



Minnesota Board of Water and Soil Resources.
Minutes.

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January 2003

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, JANUARY 22, 2003**

AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of December 4, 2002

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

Reports

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

Agency Reports

- Department of Agriculture – Sharon Clark
- Department of Health – Dan Wilson
- Department of Natural Resources – Wayne Edgerton
- Minnesota Extension Service – Jim Anderson
- Pollution Control Agency – Lisa Thorvig

Committee Recommendations

Northern Water Planning Subcommittee

1. Chisago County Comprehensive Local Water Plan Request for Extension – *Decision Item*
2. Lake County Comprehensive Local Water Plan Request for Extension – *Decision Item*
3. Kittson County Comprehensive Local Water Plan Update – *Decision Item*

4. Lake of the Woods County Comprehensive Local Water Plan Update – *Decision Item*
5. Mahnomen County Comprehensive Local Water Plan Update – *Decision Item*
6. Wilkin County Comprehensive Local Water Plan Update – *Decision Item*

Old Business

1. Budget Overview – Ron Harnack – *Information Item*

New Business

1. Source Water Protection in Minnesota – Progress Report – Art Persons, Minnesota Department of Health – *Information Item*
2. '03 Non-Point Engineering Assistance Challenge Grant – Wayne Zellmer – *Decision Item*
3. Washington SWCD Office Relocation – Lynda Peterson – *Decision Item*

Advisory Comments

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

Upcoming Meetings

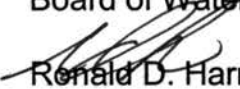
- Next BWSR Meeting, February 26, St. Paul

Adjourn



DATE: January 14, 2003

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

FROM:  Ronald D. Harnack, Executive Director

SUBJECT: January 22nd BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 22, 2003, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

Committee Recommendations

Northern Water Planning Subcommittee

1. Chisago County Comprehensive Local Water Plan Request for Extension – see attached. *Decision Item*
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5. Mahnommen County Comprehensive Local Water Plan Update – see attached. *Decision Item*
6. Wilkin County Comprehensive Local Water Plan Update – see attached. *Decision Item*

Bemidji 3217 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4255 fax (218) 755-4201	Brainerd 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	Duluth 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	Fergus Falls 413 W. Stanton Avenue Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	Marshall 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	New Ulm 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	Rochester 40 16th Street S.E. Suite A Rochester, MN 55904 phone (507) 285-7458 fax (507) 280-2875	Saint Paul One West Water Street Suite 250 Saint Paul, MN 55107 phone (651) 282-9969 fax (651) 284-0000
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Old Business

1. Budget Overview – see the attached news release “Governor Presents Emergency Supplemental Budget Plan” and the Department of Finance’s website <http://www.finance.state.mn.us/> - *Information Item*

New Business

1. Source Water Protection in Minnesota – Progress Report – Art Persons, Minnesota Department of Health – *Information Item*
2. '03 Non-Point Engineering Assistance (NPEA) Challenge Grants – Wayne Zellmer will present the NPEA Challenge Grants that provide additional engineering/technical assistance funding to SWCD NPEA Joint Powers Boards to accelerate assistance to landowners implementing high priority conservation practices. *Decision Item*
3. Washington SWCD Office Relocation – Lynda Peterson will present a resolution from the Washington SWCD regarding the change in office location, as stated in Minnesota Statute 103C.221, “change of location of principal office of the district board may be changed with the approval of the state board after the adoption of a resolution by a majority of the district board stating the new location and by filing a certified copy of the resolution with the secretary of state.” *Decision Item*

The Administrative Advisory Committee will meet immediately following the Board meeting.

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. I look forward to seeing you on January 22!

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, JANUARY 22, 2003**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

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Adopt Agenda

Minutes of December 4, 2002

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

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- Minnesota Association of Watershed Districts (MAWD) – Ray Bohn
- Natural Resources Conservation Service (NRCS) – Tim Koehler

Upcoming Meetings

- Next BWSR Meeting, February 26, St. Paul

Adjourn

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
January 22, 2003**

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
January 22, 2003**

Dispute Resolution Report
January 9, 2003

There are presently five appeals pending. All of the appeals involve WCA. The first appeal listed below is new since the last report of November 20 and is no longer pending. Also included is a table listing the status of all appeals filed in 2002.

