, Charlotte (R) 50B
State Office Building †(651) 297-9010
E-mail: not available
Home: New Brighton
230 - 23rd Ave. N.W. 55112.. (651) 636-5331
Business: St. Paul
2489 Rice St., Suite 121 55113 (651) 481-9095
Married: spouse Gerald, 2 children.
Occupation: Healthcare Consultant.
Education: BA, human services, Metropolitan
State University; MA, religious leadership,
United Theological Seminary, New Brighton.
Elected: 2002. Term: 1st.



Seagren, Alice (R) 41B
477 State Office Building..... (651) 296-7803
E-mail: rep.alice.seagren@house.mn
Home: Bloomington
9730 Palmer Circle 55437..... (952) 835-6721
Born: 7/6/47. Married: spouse Fred, 2
children. Occupation: Homemaker/
Community Volunteer. Education: BS,
business, Southeast Missouri State University.
Elected: 1992. Term: 6th.



Seifert, Marty (R) 21A
593 State Office Building..... (651) 296-5374
E-mail: rep.marty.seifert@house.mn
Home: Marshall
401 Mason Street 56258..... (507) 537-9794
Business: Marshall
1501 State Street 56258
Born: 4/23/72. Married: spouse Traci, 1 child.
Occupation: University Admissions
Counselor. Education: BA, political science,
Southwest State University-Marshall. Elected:
1996. Term: 4th.



Sertich, Anthony (Tony) (DFL) 5B
233 State Office Building..... (651) 296-0172
E-mail: rep.tony.sertich@house.mn
Home: Chisholm
P.O. Box 3 55719..... (218) 254-1936
Born: 1/2/76. Single. Occupation: Legislator.
Education: BA, theatre arts/political science,
Hamline University. Elected: 2000. Term: 2nd.



Severson, Daniel (R) 14A
State Office Building †(651) 297-9010
E-mail: not available
Home: Sauk Rapids
1025 Water Ave. 56379..... (320) 230-2353
Business: same
Married: spouse Cathy Jo, 2 children.
Occupation: Substitute Teacher/Business
Owner. Education: BA, physics, St. Cloud State
University; graduate classes in transportation.
Elected: 2002. Term: 1st.



Sieben, Katie (DFL) 57A
State Office Building †(651) 297-9001
E-mail: not available
Home: Newport
1625 Wild Ridge Court S. 55055.. (651) 459-5292
Born: 3/23/77. Single. Occupation: Health
Care Advocate. Education: BA, history and
government, Colorado College. Elected: 2002.
Term: 1st.



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Simpson, Dean (R) 10B
State Office Building †(651) 297-9010
E-mail: not available
Home: New York Mills
312 Polaris Parkway 56567 (218) 385-3015
Business: New York Mills
113 Miller St., P.O. Box 10 56567 (218) 346-6750
Born: 9/7/50. Married: spouse Kathy, 4 children. Occupation: Business. Education: vocational/technical studies. Elected: 2002. Term: 1st.



Slawik, Nora (DFL) 55B
349 State Office Building (651) 296-7807
E-mail: rep.nora.slawik@house.mn
Home: Maplewood
2335 Snowshoe Lane E. 55119 (651) 738-7099
Business: same
Born: 11/23/62. Married: spouse Brien, 2 children. Occupation: Consultant. Education: BS, recreation administration, Arizona State University. Elected: 1996. Term: 3rd.



Smith, Steve (R) 33A
503 State Office Building (651) 296-9188
E-mail: rep.steve.smith@house.mn
Home: Mound
2710 Clare Lane 55364 (952) 472-7664
Business: Richfield
Smith - Fisher Attorneys 1401 W. 76th Street, Suite 400 55423 (612) 861-4556
Born: 11/29/49. Married: spouse Cindi, 1 child. Occupation: Attorney. Education: BA, political science, University of Minnesota; JD, Oklahoma City University School of Law. Elected: 1990. Term: 7th.



Soderstrom, Judy (R) 8B
State Office Building †(651) 297 2010
E-mail: not available
Home: Mora
514 E. Forest Ave., P.O. Box 105 55051 (320) 679-2187
Born: 4/9/42. Married: spouse Ronald, 3 children. Occupation: Real Estate. Elected: 2002. Term: 1st.



Solberg, Loren (DFL) 3B
309 State Office Building (651) 296-2365
E-mail: rep.loren.solberg@house.mn
Home: Grand Rapids
2114 S.W. Third Ave. 55744 .. (218) 327-1292
Business: Bovey
101 Fifth Ave. 55709 (218) 245-2661
Born: 11/3/41. Married: spouse Joan, 4 children. Occupation: Teacher. Education: BS, MS, math education, Bemidji State University; MPA, Harvard University. Elected: 1982. Term: 11th.



Stanek, Rich (R) 32B
543 State Office Building (651) 296-5502
E-mail: rep.rich.stanek@house.mn
Home: Maple Grove
14890 - 91st Avenue North 55369 (763) 420-4497

Business: Minneapolis
Minneapolis Police Department
350 S. Fifth Street,
#130 City Hall 55415 (612) 673-2218
Married: spouse Sally, 2 children. Occupation: Police Officer. Education: BA, criminal justice, University of Minnesota; MA, public administration, Hamline University. Elected: 1995. Term: 5th.



Stang, Doug (R) 14B
597 State Office Building (651) 296-4373
E-mail: rep.doug.stang@house.mn
Home: Cold Spring
1302 - 2nd St. S. 56320 (320) 685-5969
Born: 5/4/74. Married: spouse Susan, 2 children. Occupation: Real Estate. Education: BA, government, St. John's University. Elected: 1996. Term: 4th.



Strachan, Steve (R) 36B
State Office Building †(651) 297-9010
E-mail: not available
Home: Farmington
19179 Echo Lane 55024 (651) 463-4523
Business: Lakeville
20110 Holyoke Ave. W. 55044 (952) 985-4826
Born: 1/26/65. Married: spouse Susan. Occupation: Police Sergeant. Education: BS, sociology, University of Minnesota; MA, public administration, Minnesota State University, Mankato. Elected: 2002. Term: 1st.



Sviggum, Steve (R) 28B
463 State Office Building (651) 296-2273
E-mail: rep.steve.sviggum@house.mn
Home: Kenyon
42490 - 60th Avenue 55946 ... (507) 789-4673
Born: 9/51. Married: spouse Debra, 3 children. Occupation: Farmer/Educator. Education: BA, mathematics, St. Olaf College. Elected: 1978. Term: 13th.



Swenson, Howard (R) 23A
539 State Office Building (651) 296-8634
E-mail: rep.howard.swenson@house.mn
Home: Nicollet
45612 - 380th St. 56074 (507) 246-5125
Married: spouse Jane, 5 children. Occupation: Farmer. Elected: 1994. Term: 5th.

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MINNESOTA LEGISLATURE

House Public Information Services

Sykora, Barb (R) 33B
403 State Office Building..... (651) 296-4315
E-mail: rep.barb.sykora@house.mn
Home: Excelsior
4835 Highcrest Drive 55331 .. (952) 474-3634
Married: spouse Bob, 4 children. Occupation:
Legislator/Homemaker. Education: BA,
education, College of St. Catherine. Elected:
1994. Term: 5th.



Thao, Cy (DFL) 65A
State Office Building †(651) 297-9001
E-mail: not available
Home: St. Paul
990 Aurora Ave. 55104 (651) 245-5390
Business: St. Paul
995 University Ave. #12 55104
Born: 3/2/72. Married: spouse Lee Vang, 1
child. Occupation: Artist. Education: BA,
political science, University of Minnesota-
Morris; BA, studio art, University of
Minnesota-Morris. Elected: 2002. Term: 1st.



Thissen, Paul (DFL) 63A
State Office Building †(651) 297-9001
E-mail: not available
Home: Minneapolis
1219 W. 51st St. 55419 (612) 824-6697
Business: Minneapolis
2400 IDS Center
80 S. Eighth St. 55402 (612) 334-8400
Born: 12/10/66. Married: spouse Karen Wilson,
2 children. Occupation: Attorney. Education:
AB, Harvard University; JD, University of
Chicago. Elected: 2002. Term: 1st.



Tingelstad, Kathy (R) 49B
507 State Office Building..... (651) 296-5369
E-mail: rep.kathy.tingelstad@house.mn
Home: Andover
13636 Marigold St. N. W. 55304.....(763) 421-2000
Business: Andover
13636 Marigold St. N. W. 55304.....(763) 421-2000
Married: spouse Merle, 2 children. Occupation:
Consultant. Education: BA, communications,
University of Minnesota; MBA Certificate,
organization management, University of
St. Thomas. Elected: 1996. Term: 4th.



Urdahl, Dean (R) 18B
State Office Building †(651) 297-9010
E-mail: not available
Home: Grove City
54880 - 253rd St. 56243 (320) 857-2600
Business: New London
101 Fourth Ave. S.W. 56273 .. (320) 354-2252
Born: 8/18/49. Married: spouse Karen, 3
children. Occupation: Teacher. Education: BS,
social studies, St. Cloud State University.
Elected: 2002. Term: 1st.



Vandever, Ray (R) 52A
529 State Office Building..... (651) 296-4124
E-mail: rep.ray.vandever@house.mn
Home: Forest Lake
1344 Baypoint Drive 55025 ... (651) 464-7904
Business: New Brighton
321 Old Highway 8 55112 (651) 631-8442
Born: 7/8/53. Married: spouse Camille, 4
children. Occupation: Real Estate. Education:
BS, Marketing, St. Cloud State University.
Elected: 1998. Term: 4th.



Wagenius, Jean (DFL) 62B
239 State Office Building..... (651) 296-4200
E-mail: rep.jean.wagenius@house.mn
Home: Minneapolis
4804 - 11th Ave. S. 55417 (612) 822-3347
Born: 10/41. Married: spouse Dwight, 2
children. Occupation: Legislator. Education:
BA, George Washington University; JD,
William Mitchell College of Law. Elected: 1986.
Term: 9th.



Walker, Neva (DFL) 61B
213 State Office Building..... (651) 296-7152
E-mail: rep.neva.walker@house.mn
Home: Minneapolis
P.O. Box 80224 55408 (612) 824-4262
Born: 12/71. Single, 1 child. Occupation:
Community Activist. Education: sociology,
University of Minnesota. Elected: 2000. Term:
2nd.



Walz, Dale (R) 12A
527 State Office Building..... (651) 296-4333
E-mail: rep.dale.walz@house.mn
Home: Brainerd
12396 Oakridge Road 56401 . (218) 828-4187
Born: 9/16/64. Single, 3 children. Occupation:
Police Officer. Education: AAS, criminal
justice, Central Lakes College. Elected: 2000.
Term: 2nd.



Wardlow, Lynn (R) 38B
State Office Building †(651) 297-9010
E-mail: not available
Home: Eagan
4317 Lodgepole Drive 55122 (651) 454-7825
Business: Eagan
Eagan High School
4185 Braddock Trail 55123 (651) 683-6900
Born: 11/11/43. Married: spouse Sheryl, 2
children. Occupation: Teacher. Education: BS,
physical education, Augustana College, Sioux
Falls, S.D.; MS, mathematics, Minnesota State
University, Mankato. Elected: 2002. Term: 1st.