There is an appeal of a replacement plan decision in Cook County. Issues involve the use of wetland banking credits for replacement and sequencing. The appeal has been denied.

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

Another appeal is of an exemption decision in Hennepin County. The appeal involves the Minnehaha Creek Watershed District's denial of an exemption request at Lake of the Isles by the Minneapolis Parks and Recreation Board. The appeal was placed in abeyance pending further technical evaluation. The technical evaluation work was completed and the watershed district made a new decision to grant the exemption request. However, the appeal has not been withdrawn since the park board disagrees with certain findings in the latest decision. The appeal should be withdrawn or dismissed soon.

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

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

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

Appeals Filed in 2002 (All WCA)

File No.	LGU Action	County (City)	LGU	Status
02-				
1	No-Loss	Mower	SWCD	Withdrawn by appellant
2	Cease and Desist	Hennepin (Independence)	Pioneer-Sarah Creek WMO	Denied: no appeal of cease and desist order allowed
3	Replacement Plan	Hennepin (Independence)	Pioneer-Sarah Creek WMO	Denied: no final LGU decision
4	Exemption	Pine	SWCD	Withdrawn by appellant
5	Replacement Plan	Douglas	SWCD	Denied as meritless
6	Replacement Plan	Wright	SWCD	Denied as meritless
7	Exemption	Wright (Maple Lake)	City	Remanded: expanded TEP report required
8	Replacement Plan	Hennepin (Brooklyn Center)	Shingle Creek WMO	Remanded by DRC: TEP report, noticed public hearing, and cost analysis of alternatives required
9	Replacement Plan	Hennepin (Brooklyn Center)	Shingle Creek WMO	Remanded by DRC: TEP report, noticed public hearing, and cost analysis of alternatives required
10	Replacement Plan	Wright (Albertville)	City	Remanded: TEP report required
11	Boundary	Carver (Chanhausen)	City	Remanded: expanded TEP report and public hearing required
12	Exemption	Goodhue (Zumbrota)	SWCD	Remanded: TEP report and public hearing required
13	Replacement Plan	St. Louis (Hermantown)	City	Withdrawn by appellant
14	Replacement Plan	Dakota (Apple Valley)	City	Denied: not filed within 30 days
15	Replacement Plan	Wright	SWCD	Denied as meritless
16	Exemption	Hennepin (Minneapolis)	Minnehaha Creek WD	Pending (probably settled)
17	Replacement Plan	Pope	SWCD	Denied as meritless
18	No-Loss	Meeker	County Board	Pending
19	Replacement Plan	Cook	County Board	Denied as meritless

1/9/03

CHISAGO COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

(FOR BOARD ACTION)

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

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

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

The Chisago County Board of Commissioners adopted a resolution on December 18, 2002, requesting a two-year extension to complete the Chisago County CLWP by December 31, 2004. The county has decided to pursue development of an "outcome-based" plan that focuses on implementation of projects/programs in four major priority areas within the county. This innovative management approach will allow County staff and the local water policy team to spend more time addressing the issues resulting from the rapid development within the County.

BWSR guidelines will be used and staff assistance will continue to be made available to the CLWP staff as they proceed with the completion of the plan update. BWSR Statewide Local Water Management Specialist, Phil Belfiori recommends approval of the Chisago County Local Water Plan extension request to December 31, 2004.

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

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

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

Whereas, the Chisago County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on December 18, 2002, pursuant to Minnesota Session Law 1995, Chapter 184, and

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

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

FINDINGS OF FACT

1. On December 22, 2002 the Board of Water and Soil Resources received a resolution from Chisago County requesting an extension of their Comprehensive Local Water Plan to December 31, 2004.
2. On January 9, 2003 Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Chisago County.

CONCLUSIONS

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

ORDER

The Board of Water and Soil resources hereby approves the extension of the Chisago County Comprehensive Local Water Plan until December 31, 2004. Dated at St. Paul, Minnesota, this 22nd day of January 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Lee Coe, Chairperson
January 22, 2003

Executive Summary for the Lake County Water Plan Extension Request

Lake County is requesting an extension for their Water Plan Update to July 22, 2005. (instead of July 22, 2003). The primary reason for the request is a change in water plan coordinators early this year. With the change in leadership, it is not possible to complete the planning process prescribed by the Lake County commissioners.

The Lake County Water Plan Advisory Committee has begun the update process. A public survey (200 participants) was conducted at the 2002 Lake County Fair to help identify and prioritize water-related issues.

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

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

ORDER EXTENDING
COMPREHENSIVE
WATER PLAN

Whereas, the Lake County Board of Commissioners has a state approved Comprehensive Water Plan (Plan) that is effective until July 22, 2003 pursuant to M.S. 1990.301 and

Whereas, the Lake Board of Commissioners requested an extension of the Plan to the Minnesota Board of Water and Soil Resources (Board) on December 26, 2003 pursuant to Minn. Session Law 1995, Chapter 184 Section 24 and

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

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

FINDINGS OF FACT

1. In June 2002, the Lake Co. Water Plan Coordinator resigned and was replaced in August 2001.
2. The staffing change has lengthened the timetable to complete the Plan Update.
3. On December 26th, 2002 the Board received a resolution from Lake County requesting an extension of their Plan.
4. On January 10, 2003 the Board staff reviewed and recommended approval of the extension requested by Lake County.

CONCLUSIONS

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

ORDER

The Board hereby approves the extension of the Lake County Plan until July 22, 2005. Dated at St. Paul, Minnesota, this 22nd day of January 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

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

January 2003 BWSR Board Meeting

**OVERVIEW -- LAKE OF THE WOODS COUNTY
THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN**

Background (Second Generation)

The Board of Water and Soil Resources (BWSR) approved the second generation Comprehensive Local Water Plan (Plan) for Lake of the Woods County on April 25, 1996. On May 15, 1996, the Lake of the Woods County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2000.

Plan Update (Third Generation)

On August 24, 1999, Lake of the Woods County passed a resolution to update their Plan. On August 11, 2000 Lake of the Woods County submitted a resolution to the BWSR requesting an eighteen-month extension to its plan until June 30, 2002. On September 25, 2000, the BWSR approved the extension. It was the County's intention for local staff to manage the Plan update process. After conducting the public information meeting and a number of taskforce meetings, Lake of the Woods County completed the draft third generation Plan and began the preliminary sixty-day review on May 22, 2002. In June of 2002, the County and the Lake of the Woods SWCD reached an agreement to transfer water plan responsibilities to the SWCD. The public hearing was conducted on August 22, 2002. Lake of the Woods County submitted its third generation Plan to BWSR on August 29, 2002, to initiate the required ninety-day final state agency review.

County Description

Lake of the Woods County is located in the north central part of Minnesota bordering Canada. The Northwest Angle (the northernmost point in Minnesota) lies within Lake of the Woods County. It is approximately 330 miles north of Minneapolis-St. Paul. There are no organized townships within the county. The City of Baudette is the county seat and there are several small incorporated communities including Williams and Roosevelt. Lake of the Woods County contains approximately 1,138,959 acres. Forest, various wetland types and water make up over 92% of the land cover. Crop land and forage production cover approximately 11% of the land area. There is a substantial system of drainage ditches, most constructed during the early part of the century and many still located on publicly owned lands. Approximately 73% of the land is in public ownership including County, State and Federal lands as well as Red Lake Indian Reservation. Lake of the Woods County's population in 2000 was 4,522. The population of Baudette in 2000 was 1,104.

U.S. Highway 72 is the major north - south corridor connecting Baudette with Bemidji and points south. State Highways 11 is the major east - west corridor connecting Warroad and Roseau on the west and International Falls on the east. The Lake of the Woods is the primary water resource within the County along with associated tributaries including the Rainy River. The main watersheds within the County are: Lake of the Woods, Rainy River and Rapid River. Tourism is an extremely important part of the economy of Lake of the Woods County, primarily focused on the world-class walleye fishery present in the lake.