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House Public Information Services



Wasiluk, Scott (DFL) 55A
225 State Office Building..... (651) 296-1188
E-mail: rep.scott.wasiluk@house.mn
Home: Maplewood
1747 Frank Street 55109 (651) 776-2633
Business: Maple Grove
2 Scimed Place 55311
Born: 5/1/58. Married: spouse Julie, 2 children. Occupation: Microbiologist.
Education: BA, chemistry, University of St. Thomas. Elected: 2000. Term: 2nd.



Westerberg, Andrew (R) 51A
523 State Office Building..... (651) 296-4226
E-mail: rep.andy.westerberg@house.mn
Home: Blaine
13070 Goodhue St. N. E. 55449 ... (763) 757-5097
Business: Coon Rapids
10600 University Ave. N. W. 55448... (763) 754-1600
Married: spouse Catherine, 4 children.
Occupation: Insurance. Education: AA, Anoka-Ramsey Community College; CLU designation, The American College. Elected: 1998. Term: 3rd.



Westrom, Torrey (R) 11A
557 State Office Building..... (651) 296-4929
E-mail: rep.torrey.westrom@house.mn
Home: Elbow Lake
P.O. Box 210 56531..... (218) 685-6266
Business: same
Single. Occupation: Business. Education: BA, political science, Bemidji State University.
Elected: 1996. Term: 4th.



Wilkin, Tim (R) 38A
413 State Office Building..... (651) 296-3533
E-mail: rep.tim.wilkin@house.mn
Home: Eagan
1415 Kingswood Pond Road 55122
(651) 994-8293
Born: 11/5/65. Married: spouse Eileen, 3 children. Occupation: Small business owner.
Education: BBA, finance, University of Iowa.
Elected: 1998. Term: 3rd.

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House Public Information Services



Election Directory

Minnesota Senate

Prepared by
Minnesota Senate Publications
G-22 Capitol
St. Paul, MN 55155
(651) 296-0259

Senate Demographics Unofficial

35 DFL members
31 R members
1 IP member

Number of Freshmen Senators: 21

8 DFL; 1 woman and 7 men
13 R; 4 women and 9 men

Number of Women Senators: 23

11 DFL women
11 R women
1 IP woman

Results of elections are **unofficial** until the elections are certified by county and state canvassing boards. The boards must meet by November 19, 2002. In some races, recounts may occur. Automatic and optional recounts are governed by Minnesota Statutes 204C.35, reprinted below.

204C.35 Federal, state, and judicial races.

Subdivision 1. **Automatic recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office:

(1) is less than one-half of one percent of the total number of votes counted for that nomination; or

(2) is ten votes or less and the total number of votes cast for the nomination is 400 votes or less;

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office and the votes of any other candidate for that office:

(1) is less than one-half of one percent of the total number of votes counted for that office; or

(2) is ten votes or less if the total number of votes cast for the office is 400 votes or less,
the canvassing board shall recount the votes.

(c) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

(e) A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

Subd. 2. **Optional recount.** (a) A losing candidate for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Previous page: photo by David J. Oakes

Minnesota Senate 2003-2004

Unofficial results as of November 6, 2002

District/Member/Party

1 Stumpf, LeRoy A. (DFL)
 2 Skoe, Rod (DFL)*
 3 Saxhaug, Tom (DFL)*
 4 Ruud, Carrie L. (R)*
 5 Tomassoni, David J. (DFL)
 6 Bakk, Thomas M. (DFL)*
 7 Solon, Yvonne Prettnner (DFL)
 8 Lourey, Becky (DFL)
 9 Langseth, Keith (DFL)
 10 Larson, Cal (R)
 11 Sams, Dallas C. (DFL)
 12 Koering, Paul E. (R)*
 13 Johnson, Dean E. (DFL)
 14 Fischbach, Michelle L. (R)
 15 Kleis, Dave (R)
 16 Wergin, Betsy L. (R)*
 17 Nienow, Sean R. (R)*
 18 Dille, Steve (R)
 19 Ourada, Mark (R)
 20 Kubly, Gary W. (DFL)*
 21 Frederickson, Dennis R. (R)
 22 Vickerman, Jim (DFL)
 23 Hottinger, John C. (DFL)
 24 Rosen, Julie A. (R)*
 25 Neuville, Thomas M. (R)
 26 Day, Dick (R)
 27 Sparks, Daniel D. (DFL)*
 28 Murphy, Steve (DFL)
 29 Senjem, David H. (R)*
 30 Kiscaden, Sheila M. (IP)
 31 Kierlin, Bob (R)
 32 Limmer, Warren (R)
 33 Olson, Gen (R)
 34 Ortman, Julianne E. (R)*

District/Member/Party

35 Robling, Claire A. (R)
 36 Pariseau, Pat (R)
 37 Knutson, David L. (R)
 38 McGinn, Mike (R)*
 39 Metzen, James P. (DFL)
 40 Belanger Jr., William V. (R)
 41 Michel, Geoff (R)*
 42 Hann, David (R)*
 43 Gaither, David C. (R)*
 44 Kelley, Steve (DFL)
 45 Rest, Ann H. (DFL)
 46 Scheid, Linda (DFL)
 47 Foley, Leo T. (DFL)
 48 Jungbauer, Mike J. (R)*
 49 Johnson, Debbie J. (R)
 50 Chaudhary, Satveer (DFL)
 51 Betzold, Don (DFL)
 52 Bachmann, Michele (R)
 53 Reiter, Mady (R)
 54 Marty, John (DFL)
 55 Wiger, Charles W. "Chuck" (DFL)
 56 LeClair, Brian (R)*
 57 Marko, Sharon (DFL)*
 58 Higgins, Linda (DFL)
 59 Pogemiller, Lawrence J. (DFL)
 60 Dibble, D. Scott (DFL)*
 61 Berglin, Linda (DFL)
 62 Skoglund, Wesley J. (DFL)*
 63 Ranum, Jane B. (DFL)
 64 Cohen, Richard J. (DFL)
 65 Pappas, Sandra L. (DFL)
 66 Anderson, Ellen R. (DFL)
 67 Moua, Mee (DFL)

* denotes freshman senator.

Capitol or State Office Building, St. Paul, MN 55155
 Senate Information (651) 296-0504 or toll free 1-888-234-1112
 TTY (651) 296-0250 or toll free 1-888-234-1216

**2003
ELECTION DIRECTORY**
MINNESOTA LEGISLATURE

Minnesota Senate Publications Office



Anderson, Ellen R. (DFL) 66
*State Capitol
Home: St. Paul
905 Lakeview Ave 55117 (651) 488-7403
Business: Same.
Born: 11/25/59. Married: Spouse Andy Dawkins, 2 children. Occupation: Attorney, college instructor. Education: BA, Carleton College; JD, University of Minnesota. Elected: 1992, re-elected 1996, 2000, 2002. Term: 4th.



Bachmann, Michele (R) 52
*155 State Office Building
Home: Stillwater
1801 Johnson Dr 55082 (651) 430-3377
Married: Spouse Marcus, 5 children. Occupation: Tax litigation attorney. Education: JD, Coburn Law; LL.M., Marshall-Wythe School of Law, College of William and Mary. Elected: 2000, re-elected 2002. Term: 2nd.



Bakk, Thomas M. (DFL) 6
State Capitol
*Home: Cook
2361 Retreat Rd 55723 (218) 666-5041
Business: Virginia
307 1st St N 55792 (218) 741-6010
Born: 6/8/54. Married: Spouse Laura, 4 children. Occupation: Labor representative. Education: BA, University of Minnesota-Duluth. Elected: to the House 1994, re-elected 1996, 1998, 2000; to the Senate 2002. Term: 1st.



Belanger Jr., William V. (R) 40
155 State Office Building
*Home: Bloomington
10716 Beard Ave S 55431 (952) 881-4119
Home fax: (952) 346-0078
Born: 10/18/28. Married: Spouse Lois, 7 children. Education: St. Thomas College. Elected: 1980, re-elected 1982, 1986, 1990, 1992, 1996, 2000, 2002. Term: 8th.



Berglin, Linda (DFL) 61
*State Capitol
Home: Minneapolis
4801 5th Ave S 55409-2642 (612) 822-0694
Born: 10/19/44. Married: Spouse Glenn Sampson, 1 child. Occupation: Legislator. Education: BFA, Minneapolis College of Art and Design. Elected: to the House 1972, re-elected 1974, 1976, 1978; to the Senate 1980, re-elected 1982, 1986, 1990, 1992, 1996, 2000, 2002. Term: 8th.



Betzold, Don (DFL) 51
State Capitol
Home: Fridley
6150 Briardale Ct 55432-5210 (763) 571-0098
*Business: Brooklyn Center
6160 Summit Dr #425 55430 (763) 566-8800
Born: 8/27/50. Married: Spouse Leesa, 1 child. Occupation: Attorney/Colonel (Ret.), Judge Advocate General's Corps, Army Reserves. Education: BA, University of Minnesota; JD, Hamline University School of Law. Elected: 1992, re-elected 1996, 2000, 2002. Term: 4th.



Chaudhary, Satveer (DFL) 50
*State Capitol
Home: Fridley
1601 Innsbruck Dr N 55432 (763) 571-0897
Born: 6/12/69. Single. Occupation: Business consultant/attorney. Education: BA, St. Olaf College; JD, University of Minnesota School of Law. Elected: to the House 1996, re-elected 1998; to the Senate 2000, re-elected 2002. Term: 2nd.



Cohen, Richard J. (DFL) 64
*State Capitol
Home: St Paul
591 Cretin Ave 55116 (651) 699-4476
Business: St Paul
190 Midtown Commons
2334 University Ave 55114 (651) 645-0511
Occupation: Attorney. Education: BA, Northwestern University; JD, William Mitchell College of Law. Elected: to the House 1976, re-elected 1982, 1984; to the Senate 1986, re-elected 1990, 1992, 1996, 2000, 2002. Term: 6th.



Day, Dick (R) 26
*155 State Office Building
Home: Owatonna
277 Cedar Cove Ln 55060 (507) 451-0165
Married: Spouse Janet, 4 children. Occupation: Retired (IBM). Education: BA, Winona State College. Elected: 1990, re-elected 1992, 1996, 2000, 2002. Term: 5th.



Dibble, D. Scott (DFL) 60
*State Capitol
Home: Minneapolis
4207 Blaisdell Ave. 55409 (612) 824-3823
Business: Minneapolis
430 Oak Grove St
Suite 117 55403 (612) 874-9002
Born: 8/27/65. Partner: David Maier. Occupation: Community organizer. Education: University of Minnesota; University of St. Thomas. Elected: to the House 2000; to the Senate 2002. Term: 1st.

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Minnesota Senate Publications Office

Dille, Steve (R) 18
155 State Office Building
*Home: Dassel
69800 305th St 55325 (320) 398-6545
Business: Same.
Born: 3/16/45. Married: Spouse Pamela, 4 children.
Occupation: Farmer/veterinarian. Education: BS,
DVM, College of Veterinary Medicine, University of
Minnesota. Elected: to the House 1986, re-elected
1988, 1990; to the Senate 1992, re-elected 1996,
2000, 2002. Term: 4th.



Fischbach, Michelle L. (R) 14
155 State Office Building
*Home: Paynesville
416 Burr St 56362 (320) 243-7052
Business: Same.
Born: 11/3/65. Married: Spouse Scott, 2 children.
Education: BA, St. Cloud State University; College
of St. Benedict. Elected: special election 1996, re-
elected 1996, 2000, 2002. Term: 4th.



Foley, Leo T. (DFL) 47
State Capitol
*Home: Coon Rapids
12275 Hummingbird St NW 55448 (763) 757-8379
Business: Anoka
Anoka County Attorney's Office
Government Center, 7th Floor
2100 3rd Ave 55303-2265 (763) 323-5676
Born: 10/25/28. Married: Spouse Kathryn, 4
children. Occupation: Attorney. Education: BA,
Metropolitan State University; MA, Minnesota State
University-Mankato; JD, William Mitchell College of
Law. Elected: 1996, re-elected 2000, 2002. Term:
3rd.



Frederickson, Dennis R. (R) 21
155 State Office Building
*Home: New Ulm
4 Sunrise Dr 56073 (507) 359-9482
Business: Same.
Born: 7/27/39. Married: Spouse Marjorie, 3
children. Occupation: Retired farmer. Education:
BS, University of Minnesota. Elected: 1980, re-
elected 1982, 1986, 1990, 1992, 1996, 2000, 2002.
Term: 8th.



Gaither, David C. (R) 43
155 State Office Building
*Home: Plymouth
16500 45th Ave N 55446 (763) 559-2597
Business: Same. (763) 559-2720
Born: 3/4/57. Married: Spouse Susan, 3 children.
Occupation: Business owner and principal, execu-
tive search and consulting firm. Education: Wayzata
High School; University of Minnesota. Elected:
2002. Term: 1st.



Hann, David (R) 42
155 State Office Building
*Home: Eden Prairie
887 Sylvan Ridge 55347
Born: 1952. Married: 4 children. Occupation:
Director of forecasting and logistics (Deli Express).
Education: BA, Gustavus Adolphus College.
Elected: 2002. Term: 1st.



Higgins, Linda (DFL) 58
State Capitol
*Home: Minneapolis
1715 Emerson Ave N 55411 (612) 522-2776
Born: 11/11/50. Occupation: Legislator/writer.
Education: AA, Iowa Lakes Community College; BS,
Mankato State College. Elected: 1996, re-elected
2000, 2002. Term: 3rd.



Hottinger, John C. (DFL) 23
State Capitol
Home: St Peter
304 W Grace St 56082
*Business: Mankato
P O Box 3183 56002 (507) 386-1333
Born: 9/18/45. Married: Spouse Mimi, 3 children.
Occupation: Attorney. Education: BS, St Thomas
University; JD, Georgetown University Law Center.
Elected: 1990, re-elected 1992, 1996, 2000, 2002.
Term: 5th.



Johnson, Dean E. (DFL) 13
State Capitol
Home: Willmar
1500 Country Club Dr NE 56201 (320) 235-6815
*Business: Willmar
PO Box 996 56201 (320) 235-6388
Born: 6/24/47. Married: Spouse Avonelle, 1 child.
Occupation: Lutheran pastor; National Guard
Chaplain, Brig. Gen. (Select). Education: BA, Luther
College; Master of Divinity, Luther Seminary; Master
of Strategic Studies, US Army War College. Elected:
to the House 1978, re-elected 1980; to the Senate
1982, re-elected 1986, 1990, 1992, 1996, 2000,
2002. Term: 7th.



Johnson, Debbie J. (R) 49
*155 State Office Building
Home: Ham Lake
3501 149th Ln NE 55304 (763) 434-6446
Business: Blaine
13001 Central Ave NE 55449
Born: 10/57. Married: Spouse Wayne, 2 children.
Occupation: Owner, retail hardware. Elected:
2000, re-elected 2002. Term: 2nd.



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Jungbauer, Mike J. (R) 48
155 State Office Building
*Home: East Bethel
21212 E Bethel Blvd 55011
Business: Same. (612) 282-5577
Born: 2/9/58. Married: Spouse Vicki, 4 children.
Occupation: Wastewater treatment designer. Education: Moody Bible Institute. Elected: 2002. Term: 1st.



Kelley, Steve (DFL) 44
*State Capitol
Home: Hopkins
121 Blake Rd S 55343 (952) 933-4107
Business: Minneapolis
1400 AT&T Tower
901 Marquette Ave 55402 (612) 305-1442
Born: 1/8/53. Married: Spouse Sophie Bell Kelley, 2 children. Occupation: Attorney. Education: BA, Williams College; JD, Columbia University. Elected: to the House 1992, re-elected 1994; to the Senate 1996, re-elected 2000, 2002. Term: 3rd.



Kierlin, Bob (R) 31
*155 State Office Building
Home: Winona
PO Box 302 55987 (507) 454-5241
Business: Winona
2001 Theurer Blvd 55987 (507) 453-8765
Born: 6/1/39. Married: Spouse Mary Burrichter, 2 children. Occupation: CEO (Fastenal Co). Education: BSME, MBA, University of Minnesota. Elected: special election 1999, re-elected 2000, 2002. Term: 3rd.



Kiscaden, Sheila M. (IP) 30
155 State Office Building
*Home: Rochester
724 11th St SW 55902 (507) 287-6845
Business: Same.
Married: Spouse Richard, 2 children. Occupation: Organizational consultant. Education: BS, University of Minnesota; MS, University of Southern California. Elected: 1992, re-elected 1996, 2000, 2002. Term: 4th.



Kleis, Dave (R) 15
*Home: St Cloud
45 20th Ave N 56303 (320) 253-9535
Business: St Cloud
P O Box 6201 56302 (320) 255-9667
Born: 1/21/64. Single. Occupation: Small business owner. Education: BA, St Cloud State University. Elected: special election 1994, re-elected 1996, 2000, 2002. Term: 4th.



Knutson, David L. (R) 37
*155 State Office Building
Home: Burnsville
1805 Keller Lake Dr 55306 (952) 431-6232
Business: Apple Valley
7300 147th St W
Suite 600 55124 (952) 432-3136
Born: 11/24/59. Married: Spouse Laurie, 2 children. Occupation: Attorney. Education: BA, St. Olaf College; JD, William Mitchell College of Law. Elected: 1992, re-elected 1996, 2000, 2002. Term: 4th.



Koering, Paul E. (R) 12
*Home: Fort Ripley
4625 Cty Rd 121 56449 (218) 829-0544
Business: Same. (218) 820-9134
Born: 12/17/64. Single. Occupation: Small business owner. Education: High school. Elected: 2002. Term: 1st.



Kubly, Gary W. (DFL) 20
State Capitol
*Home: Granite Falls
445 10th Ave 56241 (320) 564-4295
Born: 11/12/43. Married: Spouse Patricia, 3 children. Occupation: Lutheran pastor. Education: BA, Minnesota State University-Mankato; MDiv, Luther Seminary. Elected: to the House 1996, re-elected 1998, 2000; to the Senate 2002. Term: 1st.



Langseth, Keith (DFL) 9
*State Capitol
Home: Glyndon
14043 70th Ave S 56547-9531 (218) 498-2580
Home fax: (218) 498-0412
Born: 1/20/38. Married: Spouse Lorraine, 3 children. Occupation: Dairy farmer. Education: High school. Elected: to the House 1974, re-elected 1976; to the Senate 1980, re-elected 1982, 1986, 1990, 1992, 1996, 2000, 2002. Term: 8th.



Larson, Cal (R) 10
155 State Office Building
Home: Fergus Falls
316 E Cherry 56537 (218) 736-5548
*Business: Fergus Falls
111 E Lincoln 56537 (218) 736-7823
Married: Spouse Loretta, 2 children. Occupation: Consultant. Education: BA, Concordia College (Moorhead). Elected: to the House 1966, re-elected 1968, 1970, 1972; to the Senate 1986, re-elected 1990, 1992, 1996, 2000, 2002. Term: 6th.

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ELECTION DIRECTORY**
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Minnesota Senate Publications Office

LeClair, Brian (R) 56
*155 State Office Building
Home: Woodbury
Business: Woodbury
6701 Upper Afton Rd 55125
Born: 10/17/68. Single. Occupation: Insurance executive. Education: BS; JD; MBA. Elected: 2002. Term: 1st.



Limmer, Warren (R) 32
155 State Office Building
*Home: Maple Grove
12888 N 73rd Ave 55369 (763) 493-9646
Married: Spouse Lori, 3 children. Occupation: Real estate broker. Education: BA, St. Cloud State University. Elected: to the House 1988, re-elected 1990, 1992, 1994; to the Senate in special election 1995, re-elected 1996, 2000, 2002. Term: 4th.



Lourey, Becky (DFL) 8
*State Capitol
Home: Kerrick
51752 Oak Leaf Road 55756 (218) 496-5528
Born: 9/24/43. Married: Spouse Gene, 12 children (2 deceased). Occupation: Legislator/homemaker/activist. Education: Asbury College (Kentucky); University of Minnesota. Elected: to the House 1990, re-elected 1992, 1994; to the Senate 1996, re-elected 2000, 2002. Term: 3rd.



Marko, Sharon (DFL) 57
State Capitol
*Home: Cottage Grove
11247 Kingsborough Trail 55016 ... (651) 480-7997
Born: 3/2/53. Married: Spouse James Wolcott, 2 children. Occupation: Education: BA, Indiana University. Elected: to the House 1994, re-elected 1996, 1998, 2000; to the Senate 2002. Term: 1st



Marty, John (DFL) 54
*State Capitol
Home: Roseville
2478 Lydia Ave W 55113 (651) 633-8934
Born: 11/1/56. Married: Spouse Connie, 2 children. Occupation: Writer. Education: St. Olaf College. Elected: 1986, re-elected 1990, 1992, 1996, 2000, 2002. Term: 6th.



McGinn, Mike (R) 38
155 State Office Building
*Home: Eagan
1451 Blackhawk Lake Dr 55122 (651) 405-8485
Business: Same.
Born: 7/25/47. Married: Spouse Lisa, 4 children. Occupation: Consultant. Education: BA, University of St. Thomas. Elected: 2002. Term: 1st.



Metzen, James P. (DFL) 39
*State Capitol
Home: South St. Paul
312 Deerwood Ct 55075 (651) 451-0174
Born: 10/26/43. Married: Spouse Sandie, 2 children. Occupation: Banker. Education: University of Minnesota. Elected: to the House 1974, re-elected 1976, 1978, 1980, 1982, 1984; to the Senate 1986, re-elected 1990, 1992, 1996, 2000, 2002. Term: 6th.



Michel, Geoff (R) 41
*155 State Office Building
Home: Edina
6617 Nordic Dr 55439 (952) 943-0854
Business: St Paul
400 Robert St N 55101 (651) 665-5882
Born: 11/13/63. Married: Spouse Annie, 4 children. Occupation: Counsel (Minnesota Life). Education: BA, Dartmouth College; JD, University of Minnesota. Elected: 2002. Term: 1st.



Moua, Mee (DFL) 67
*State Capitol
Home: St Paul
1797 3rd St E 55119 (651) 702-3645
Born: 6/30/69. Married: Spouse Nha Yee Chang, 1 child. Occupation: Attorney. Education: BA, Brown University; MPAff, Lyndon Baines Johnson School of Public Affairs, University of Texas; JD, University of Minnesota. Elected: Special election 2002, re-elected 2002. Term: 2nd.