Plan Update Review

The third generation Plan reflects current conditions and trends within Lake of the Woods County. Although there is some growth from permanent residents, development pressure is primarily from seasonal residents and is focused almost exclusively along the Lake of the Woods and its tributaries. There are areas of crop production and animal agriculture bordering natural tributaries and drainage ditches that have the potential to degrade water quality, especially in the Zippel Bay and Bostic Creek subwatersheds of the Lake of the Woods Watershed. To address these issues, Lake of the Woods County has developed a focused, five-year implementation Plan to address the following watershed priority issues.

- Lake level management
- Erosion and Sedimentation from drainage systems
- Small community wastewater treatment
- Surface water quality
- Feedlots/livestock operations
- Enhancing Lake of the Woods Fishery

Requirements under Minnesota Statutes 1990, 103B, have been addressed. They include wellhead protection, sensitive groundwater areas, and wetland prioritization. Lake of the Woods County is in the process of developing a local wetland management plan and ordinance. BWSR established expectations regarding the third generation water plan update. They include an active taskforce; summary of progress (executive summary); establishing a watershed context; reflecting current and future trends; source water; storm water; flood damage reduction; drainage; lakes; wetlands; plan prioritizing. These have been addressed.

BWSR staff have participated with Lake of the Woods County throughout the revision process attending task force meetings, one-on-one meetings, and other communications. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Lake of the Woods County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the Lake of the Woods County 2003-2007 five-year Comprehensive Local Water Plan.

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Lake of the Woods County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on May 15, 1996 under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on April, 25, 1996 pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Lake of the Woods County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on January 10, 2003, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On August 24, 1999, Lake of the Woods County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On August 11, 2000, the Board received from Lake of the Woods County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. On September 25, 2000, the Board approved the extension of the existing Lake of the Woods County Comprehensive Plan until June 20, 2002 (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
5. Lake of the Woods County held a public information meeting on October 26, 2000, for purposes of gaining public input into the Plan Update.

6. On May 22, 2002, Lake of the Woods County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
7. On May 22, 2002, Lake of the Woods County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On August 22, 2002, Lake of the Woods County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On August 29, 2002, Lake of the Woods County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On September 11, 2002, the Board distributed notification of the official 90-day state review and a copy of the [Lake of the Woods County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On October 23, 2002, brief information regarding the Lake of the Woods County Plan Update was provided to the Board for their review.
12. **Individual Comments:** No individual comments were received.
13. **County Response to Individual Comments:** Not Applicable
14. **Local Government Unit (LGU) Comments:** No written comments were received, although there were representatives from local communities Baudette and Williams on the Water Plan Task Force and their input was incorporated into the plan.
15. **County Response to LGU Comments:** LGU input was incorporated into the plan.
16. **Minnesota Department of Agriculture (MDA) Review:** A letter dated 10/28/02 was received from MDA staff during the final review period. No comments were directed at specific areas of the plan. MDA staff recommended approval and noted progress from previous plans.
17. **Minnesota Department of Health (MDH) Review:** A letter dated 9/24/02 was received from MDH staff during the final review period.. No comments were directed at specific areas of the plan. MDH staff recommended approval of the plan update.
18. **Minnesota Department of Natural Resources (DNR) Review:** No written comments regarding plan content were submitted, however DNR staff were closely associated with the development of the plan update. Goals, objectives and strategies relating to water quality and protection of habitat and the Lake of the Woods fishery reflect a substantial level of involvement.
19. **Minnesota Pollution Control Agency (MPCA) Review:** A letter dated 10/31/02 was received from MPCA staff during the final review period. The letter had a mix of specific comments and more general observations. Staff commented that the plan update was well written and the issues were addressed in a clear, well thought-out manner.
20. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** No written comments were received.
21. **Minnesota Geological Survey (MGS) Review:** No written comments were received.