Murphy, Steve (DFL) 28
*State Capitol
Home: Red Wing
PO Box 40 55066 (651) 385-7649
Family: 2 children. Occupation: Fuels technician, Xcel Energy. Education: Eastern Illinois University; Red Wing Technical College. Elected: 1992, re-elected 1996, 2000, 2002. Term: 4th.



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Minnesota Senate Publications Office



Neuville, Thomas M. (R) 25
*155 State Office Building
Home: Northfield
5119 Ebel Way 55057 (507) 645-9058
Business: Northfield
PO Box 7, 515 Water St S 55057 (507) 645-4451
Born: 1/31/50. **Married:** Spouse Marilyn, 5 children. **Occupation:** Attorney. **Education:** BS, Michigan Tech University; JD, William Mitchell College of Law. **Elected:** 1990, re-elected 1992, 1996, 2000, 2002. **Term:** 5th.



Nienow, Sean R. (R) 17
155 State Office Building
***Home:** Cambridge
139 6th Ave SW 55008 (763) 689-1623
Born: March 9. **Married:** Spouse Cyndy, 6 children. **Occupation:** Process consultant. **Education:** Attended Northwestern College. **Elected:** 2002. **Term:** 1st.



Olson, Gen (R) 33
*155 State Office Building
Home: Minnetrista
6750 City Rd 110 W 55364 (952) 472-3306
Born: 5/20/38. **Single.** **Occupation:** Legislator. **Education:** BS Ed with Dist., University of Minnesota; Ed D, University of Minnesota. **Elected:** 1982, re-elected 1986, 1990, 1992, 1996, 2000, 2002. **Term:** 7th.



Ortman, Julianne E. (R) 34
155 State Office Building
***Home:** Chanhassen
8698 Chanhassen Hills Dr N 55317 .. (612) 386-8523
Business: Minnetonka
15600 Wayzata Blvd
Suite 208 55317 (952) 476-2640
Born: 8/29/62. **Married:** Spouse Ray, 4 children. **Occupation:** Attorney. **Education:** BA, Macalester College; JD, University of Pennsylvania Law School. **Elected:** 2002. **Term:** 1st.



Ourada, Mark (R) 19
*155 State Office Building
Home: Buffalo
1110 Innsbrook Ln 55313 (763) 684-1566
Born: 4/28/56. **Family:** 2 children. **Occupation:** Lab technician. **Elected:** 1994, re-elected 1996, 2000, 2002. **Term:** 4th.



Pappas, Sandra L. (DFL) 65
*State Capitol
Home: St. Paul
182 Prospect Blvd 55107 (651) 227-6032
Born: 6/15/49. **Married:** Spouse Neal Gosman, 3 children. **Occupation:** College instructor. **Education:** BA, Metropolitan State University; MPA, John F. Kennedy School of Government, Harvard University. **Elected:** to the House 1984, re-elected 1986, 1988; to the Senate 1990, re-elected 1992, 1996, 2000, 2002. **Term:** 5th.



Pariseau, Pat (R) 36
*155 State Office Building
Home: Farmington
25660 Biscayne Ave W 55024 (651) 463-8496
Business: Same.
Married: Spouse Kenneth, 6 children **Occupation:** Business owner/farm wife. **Education:** RN, Ravenswood Hospital School of Nursing (Chicago). **Elected:** 1988, re-elected 1990, 1992, 1996, 2000, 2002. **Term:** 6th.



Pogemiller, Lawrence J. (DFL) 59
*State Capitol
Home: Minneapolis
201 University Ave NE 55413 (612) 378-1006
Born: 9/18/51. **Family:** 1 child. **Occupation:** System project analyst. **Education:** BS, Graduate School of Economics, University of Minnesota; MPA, Harvard University. **Elected:** to the House 1980; to the Senate 1982, re-elected 1986, 1990, 1992, 1996, 2000, 2002. **Term:** 7th.



Ranum, Jane B. (DFL) 63
*State Capitol
Home: Minneapolis
5045 Alrich Ave S 55419 (612) 822-5081
Business: Minneapolis
Hennepin County Attorney's Office
C-2000 Government Center 55435
Born: 8/21/47. **Married:** Spouse James, 1 child. **Occupation:** Attorney (on unpaid leave of absence). **Education:** BS, East Carolina University; JD, Hamline University School of Law. **Elected:** 1990, re-elected 1992, 1996, 2000, 2002. **Term:** 5th.



Reiter, Mady (R) 53
*155 State Office Building
Home: Shoreview
4279 Highland Dr 55126 (651) 484-3009
Business: Columbia Heights
Maple Leaf Insurance Agency, LLP
4220 Central Ave NE 55421
Born: 10/24/42. **Married:** Spouse Roger, 2 children. **Occupation:** Independent insurance agent/partner. **Elected:** 2000, re-elected 2002. **Term:** 2nd.

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Rest, Ann H. (DFL) 45
*State Capitol
Home: New Hope
3515 Hillsboro Ave N 55427 (763) 545-8057
Born: 4/24/42. Family: 1 child. Occupation: Certified public accountant. Education: BA, Northwestern University (Evanston, Ill.); MA, University of Chicago; MBT, University of Minnesota; MAT, MPA, Harvard University. Elected: to the House 1984, re-elected 1986, 1988, 1990, 1992, 1994, 1996, 1998; to the Senate 2000, re-elected 2002. Term: 2nd.



Robling, Claire A. (R) 35
155 State Office Building
*Home: Jordan
1169 Butterfly Lane 55352 (952) 492-2241
Born: 10/22/56. Married: Spouse Tony, 2 children. Occupation: Freelance writer. Education: Attended College of St. Catherine. Elected: 1996, re-elected 2000, 2002. Term: 3rd.



Rosen, Julie A. (R) 24
155 State Office Building
*Home: Fairmont
1860 Knollwood Dr 56031 (507) 238-2304
Business: Same. (507) 236-0776
Born: 8/9/57. Married: Spouse Tom, 3 children. Occupation: Agronomist/homemaker. Education: BS, Colorado State University. Elected: 2002. Term: 1st.



Ruud, Carrie L. (R) 4
*155 State Office Building
Home: Breezy Point
29861 Oriole Cir 56472
Business: Breezy Point
8636 Bluebird Ln 56472 (218) 562-4700
Born: 2/22/52. Family: 2 children. Occupation: Real estate broker. Elected: 2002. Term: 1st.



Sams, Dallas C. (DFL) 11
*State Capitol
Home: Staples
44910 Cty 21 56479 (218) 894-3029
Born: 8/30/52. Married: Spouse Mary Beth, 4 children. Occupation: Farmer/legislator. Education: BS, University of Minnesota. Elected: 1990, re-elected 1992, 1996, 2000, 2002. Term: 5th.



Saxhaug, Tom (DFL) 3
State Capitol
*Home: Grand Rapids
1032 1st Ave NW 55744 (218) 326-8163
Business: Grand Rapids
Grand Rapids Insurance Agency
407 Pokegama Ave S 55744 (218) 326-8511
Born: 2/22/48. Married: Spouse Nancy, 2 children. Occupation: Insurance agent. Education: BA, St. Olaf College. Elected: 2002. Term: 1st.



Scheid, Linda (DFL) 46
State Capitol
*Home: Brooklyn Park
6625 81st Ave N 55445 (763) 561-5872
Business: Brooklyn Park
7964 Brooklyn Blvd #107 55445 (763) 561-5872
Born: 6/16/42. Family: 2 children. Occupation: Attorney. Education: BA, Coe College; JD, William Mitchell College of Law. Elected: to the House 1976, re-elected 1982, 1984, 1986, 1988, 1990; to the Senate 1996, re-elected 2000, 2002. Term: 3rd.



Senjem, David H. (R) 29
155 State Office Building
*Home: Rochester
2423 12th Ave NW 55901 (507) 282-7648
Business: Rochester
Mayo Clinic, 200 1st St SW, Massey's Building, Room 1-103 55904 (507) 284-7459
Born: 12/20/42. Married: Spouse Marlys, 2 children. Occupation: Environmental Affairs Officer. Education: BA, Luther College. Elected: 2002. Term: 1st.



Skoe, Rod (DFL) 2
State Capitol
*Home: Clearbrook
Route 2 Box 80 56634 (218) 776-3420
Born: 8/9/54. Married: Spouse Sarah Hoagberg, 2 children. Occupation: Farmer. Education: BA, psychology, BA, sociology, Augsburg College. Elected: to the House 1998, re-elected 2000; to the Senate 2002. Term: 1st.



Skoglund, Wesley J. (DFL) 62
*State Capitol
Home: Minneapolis
4838 30th Ave S 55417 (612) 721-1515
Married: Spouse Linda, 2 children. Occupation: Legislator/substitute teacher - special needs children. Education: BA, University of Minnesota. Elected: to the House 1974, re-elected 1976, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1996, 1998, 2000; to the Senate 2002. Term: 1st.



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MINNESOTA LEGISLATURE

Minnesota Senate Publications Office



Solon, Yvonne Prettner (DFL) 7
*State Capitol
Home: Duluth
3800 London Rd #409 55804 (218) 727-3997
Business: Duluth
St. Luke's Hillside Center
220 N 6th Ave E 55805 (218) 529-7060
Widowed: 2 children. Occupation: Psychologist.
Education: BSD, MA, University of Minnesota-Duluth. Elected: Special election 2002, re-elected 2002. Term: 2nd.



Sparks, Daniel D. (DFL) 27
*Home: Austin
707 3rd Ave NW 55912 (507) 434-7479
Business: Austin
607 Main St N 55912 (507) 437-3253
Born: 7/5/68. Family: 2 children. Occupation: Loan officer. Education: St. Cloud State University; University of Minnesota-Twin Cities. Elected: 2002. Term: 1st.



Stumpf, LeRoy A. (DFL) 1
*State Capitol
Home: Thief River Falls
428 Riverside Ave S 56701 (218) 681-3731
Born: 5/29/44. Married: Spouse Carol, 3 children. Occupation: Farmer/legislator. Education: BA, St. Paul Seminary; MPA, Syracuse University. Elected: to the House 1980; to the Senate 1982, re-elected 1986, 1990, 1992, 1996, 2000, 2002. Term: 7th.



Tomassoni, David J. (DFL) 5
*State Capitol
Home: Chisholm
412 2nd St NW 55719-1504 (218) 254-3430
Business: Chisholm
PO Box 29 55719-0029 (218) 254-3998
Born: 12/5/52. Married: Spouse Charlotte, 3 children. Occupation: Legislator. Education: BSBA, University of Denver. Elected: to the House 1992, re-elected 1994, 1996, 1998; to the Senate 2000, re-elected 2002. Term: 2nd.



Vickerman, Jim (DFL) 22
State Capitol
*Home: Tracy
2252 221st St 56175 (507) 629-4878
Born: 5/1/31. Married: Spouse Wava, 6 children. Occupation: Farmer/Former county commissioner. Education: Elected: 1986, re-elected 1990, 1992, 1996, 2000, 2002. Term: 6th.



Wergin, Betsy L. (R) 16
155 State Office Building
*Home: Princeton
14021 311th Ave 55371 (763) 389-3843
Born: 3/4/52. Married: Spouse Richard, 2 children. Occupation: Retired business owner. Education: Princeton High School. Elected: 2002. Term: 1st.



Wiger, Charles W. "Chuck" (DFL) 55
State Capitol
*Home: North St. Paul
2200 Buhl Ave E 55109 (651) 770-0283
Business: St. Paul
400 Robert St N 55101-2098 (651) 665-4851
Born: 9/14/51. Married: Spouse Christine, 5 children. Occupation: Writer/attorney. Education: BA, JD, Hamline University; Graduate, Institute of Organization Management, University of Colorado-Boulder. Elected: 1996, re-elected 2000, 2002. Term: 3rd.

2003 Minnesota House and Senate Membership

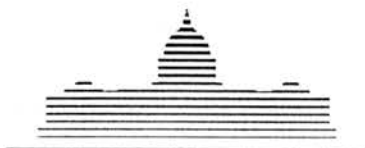
1 A Rep. Maxine Penas-(R) B Rep. Bernie Lieder-(DFL) Sen. LaRoy A. Stumpf-(DFL)	15 A Rep. Jim Knobloch-(R) B Rep. Joe Opatz-(DFL) Sen. Dave Kleis-(R)	29 A Rep. Randy Demmer-(R) B Rep. Fran Bradley-(R) Sen. David H. Senjem-(R)	43 A Rep. Jeff Johnson-(R) B Rep. Ron Abrams-(R) Sen. David C. Gaither-(R)	57 A Rep. Katie Sieben-(DFL) B Rep. Denny McNamara-(R) Sen. Sharon Marks-(DFL)
2 A Rep. Bernard (Kent) Eken-(DFL) B Rep. Doug Lindgren-(R) Sen. Rod Skoe-(DFL)	16 A Rep. Sandra Erickson-(R) B Rep. Mark Olson-(R) Sen. Betsy L. Wergin-(R)	30 A Rep. Carla Nelson-(R) B Rep. William Kuisle-(R) Sen. Sheila M. Kiscaden-(P)	44 A Rep. Jim Rhodes-(R) B Rep. Ron Latz-(DFL) Sen. Steve Kelley-(DFL)	58 A Rep. Joe Mullery-(DFL) B Rep. Keith Ellison-(DFL) Sen. Linda Higgins-(DFL)
3 A Rep. Irv Anderson-(DFL) B Rep. Loren A. Solberg-(DFL) Sen. Tom Saxhaug-(DFL)	17 A Rep. Rob Eastlund-(R) B Rep. Peter (Pete) Nelson-(R) Sen. Sean R. Nienow-(R)	31 A Rep. Gene Palowski Jr.-(DFL) B Rep. Gregory M. Davids-(R) Sen. Bob Kierlin-(R)	45 A Rep. Lynne Osterman-(R) B Rep. Lyndon R. Carlson-(DFL) Sen. Ann H. Rest-(DFL)	59 A Rep. Len Biernat-(DFL) B Rep. Phyllis Kahn-(DFL) Sen. Lawrence J. Pogemiller-(DFL)
4 A Rep. Doug Fuller-(R) B Rep. Larry Howes-(R) Sen. Carrie L. Ruud-(R)	18 A Rep. Tony Kielkucki-(R) B Rep. Dean Urdahl-(R) Sen. Steve Dille-(R)	32 A Rep. Arlon Lindner-(R) B Rep. Barb Sykora-(R) Sen. Warren Limmer-(R)	46 A Rep. Michael Nelson-(DFL) B Rep. Debra Hilstrom-(DFL) Sen. Linda Scheid-(DFL)	60 A Rep. Margaret Anderson Kallitner-(DFL) B Rep. Frank Hornstein-(DFL) Sen. D. Scott Dibble-(DFL)
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13 A Rep. Bud Haidgorken-(R) B Rep. Al Juhniko-(DFL) Sen. Dean E. Johnson-(DFL)	27 A Rep. Dan Dorman-(R) B Rep. Jeff Anderson-(R) Sen. Daniel Sparks-(DFL)	41 A Rep. Ron Erhardt-(R) B Rep. Alisa Seagren-(R) Sen. Geoff Michel-(R)	55 A Rep. Scott Wasiluk-(DFL) B Rep. Nora Slawik-(DFL) Sen. Charles (Chuck) W. Wiger-(DFL)	
14 A Rep. Daniel Severson-(R) B Rep. Doug Stang-(R) Sen. Michelle L. Fischbach-(R)	28 A Rep. Jerry Dempsey-(R) B Rep. Steve Sviggum-(R) Sen. Steve Murphy-(DFL)	42 A Rep. Peter Adolphson-(R) B Rep. Erik Paulsen-(R) Sen. David Hann-(R)	56 A Rep. Eric Lipman-(R) B Rep. Karen Klinzing-(R) Sen. Brian LeClair-(R)	

Unofficial list as of November 6, 2002
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Fritz Magnuson marks his ballot at a Gem Lake, Minn., precinct located inside a local auto dealership Tuesday, Nov. 5, 2002.

Photo by Tom Olmscheid

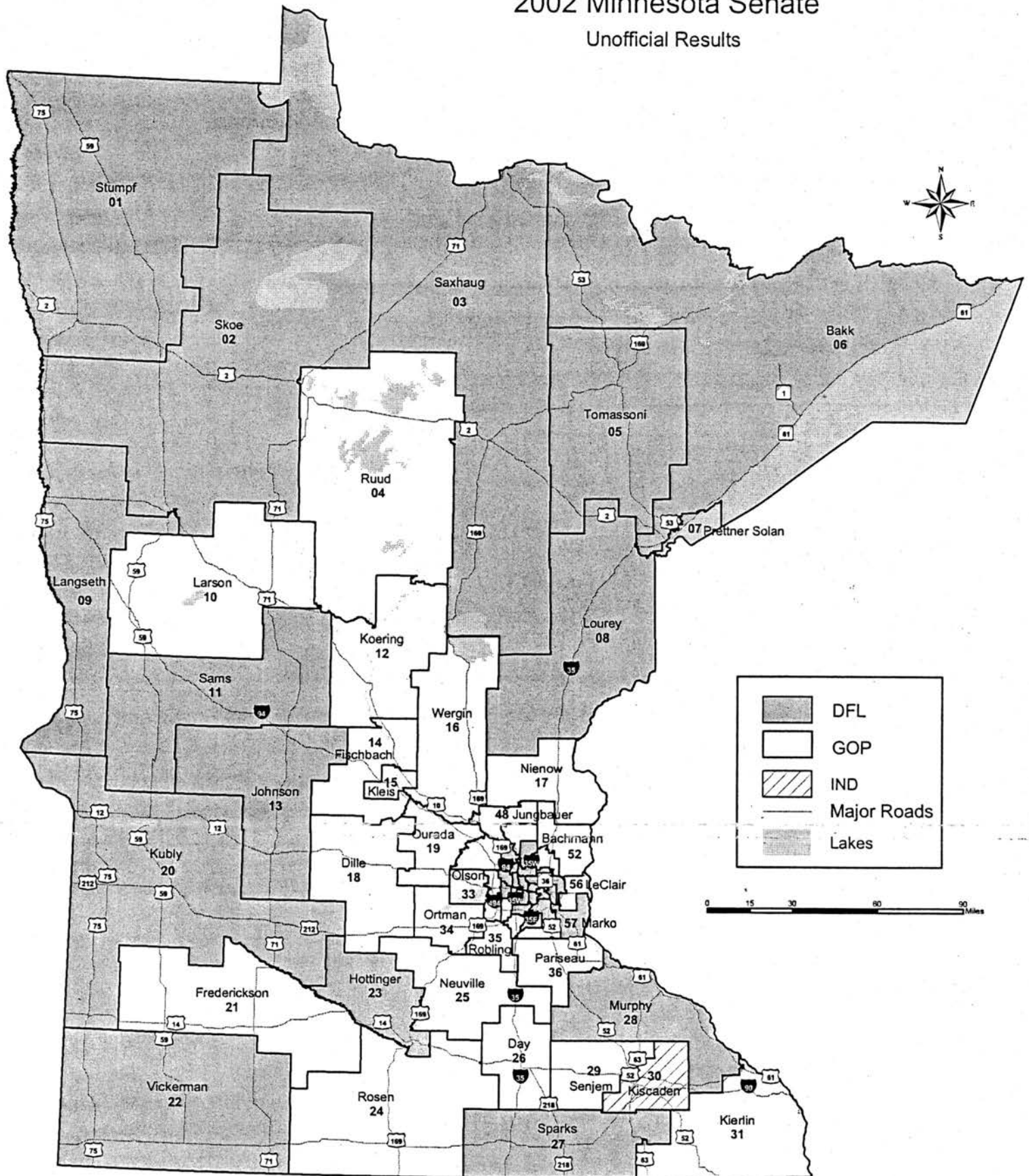


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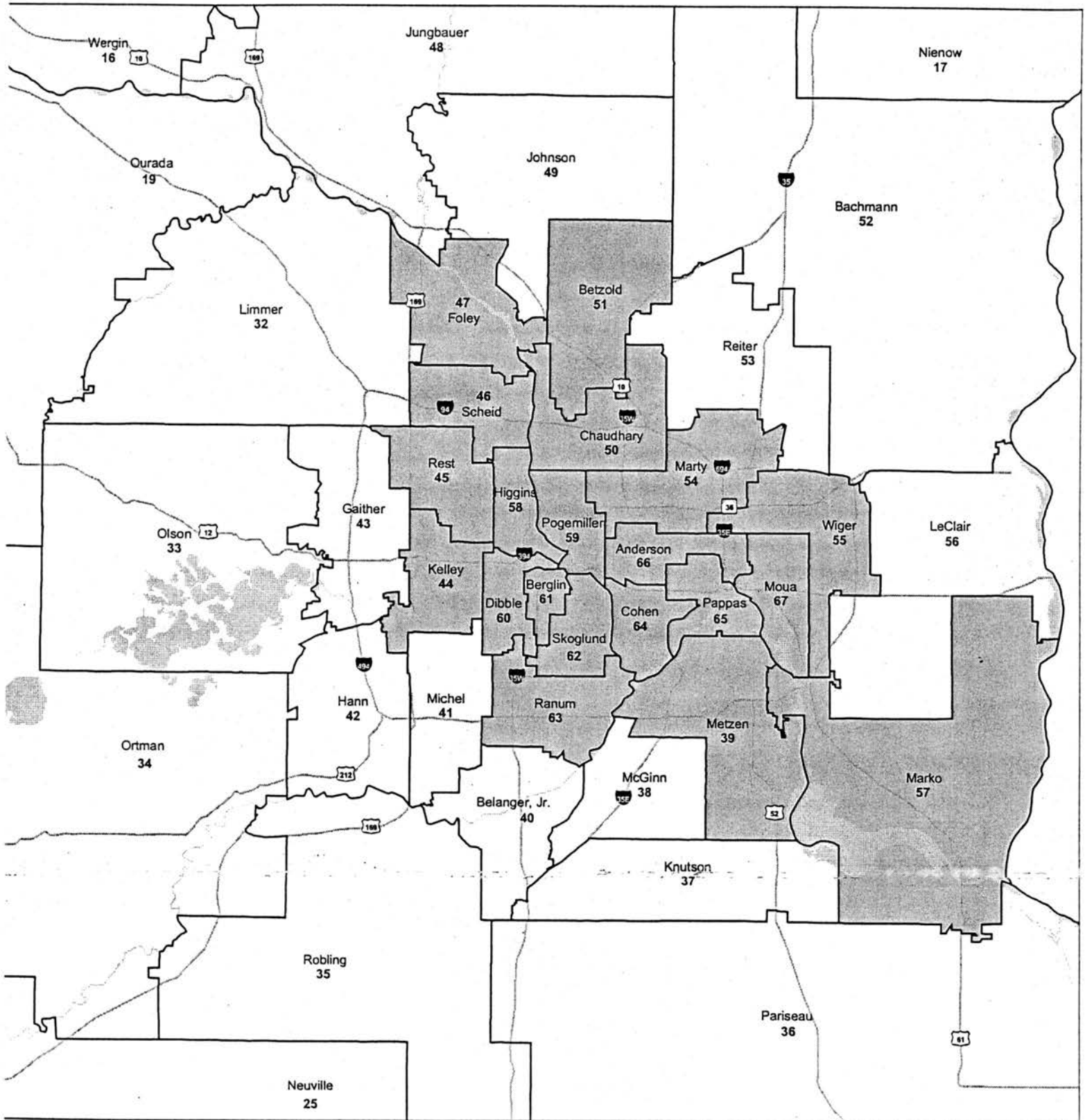
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2002 Minnesota Senate Unofficial Results