22. **Minnesota Board of Water and Soil Resources (BWSR):** BWSR staff provided comments to LOW environmental services staff on 4/22/02 during the initial review period. BWSR staff met individually with SWCD staff on 8/23/02 immediately prior to submission of the plan for final review.
23. **County Response to State Agency Comments:** Comments received during task force meetings, and in individual meetings were incorporated as the document was developed. Written responses to the comments from the MPCA were incorporated into the final edited version of the plan update by January 15, 2003.
24. **Board Water Plan Review Committee Meeting:**
25. On January 10, 2003, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Lake of the Woods County January 1, 2003-December 31, 2007 Comprehensive Local Water Plan Update.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Lake of the Woods County. Dated at St. Paul, Minnesota, this 22nd day of January, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland Coe, Chair

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

January 2003 BWSR Board Meeting

**OVERVIEW -- MAHNOMEN COUNTY
THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN**

Background (Second Generation)

The Board of Water and Soil Resources (BWSR) approved the second generation Comprehensive Local Water Plan (Plan) for Mahnomen County on August 28, 1997. On November 10, 1997, the Mahnomen County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2002.

Plan Update (Third Generation)

On August 19, 2001, Mahnomen County passed a resolution to update their Plan. It was the County's intention for local staff to manage the Plan update process. After conducting the public information meeting and a number of taskforce meetings, Mahnomen County completed the draft third generation Plan and began the preliminary sixty-day review on May 15, 2002. The public hearing was conducted on August 8, 2002. Mahnomen County submitted its third generation Plan to BWSR on August 23, 2002, to initiate the required ninety-day final state agency review.

County Description

Mahnomen County is located in the west central part of Minnesota. It is approximately 260 miles northwest of Minneapolis-St. Paul. There are 16 organized townships within the county. The entire county lies within the boundaries of the White Earth Indian Reservation although much of the land within the reservation is owned by non-tribal members. The City of Mahnomen is the county seat and there are several small incorporated communities including Waubun, Bijou Naytawaush, Ogema and White Earth. Mahnomen County contains approximately 372,000 acres. There is a distinct range of geomorphic landforms from east to west across the county. The eastern third of the County contains substantial amounts of forest, wetlands and small lakes. The middle third of the County is a transition zone with a rolling landscape and relatively steep slopes. The western third of the County is relatively flat and lies within the Red River Valley Proper. Crop land and forage production cover approximately 58% of the land area. Traditional row crops such as corn and soybeans as well as wheat and forage crops are the primary agricultural products. Approximately 40% of the land cover is in forest, various wetland types and water. There is a substantial system of drainage ditches, within the county. Mahnomen County's population in 2000 was 5,215.

U.S. Highway 59 is the major north - south corridor connecting. State Highways 113 and 200 are the major east - west corridors running through Mahnomen County. The main watersheds within the County are: Wild Rice, Clearwater and Sandhill Rivers although 96% of the county area lies within the Wild Rice Watershed. Watershed Districts within the County include the Wild Rice, Red Lake and Sandhill River.

Plan Update Review

The third generation Plan reflects current conditions and trends within Mahnomen County. Although there is some growth from permanent residents, development pressure is primarily from seasonal residents and is focused along the shores of lakes within the County. Agricultural production continues to be a focus within the county although there is a trend toward larger operations and more rented land in production. To address these issues, Mahnomen County has developed a five-year implementation Plan to address the following watershed priority issues.

- Reducing sedimentation and soil erosion
- Wind erosion
- Agricultural waste management
- Forestry
- Surface water quality

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

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

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Mahnomen County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on November 10, 1997, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on August 28, 1997 pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Mahnomen County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on January 13, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On September 18, 2001, Mahnomen County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On October 25, 2001, the Board received from Mahnomen County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. Mahnomen County held a public information meeting on January 10, 2002, for purposes of gaining public input into the Plan Update.
5. On May 15, 2002, Mahnomen County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
6. On May 15, 2002, Mahnomen County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota

Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

7. On August 8, 2002, Mahnomen County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
8. On August, 23, 2002, Mahnomen County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
9. On September 10, 2002, the Board distributed notification of the official 90-day state review and a copy of the Mahnomen County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
10. On October 15, 2002, brief information regarding the Mahnomen County Plan Update was provided to the Board for their review.
11. **Individual Comments:** Comments received at the public hearing related to ditch and streambank stabilization via establishment of buffer strips
12. **County Response to Individual Comments:** Included in goals/objectives and strategies
13. **Local Government Unit (LGU) Comments:** No comments received
14. **Minnesota Department of Agriculture (MDA) Review:** A letter dated 10/28/02 was received from MDA staff during the final review period. No comments were directed at specific areas of the plan. MDA staff recommended approval.
15. **Minnesota Department of Health (MDH) Review:** A letter dated 7/2/02 was received from MDH staff during the preliminary review period. Specific comments related to wellhead protection plans were identified. A letter dated 9/24/02 during the final review period, recommend Plan approval
16. **Minnesota Department of Natural Resources (DNR) Review:** Communication received 12/31/02 subsequent to preliminary approval by the BWSR Ad Hoc review committee identified several specific comments.
17. **Minnesota Pollution Control Agency (MPCA) Review:** No comments received
18. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** A letter dated 6/17/02 during the preliminary review period recommend Plan approval
19. **Minnesota Geological Survey (MGS) Review:** No comments received
20. **Minnesota Board of Water and Soil Resources (BWSR):** Comments were presented during a Water Plan Advisory Committee meeting on 7/19/02. Individual meetings with local staff were also conducted.
21. **County Response to State Agency Comments:** Local staff incorporated changes where specifics were noted.
22. **Board Water Plan Review Committee Meeting:**
23. On December 13, 2002, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Mahnomen County January 1 2003- December 31 2007 Comprehensive Local Water Plan Update and 2003-2007 Focus Plan

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Mahnomen county. Dated at St. Paul, Minnesota, this 22nd day of January, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland Coe, Chair

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

January 2003 BWSR Board Meeting

**OVERVIEW -- KITTSON COUNTY
THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN**

Background (Second Generation)

Development of the second generation Kittson County Comprehensive Local Water Plan (Plan) began November 15, 1994, with the passing of a county resolution. On April 9, 1996, Kittson County provided the Board of Water and Soil Resources (BWSR) with its updated Plan. BWSR approved the Plan on July 24, 1996. On September 26, 1996, the Kittson County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2000.

Plan Update (Third Generation)

On July 31, 2000, Kittson County submitted a resolution to the BWSR requesting a two-year extension to its Plan. On September 28, 2000, the BWSR approved the extension. Kittson County passed a resolution to update their Plan on October 2, 2001. The local water plan coordinator facilitated the process with water planning taskforce and local/state/federal agency partners to complete a total revision of the county's Plan. After conducting the public information meeting and taskforce meetings Kittson County completed the draft third generation Plan. The preliminary sixty-day review began on May 15, 2002. The public hearing was conducted on August 20, 2002. Kittson County submitted its third generation Plan to BWSR on September 9, 2002, to initiate the required ninety-day final state agency review.

County Description

Kittson County is located in the northwestern-most corner of Minnesota approximately 350 miles from Minneapolis-St. Paul. The City of Hallock is the county seat. Kittson County is approximately 1,123 square miles, of which approximately 66 percent is cultivated land. Primary cash crops are corn, potatoes, small grains, and sugar beets. Kittson County's population in 2000 was 5,285 as compared to 5,767 in 1990. The decrease in population from 1990 to 2000 was 8.4 percent.

Major highways in Kittson County are U.S. Highways 75 and 59 that are aligned in a north-south direction. State Highways 11 and 175 are the major east-west corridors.

Kittson County is located in the Red River Basin of the North. There are three major watersheds in Kittson County - the Tamarac, Two Rivers, and Roseau. There are four watershed districts within Kittson County - the Joe River, Two River, Roseau River, and

the Middle/Snake/Tamarac Rivers. The Roseau River and Two River Watershed Districts area currently working on revisions to their overall watershed plans.

Plan Update Review

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

- Groundwater
- Education
- Land Use Management
- Solid Waste

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

BWSR staff has participated with Kittson County throughout the revision process by attending task force meetings and meetings with the LWP administrator. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Kittson County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the Kittson County 2003-2007 five-year Comprehensive Local Water Plan.

On December 13, 2002, the Board Northern Region Water Plan Review Committee voted unanimously to recommend that the Board approve the Kittson County 2003 – 2007 Comprehensive Local Water Plan Update. During the meeting it was noted that Kittson County does not have an approved shoreland ordinance. The committee decided to approve the plan contingent upon getting an approved ordinance by some specified time and to be included in the motion at the board meeting.