2002 Minnesota Senate

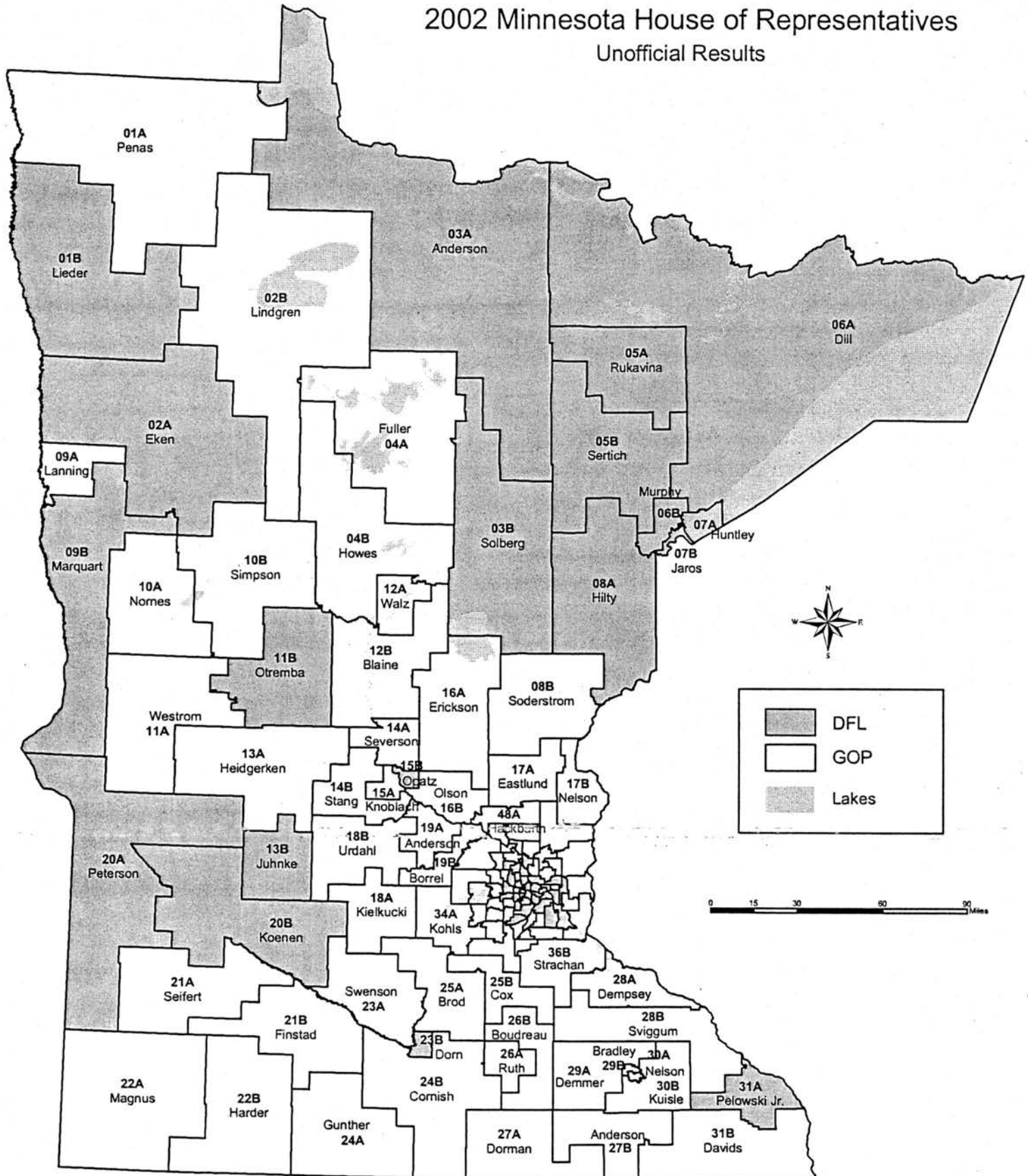
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November 2002

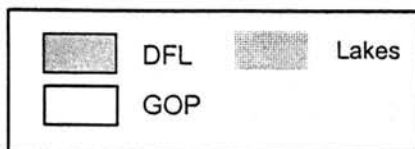
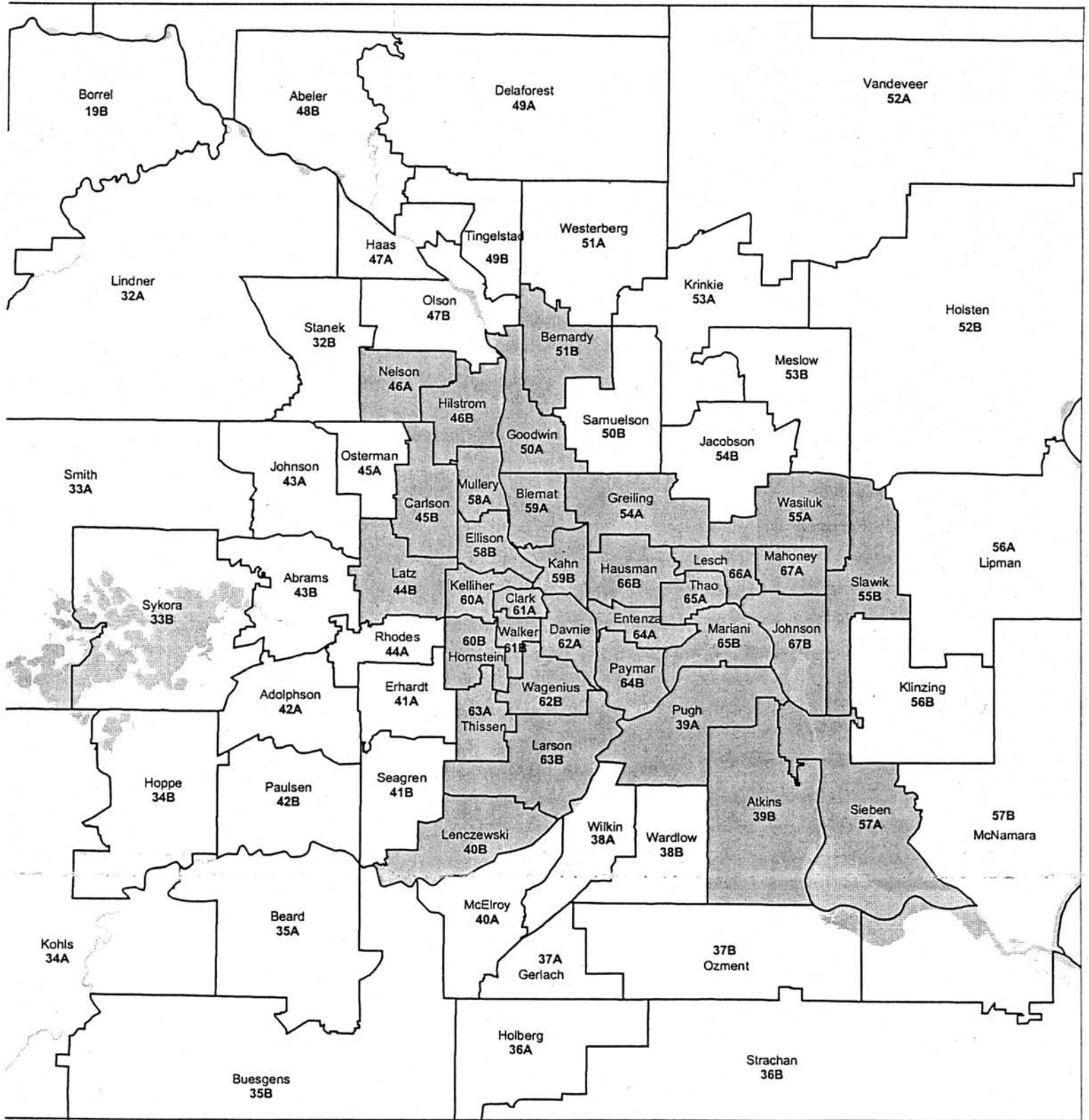
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Unofficial Results



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2003 Proposed Committees and Chairs

- Agriculture, General Legislation and Veterans Affairs - Senator-elect Steve Murphy
- Capital Investment - Senator-elect Keith Langseth
- Commerce and Utilities - Senator-elect Ellen Anderson
- E-12 Education Budget Division - Senator-elect LeRoy Stumpf
- Education - Senator-elect Steve Kelley
- Environment, Agriculture and Economic Development Budget Division - Senator-elect Dallas Sams
- Environment and Natural Resources - Senator-elect John Marty
- Finance - Senator-elect Richard Cohen
- Health and Family Security - Senator-elect Becky Lourey
- Health, Human Services and Corrections Budget Division - Senator-elect Linda Berglin
- Higher Education Budget Division - Senator-elect Sandra Pappas
- Jobs, Housing and Community Development - Senator-elect Linda Scheid
- Judiciary - Senator-elect Don Betzold
- Rules and Administration - Senator-elect John Hottinger
- State Government Budget Division - Senator-elect Jane Ranum
- State and Local Government Operations - Senator-elect Jim Vickerman
- Taxes - Senator-elect Lawrence Pogemiller
- Transportation Policy and Budget Division - Senator-elect Dean Johnson

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Pawlenty Transition Advisory Committee

Published Nov. 27, 2002

PAWLBX

¶ Peter Bell, 51, of Minneapolis, Republican; executive vice president of Hazelden Foundation's Publishing and Education Services; former executive director of the Institute on Black Chemical Abuse; transition adviser to Gov. Jesse Ventura in 1998; board member of the Center of the American Experiment, Citizens League and Center for New Black Leadership.

¶ Jerry Blakey, 43, Republican; St. Paul City Council member; board member of St. Paul Housing and Redevelopment Authority, the Joint Property Tax Advisory Committee, the Metropolitan Area African-American Chamber of Commerce and Public Art St. Paul.

¶ Robert J. Brown, 67, of Roseville, Republican; professor of educational leadership at the University of St. Thomas; coauthor of 2000 book "The Entrepreneurial Educator"; editor of Innovations in Education book series; former state senator, state GOP chairman and special assistant to the U.S. secretary of education under President Ronald Reagan.