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Kittson County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on September 26, 1996, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on July 24, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2000 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Kittson County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 9, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On October 2, 2001, Kittson County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On July 18, 2000, the Board received from Kittson County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. On September 28, 2000, the Board approved the extension of the existing Kittson County Comprehensive Plan until December 31, 2002. (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
5. Kittson County held a public information meeting on February 20, 2002, for purposes of gaining public input into the Plan Update.
6. On May 15, 2002, Kittson County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subdivision 1.

7. On May 15, 2002, Kittson County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On August 20, 2002, Kittson County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On August 30, 2002, Kittson County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On September 9, 2002, the Board distributed notification of the official 90-day state review and a copy of the Kittson County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On October 22, 2002, a brief regarding the Kittson County Plan Update was provided to the Board for their review.
12. Individual Comments: No individual written comments were received.
13. County Response to Individual Comments: Not Applicable
14. Local Government Unit (LGU) Comments: No LGU written comments were received.
15. County Response to LGU Comments: Not Applicable
16. Minnesota Department of Agriculture (MDA) Review: MDA did not provide written preliminary review comments. Final written comments dated October 28, 2002, were submitted to and received by the Board on November 7, 2002. MDA stated that they had reviewed the plan update and commended Kittson County on the development of their third generation plan and on progress made in the implementation of previous plan. MDA noted several areas where they could help coordinate efforts related to pesticide and fertilizer management issues, nitrate testing, low interest Ag BMP loans, water quality monitoring, agricultural drainage issues, and BMP's for agricultural operations.
17. Minnesota Department of Health (MDH) Review: MDH did not provide written preliminary review comments. Final written comments dated October 8, 2002, were submitted to and received by the Board on October 10, 2002. MDH reviewed the plan and stated that it presents the opportunity to further public health protection through proposed actions to protect water and related-land resources. MDH recommends approval of the Kittson County Plan Update.
18. Minnesota Department of Natural Resources (DNR) Review: No written comments were received.
19. Minnesota Pollution Control Agency (MPCA) Review: No written comments were received.
20. Minnesota Environmental Quality Board (EQB) / State Planning Agency Review: EQB provided written preliminary review comments on June 13, 2002. EQB reviewed the plan and stated that it

appeared to be consistent with state laws. They encouraged the county to work on the connection between the Plan Update and the County Comprehensive Land Use plan. EQB also provided some information on resources available through their agency.

21. Minnesota Geological Survey (MGS) Review: No written comments were received.
22. Minnesota Board of Water and Soil Resources (BWSR): Board staff attended Kittson County's task force meetings during the plan update. Board staff met with the Kittson County LWP administrator on July 17 and December 2, 2002, to review preliminary and final review comments.
23. County Response to State Agency Comments: Kittson County made written responses to state agencies regarding preliminary and final comments on July 12, October 3 and 31, and December 4, 2002. Kittson County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agency comments.
24. Board Water Plan Review Committee Meeting: The Northern Region Water Plan Review Committee met in Bemidji, Minnesota, with Board staff and the Kittson County CLWP administrators to review and discuss the Plan Update. Those in attendance were Leland Coe (citizen member), Darrell Bruggman (county member), Holly Anderson (Kittson County CLWP Administrator), northern region supervisor Ron Shelito, and board conservationist Bill Best.
25. On December 13, 2002, the Northern Region Water Plan Review Committee voted unanimously to recommend that the Board approve the Kittson County 2003 – 2007 Comprehensive Local Water Plan Update. During the meeting it was noted that Kittson County does not have an approved shoreland ordinance. The committee decided to approve the plan contingent upon getting an approved ordinance by some specified time and to be included in the motion at the board meeting.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Kittson County. Dated at St. Paul, Minnesota, this January 22, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland Coe, Chair

Kittson 2002 LWP Update Board Order.doc

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

January 2003 BWSR Board Agenda Item

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

Wilkin County has a Comprehensive Local Water Plan (Plan) approved by the Minnesota Board of Water and Soil Resources (BWSR) on May 22, 1996. Wilkin County submitted a written request for a two-year extension of its Plan on February 21, 2001. BWSR approved the Plan extension on March 28, 2001. Wilkin County submitted its third generation Plan to the BWSR on September 6, 2002. The ninety-day state agency final review process began on September 6, 2002.