¶ Chris Georgacas, 39, of Mahtomedi, Republican; advisory committee chairman; principal, shareholder and lobbyist for Goff & Howard; former state GOP chairman; chairman of Pawlenty for Governor campaign; former aide to state House Speaker Steve Sviggum, U.S. Sen. Dave Durenberger and U.S. Rep. Vin Weber; founder of the Center of the American Experiment's "Minnesota Policy Blueprint" study in 1997.

¶ Katherine Kersten, 51, of Edina, Republican; writer and attorney; senior fellow for cultural studies at the Center of the American Experiment and former chairwoman of its board; columnist for Star Tribune; commentator on National Public Radio's "All Things Considered"; board member of the Cargill Foundation.

¶ Jean King, Republican; owner of a corporate communications consulting business; chief of staff to former Gov. Al Quie and speechwriter for former Gov. Harold LeVander (her father); former director of administrative services for Metropolitan State University.

¶ Robin Kinney, 43, of Mapleton; south central area program director for Minnesota Farm Bureau; former broadcaster and communications director for Linder Farm Network; secretary-treasurer of the Minnesota Jersey Breeders Association; has been active in Future Farmers of America Alumni, Minnesota Agri-Women, National Cattlemen's Association and the University of Minnesota Ag Alumni.

¶ Susan Marvin, 47, of Warroad; president of Marvin Windows and Doors; former board chairwoman of the Minnesota Chamber of

Utilities

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Commerce; on the boards of OPUS, Hormel Foods Corp., Marvin Lumber and Cedar Co.; trustee of the University of Minnesota Foundation.

¶ **Annette Meeks**, 42, of Minneapolis, Republican; director of government affairs and public programs for the Center of the American Experiment; director of center's "Minnesota Policy Blueprint" project; former deputy chief of state to former U.S. House Speaker Newt Gingrich; aide to former U.S. Rep. Vin Weber.

¶ **David C. Olson**, president of the Minnesota Chamber of Commerce and incoming chairman of the U.S. Chamber of Commerce Institute for Organization Management; former chairman of the Governor's Workforce Development Council and cochairman of the Workers' Compensation Advisory Council; former board member of the Citizens League, Employers Association, Dollars for Scholars and Minnesota State Colleges and Universities (MnSCU) Citizen Advisory Commission.

¶ **Bernie Omann**, 37, of Sartell, Republican; government relations director for MnSCU; chief of staff to former Gov. Arne Carlson; former assistant state agriculture commissioner; former state representative; appointed to the Minnesota Amateur Sports Commission by Gov. Jesse Ventura and to Minnesota Job Skills Partnership Board by Gov. Rudy Perpich.

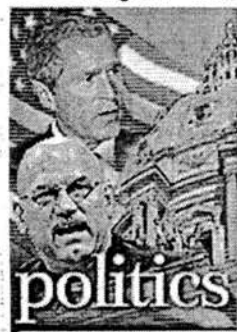
¶ **Steve Wenzel**, 55, of Little Falls, DFLer; state director of rural development for the U.S. Department of Agriculture; adjunct faculty member of Central Lakes College in Brainerd; former state legislator and chairman of the House Agriculture Committee for 16 years.

¶ **Michael Wigley**, 48, of Orono, Republican; head of the Great Plains Companies; civil engineer with master's of business administration from Harvard University; founder and chairman of the Taxpayers League of Minnesota; board member of Luther College, Ascension School, St. John's Lutheran Church Foundation and the Center of the American Experiment.

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She shoots...



House sets up 'leaner' committee structure

Dane Smith
Star Tribune

Published Nov. 28, 2002

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To save money and send a signal that it's serious about budget-cutting, the Minnesota House will have five fewer committees and committee divisions when it convenes in January, House Speaker Steve Sviggum announced Wednesday.

"We're going to be leaner," said Sviggum, R-Kenyon, adding that the House has saved \$3 million since 2000 by cutting staff, encouraging unpaid leaves and virtually eliminating out-of-state travel. The House's average annual budget is around \$25 million.

Sviggum also named the chairs of the 25 remaining committees and divisions. The structure has been also been altered by retirements.

Among the changes: the Crime Prevention and Judiciary Finance committees have been combined into Judiciary Policy and Finance. Family and Early Childhood Education Finance and K-12 Education Finance are now combined into Education Finance. The Property Tax Division and Sales and Income Tax Divisions are eliminated as subcommittees, and their work will be done by the larger Taxes Committee.

Among the more significant personnel changes is the appointment of Rep. Jim Knoblach, St. Cloud, as chairman of the Ways and Means Committee, which oversees overall budget and spending decisions. He replaces the retiring Rep. Dave Bishop, of Rochester. Rep. Phil Krinkie, of Shoreview, will take over for Knoblach as chairman of the Capital Investment Committee, which oversees borrowing for state building construction and public works projects.

Many committee chairs retain their current positions. Sviggum acknowledged there were some ruffled feathers in the 82-member GOP majority as a result of fewer committees and fewer senior members holding gavels. But, he said, "they know we have to lead by example."

Sviggum said he did not know how much more money the changes would save. But he said the reduction in committees will allow the House staff to be reduced from 162 to 153.

Following is a list of House committees and their chairpersons:

- Agriculture Policy, Howard Swenson, Nicollet.

- Agriculture and Rural Development Finance, Elaine Harder, Jackson.
- Capital Investment, Phil Krinkie, Shoreview.
- Civil Law, Steve Smith, Mound.
- Commerce, Jobs and Economic Development, Greg Davids, Preston.
- Claims, Bruce Anderson, Buffalo Township.
- Economic Development and Tourism (division of Commerce), Arlon Lindner, Corcoran.
- Education Finance, Alice Seagren, Bloomington.
- Education Policy, Barb Sykora, Excelsior.
- Environment and Natural Resources Finance, Dennis Ozment, Rosemount.
- Environment and Natural Resources Policy, Tom Hackbarth, Cedar.
- Ethics, Sondra Erickson, Princeton.
- Governmental Operations and Veterans Affairs Policy, Jim Rhodes, St. Louis Park.
- Health and Human Services Finance, Fran Bradley, Rochester.
- Health and Human Services Policy, Lynda Boudreau, Faribault.
- Higher Education Finance, Doug Stang, Cold Spring.
- Jobs and State Government Finance, Bob Gunther, Fairmont.
- Judiciary Policy and Finance, Rich Stanek, Maple Grove.
- Local Government and Metropolitan Affairs, Jerry Dempsey, Hastings.
- Regulated Industries, Mark Holsten, Stillwater.
- Rules and Legislative Administration, Erik Paulsen, Eden Prairie.
- Taxes, Ron Abrams, Minnetonka.
- Transportation Finance, Bill Kuisle, Rochester.
- Transportation Policy, Ron Erhardt, Edina.
- Ways and Means, Jim Knoblach, St. Cloud.

-- *Dane Smith is at rdsmith@startribune.com.*



NEWS RELEASE

Rem - RTI

Minnesota Board of Water and Soil Resources • One West Water Street, #200 • St. Paul, MN 55107
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

October 30, 2002
For immediate release

Contact: Peter Raeker, (651) 296-0884

RIM RESERVE FUNDS APPROVED FOR FLOOD RECOVERY EFFORTS

ST. PAUL, MN—The Minnesota Board of Water and Soil Resources has authorized nearly \$640,000 in Reinvest in Minnesota (RIM) Reserve funds for new easements in counties affected by the 2002 floods.

The following counties, listed in the 2002 Presidential Disaster Declaration, are eligible: Becker, Beltrami, Clay, Clearwater, Itasca, Kittson, Koochiching, Lake of the Woods, McLeod, Mahnommen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Wright. Easements will be targeted to sites affected by the 2002 flooding or to sites that could reduce effects of future flooding.

Local soil and water conservation districts (SWCDs) will work with watershed district project teams on ranking the sites for consideration. BWSR will use those rankings in determining projects that will be funded. Perpetual and limited-duration (20 year) easements will be considered.

Following are projects that will be considered:

- **Permanent easements on sites suited to temporary storage of floodwater.** Watershed district project teams will make recommendations for these sites to the SWCD.
- **Permanent easements on sites damaged by the flood.** These will generally be sites where soil erosion or sedimentation has damaged the landscape to a point where restoring the site to cropland is improbable.
- **Permanent easements on sites that currently have a riparian filter or buffer strips in the USDA continuous CRP program.**
- **Limited duration easements on sites that are suited to temporary flood storage.**
- **Limited duration easements on sites that have been damaged by floodwaters.**

Any questions about the program should be directed to the SWCDs in the counties listed above. Applications will be accepted from landowners now until Dec. 31, 2002. Funding for the sign-up became available from recent RIM applications that were cancelled.

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(Note: This news release is posted on BWSR's web site: www.bwsr.state.mn.us)



November 27, 2002

Mr. David J. Allen
Mayor, City of Hermantown
5255 Maple Grove Road
Hermantown, MN 55811

Subject: Minnesota Wetland Conservation Act

Dear Mr. Allen:

Thank you for your cooperation in addressing some concerns raised recently in Hermantown regarding implementation of the Wetland Conservation Act (WCA). We believe that the meeting on October 1, 2002 with you and Lynn Lander, Hermantown City Administrator, John Jaschke, Board of Water and Soil Resources (BWSR) and Bob Whiting, U.S. Army Corps of Engineers helped to lay the groundwork for a long-term solution to balance wetland protection and future development within the city of Hermantown.

The Legislature passed WCA in 1991 to achieve a no net loss of wetlands within the state of Minnesota and designated local governments to implement the provisions of WCA pursuant to Minnesota Rules 8420, and the statutes upon which these are based. The WCA provides the Minnesota Board of Water and Soil Resources (BWSR) with oversight authority. Minnesota Rule 8420.0260 A. provides that *"each local government unit shall acknowledge to the Board (BWSR) that it is assuming its responsibility under this chapter and act."* As you know, the BWSR has had some concerns about the city's implementation of WCA in the past. These concerns prompted the BWSR to initiate a program audit of the city's WCA records for past projects. (See attached audit findings.)

The audit findings raise some serious concerns about whether the City of Hermantown has complied with its responsibilities under Minnesota Rule 8420 in the past. However, BWSR recognizes the city's recent efforts to rectify these problems. The BWSR believes that the following initiatives can help correct the problems:

1. **Development of a Comprehensive Wetland Protection and Management Plan.** This planning effort can help guide the city's future development and wetland protection efforts. The planning process will require close inter-agency coordination and we recommend that the city secure the services of an outside facilitator to help manage the plan development process. Dale Krystosek, BWSR Wetland Specialist will serve as our agency's representative on the technical advisory team for the plan development.

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

2. **Continuation of monthly Technical Advisory Committee Meetings.** These meetings were initiated about one year ago and have helped provide a forum for coordination between the city, BWSR, the South St. Louis Soil and Water Conservation District, and the U.S. Army Corps of Engineers. We believe that this coordination can serve to provide regulatory simplification for project applicants by reducing duplicative requests for information by agencies while coordinating wetland replacement requirements.
3. **Full compliance with requirements of Minnesota Rule 8420 by the City of Hermantown.** The attached audit findings cite some serious deficiencies by the city in implementing the WCA in the past. Major problem areas in the past have included failure to adequately satisfy noticing and sequencing requirements. We recognize that many of these problem areas are currently being addressed by the city. It is important that the city continue to work toward full compliance with its responsibilities under WCA rule 8420 to avoid sanctions provided for under the rule.

In summary, the Board of Water and Soil Resources is eager to continue working with the city to address issues related to implementation of the Wetland Conservation Act. We suggest a meeting in the near future between the city, BWSR staff and the Corps of Engineers to discuss future steps. This meeting would serve to:

- **Review the WCA program audit results.**
- **Begin exploring funding opportunities and initial steps in development of a Comprehensive Wetland Protection and Management Plan for the city.**
- **Define future BWSR staff roles in assisting the city.**
- **Discuss future efforts to improve inter-agency coordination.**

In closing, we look forward to meeting with the City of Hermantown soon to continue addressing these issues.

Sincerely,



Ron Harnack
Executive Director
Minnesota Board of Water and Soil Resources

C: John Klaers, Hermantown
R.C. Boheim, District Manager, South St. Louis SWCD
Mark Nelson, Board Conservationist
Dale Krystosek, Wetland Specialist
Ron Shelito, Regional Supervisor
John Jaschke, Land and Water Section Administrator
BWSR Board Members
Todd Manley, DNR Wetland Enforcement Officer
LeAnn Buck, MASWCD
Robert Whiting, U.S. Corps of Engineers, St. Paul

**WETLAND CONSERVATION ACT
PROGRAM AUDIT FINDINGS
Minnesota Board of Water and Soil Resources**

Introduction: On July 17, 2002 Dale Krystosek, BWSR Wetland Specialist, Mark Nelson, BWSR Board Conservationist, met with John Klaers to begin a WCA program review in the city. In addition, Dale Krystosek, Mark Nelson, and Todd Manley, DNR Wetland Enforcement Officer, continued the program review on September 17, 2002 with John Klaers. Prior to this program review, Dale Krystosek and Mark Nelson have been meeting monthly with your staff since October 2001 as part of the city's monthly Technical Evaluation Panel meetings. Several concerns were raised during this review of records and are described below.

1. **Administrative Procedural Concerns** – The Wetland Conservation Act requires the Local Government Unit (LGU) to make decisions on exemptions, (MN Rule 8420.0210), no-net loss (MN Rule 8420.0220), replacement plans (MN Rule 8420.0230), and wetland banking (MN Rule 8420.0700). Noticing is required within ten days of the LGU decision. The notification must be sent to the landowner, DNR, BWSR, and the watershed district or water management organization (if one exists) and individual members of the public who request copies of decisions.
 - There was no record of the county satisfying this notice requirement for most of the files reviewed. Twenty-two de minimis exemptions totaling 150,348 square feet were approved by the city without proper notice. This is a violation of Minnesota Rule 8420.0230 Subp. 2 which states in part *“A summary of the government decision must be mailed within ten days of the decision to those required to receive notice of the application.”* Those required to receive notice of the application include the technical evaluation panel, the watershed district, if there is one, the commissioner of natural resources and members of the public who request a copy.
 - A recent inquiry by BWSR to the Minnesota Department of Natural Resources, Ecological Services in St. Paul found that they had received notice of 37 replacement plan applications and combined project applications from Hermantown since 1995. However they had received only 7 notices of decision during that same time. This raises the question of whether the city made decisions on the other 30 applications and why they failed to properly notice those decisions to DNR as required.
 - **North Shore Bank of Commerce Project** – A review of this file found a copy of a wetland delineation report that was incomplete and apparently did not accurately represent the wetland impacts at the site. Based on personal communication with TEP members, the city apparently issued a 10,000 square foot de minimis exemption after the impact had already occurred. The city

made this decision without adequate information on whether the impact met the conditions of the exemption or whether the project required a wetland replacement plan. Based on the file, the city also failed to properly notice the decision. This is a violation of Minnesota Rule 8420.0230 Subp. 2 which states in part "A summary of the government decision must be mailed within ten days of the decision to those required to receive notice of the application." Those required to receive notice of the application include the technical evaluation panel, ...the commissioner of natural resources and members of the public who request a copy."

- **Bishop Woods – Carlson Homes** – The project file showed that a wetland impact of 97,662 square feet occurred beginning about May 1, 2001 and wetland banking credits were not obtained September 28, 2001. MN Rule 8420.0540, Subpart 3. states "*Timing of Replacement. Replacement of wetland values must be completed before or concurrent with the actual draining or filling of a wetland, unless an irrevocable bank letter of credit or other security acceptable to the local government unit is submitted to the local government unit to guarantee successful completion of the replacement.*" In addition, the decision was not noticed as required.

2. **Sequencing Requirements** – MN Rules 8420.0520, Subpart 1 states that "*...the local government unit may not consider or approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland has complied with all the following principles in descending order or priority:*

- A. avoids direct or indirect impacts to the wetland...
- B. minimizes the impact to the wetland...
- C. rectifies the impact...
- D. reduces or eliminates the impact to the wetland...
- E. replaces unavoidable impacts to the wetland..."

The BWSR believes that the city has not met this requirement on at least 2 projects. They are:

- **In Jackson Estates Phase II** – This project wetland replacement plan was approved by the city despite an incomplete application and contrary to the TEP recommendation regarding adequacy of sequencing. After an appeal was filed by the BWSR and subsequently settled, the city acknowledged additional wetland impacts and eliminated and adjusted lot lines on several lots that were 100% wetland.
- **Hawk Meadows** - This development included lots that were entirely wetland and had been identified by BWSR as a problem area in 2000. In spite of issues concerning sequencing and wetland replacement, the city allowed 2 additional wetlands to be developed.

3. **Replacement Plans – 8420.0510, subpart 1.** states “No person shall drain or fill a wetland, wholly or partially, or excavate in the temporarily or permanently flooded areas of type 3,4, or 5 wetlands without first having a wetland replacement plan or other determination made by the governing body of the local government unit...” The city of Hermantown failed to comply with this requirement in several cases including:
 - **Gene Nelson “Black Dirt Farming”** – The record showed that a 29 acre ‘black dirt’ or peat mining operation was permitted by the city in 1995. Despite letters from DNR and a letter dated 1/12/95 from Klaers to the planning commission stating “A second concern is compliance with WCA. The end result of this operation is drainage of a 20 acre swamp”, the project proceeded with no record of consideration of wetland drainage impacts, the need for a wetland replacement plan, or eligibility for a WCA exemption or no-loss.
 - **Apartment Building (SW ¼ T 50N R15W)** A site inspection in May, 2002 showed a likely wetland impact where the apartment building was under construction. The city reported that a building permit had been issued, but there was no record of compliance with WCA.
 - **Gloria Nelson (Misty Morning Drive)** – A wetland impact at a recently constructed home site was discovered on a 5/24/02 site visit. The city’s records showed a zoning certificate for 500 cubic yards of clean fill. A replacement plan was on file, but there was no record that wetland replacement had been completed either through wetland banking or project specific wetland replacement.
 - **JoAnn Daeda proposed subdivision** – A September, 2002 site visit to review the wetland delineation report for a preliminary plat by the TEP found that approximately 2-3 acres of wetland impact had already occurred at the site. City staff reported that he had given the Daedas permission to remove firewood, but did not authorize wetland impacts.
 - **William Mercier driveway** – A site inspection showed wetland impacts for a driveway off Ugstad Road. The city’s files showed a zoning certificate for 900 cubic yards of fill to construct a 20’ by 695’ driveway (13,900 square feet). The city files showed no record of a WCA wetland replacement plan or exemption decision.
4. **Staff Issues – MN Rules 8420.0200 E.** states “A local government unit must provide knowledgeable and trained staff to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in part 8420.0260, or take other appropriate legal action to assure compliance.”
 - Several of the files and projects reviewed suggested that the City of Hermantown was either unaware of, or unwilling to implement the Wetland Conservation Act rules and procedures. This resulted in poor implementation

of the rules and the local government's responsibilities under MN Rules 8420 as described above.

5. **Communication between Hermantown and State and Federal Regulatory Agencies.** Minnesota Rule Chapter 8420 requires that LGUs coordinate and communicate with other local units of government and agencies including the Minnesota Board of Water and Soil Resources, the Department of Natural Resources. It is also strongly recommended that LGUs coordinate with the U.S. Army Corps of Engineers to help achieve regulatory simplification.

- Review of existing files revealed that noticing requirements were frequently not satisfied or there was no record of the notice of mailings in the files.
- The WCA rule 8420 provides for the technical evaluation panel to make technical findings and make recommendations to the LGU. While the city is ultimately responsible for making decisions, the city should consider TEP recommendations. Under the new permanent rule, 8420.0240 states in part, *"If the local government unit does not agree with the technical evaluation panel's findings and recommendation, the reasons for the disagreement must be part of the local government's record of decision."*

Summary: The BWSR staff are already working with City of Hermantown to begin correcting WCA implementation deficiencies. BWSR recognizes recent positive efforts by the City of Hermantown to begin addressing these issues. These positive steps by the city include establishment of monthly Technical Advisory Committee meetings and assisting BWSR in hosting hydric soils training. BWSR staff are available to assist the city in implementing the recommendations outlined in the cover letter to these findings. It is important that the city continue to work toward full compliance with its responsibilities under WCA MN Rule 8420.

BWSR recommends holding a TEP within 6 months to re-evaluate Hermantown's progress in addressing these concerns related to the implementation of the Wetland Conservation Act.



November 4, 2002

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

FROM: Ronald D. Harnack, Executive Director *R.D.H./da*

SUBJECT: ***Pennington County Comprehensive Local Water Management Plan***

On November 5, 2002, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated Pennington County Comprehensive Local Water Management Plan. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is forwarding the county water plan for your agency's review and comment. You have 45 days from receipt of this letter to submit comments, in writing, to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with the state law.

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

- MDA, Mark Zabel
- MDH, Art Persons
- DNR, John Fax
- PCA, David L. Johnson
- EQB, Mike Tietz
- MGS, Barb Palen

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

cc: Agency 103B Technical Review Committee Members
BWSR Board Members
BWSR Executive Team
Bill Best, BWSR Board Conservationist
Maggie Leach, Pennington Local Water Plan Coordinator

F/LandW/LanData/Local Water Planning/Water Plan Final Review

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November 5, 2002

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

FROM: Ronald D. Harnack, Executive Director *R.D.H./da*

SUBJECT: ***Red Lake County Comprehensive Local Water Management Plan***

On November 6, 2002, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated Red Lake County Comprehensive Local Water Management Plan. Pursuant to Minnesota Rules, Chapter 9300.0170 the BWSR is forwarding the county water plan for your agency's review and comment. You have 45 days from receipt of this letter to submit comments, in writing, to the BWSR identifying the portions of the plan that the agency has determined to be inconsistent with the state law.

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

- MDA, Mark Zabel
- MDH, Art Persons
- DNR, John Fax
- PCA, David L. Johnson
- EQB, Mike Tietz
- MGS, Barb Palen

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

cc: Agency 103B Technical Review Committee Members
BWSR Board Members
BWSR Executive Team
Bill Best, BWSR Board Conservationist
Tanya Hanson, Red Lake Local Water Plan Coordinator

F/LandW/LanData/Local Water Planning/Water Plan Final Review

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