On January 10, 2003, the BWSR Board Water Plan Review Committee met in the City of Detroit Lakes with BWSR staff and representatives from Wilkin County to review and discuss the third generation ten-year Comprehensive Local Water Plan and the five-year Focus Plan.

BWSR staff has reviewed the Wilkin County Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Wilkin County 2003-2007 five-year Comprehensive Local Water Plan.

The BWSR Water Plan Review Committee, chaired by Ginny Imholte, will make its approval recommendation to the full BWSR Board at its January 22, 2003, meeting.

EXECUTIVE SUMMARY

This Comprehensive Local Water Plan (CLWP) update is the second update to the original plan approved by the Board of Water and Soil Resources (BWSR) in 1990. The first update to the original plan was approved by the BWSR in 1995. This plan update will be effective through the year 2007.

Wilkin County is located in west-central Minnesota, bordering North Dakota. Wilkin County has a total land area of 481,000 acres. Breckenridge, located in the west-central part of the county is the county seat.

The climate in Wilkin County is continental with warm summers and cold winters with the summer average temperature of 68 degrees and a winter average temperature of 9 degrees. Average annual precipitation is between 20 – 23 inches. About 75 percent of the annual precipitation occurs between May and September.

Most of the land area in Wilkin County is cropland (92%). The majority of the county is in the lacustrine plain of Glacial Lake Agassiz (94%). This region is nearly level, with slopes of 0-2 percent. The northeastern part of the county are mostly hilly having slopes ranging from 3-6 percent, exceeding 40 percent in a few places.

75% of the soils in Wilkin County are poorly drained and have very slow to medium infiltration rates. Water does not rapidly penetrate these soils and moves slowly through them once absorbed. These soils do, however, retain moisture well during periods of desiccation. In the eastern part of the county, soils developed along the beach ridge areas of glacial lake agassiz are generally coarser and are moderate to well drained.

Due to Wilkin County's flat topography and soils structure, wind erosion is of major concern. Unprotected soils during below average precipitation periods of winter and spring can cause severe wind erosion. Field windbreaks, conservation tillage, and grass buffer/filter strips can reduce wind erosion significantly when implemented properly.

The Wilkin County Environmental Advisory Committee has reviewed and studied all available information in the development of this updated plan. The Environmental Advisory Committee is a combination of the Citizen Committee, which consists of individuals representing different sectors of Wilkin County and the Technical Committee consisting of individuals representing Federal, State and local agencies. The Environmental Advisory Committee met a total of 13 times during the plan development process.

The following individuals were involved in the updating of this plan.

Citizen Committee Members

Gerald Nordick (citizen)

John Blaufuss (County Commissioner)

Neil Weiser (citizen)
Commissioner)

Stephanie Miranowski (County

Bob Westfall (citizen)
Dennis Torkelson (SWCD)

Robert Roach (Watershed District)
Roger Ellefson (Watershed District)

Technical Committee Members

Don Bajumpaa (SWCD)
Jon Roechlein (Watershed District)
Pete Waller (BWSR)
Terry Lejcher (DNR Waters)
Mike Howe (MN Dept. of Health
Officer)

Steve Cole (NRCS)
Jack Frederick (MPCA)
Bruce Albright (Watershed District)
Doug Hedtke (DNR Wildlife)
Bruce Poppel (County Environmental

The purposes of the Comprehensive Local Water Plan for Wilkin County are;

1. To identify existing and potential problems or opportunities for protection, management and development of water resources and land resources in the county.
2. To develop and implement a plan of action to promote sound hydrologic management of water and related land resources in the county, and
3. To work toward effective environmental protection and management in the county.

Based on their understanding of existing conditions and issues, county officials will decide what water resources within the county need to be protected and/or enhanced and by what means.

Wilkin County is aware that all counties must develop their own means for managing local water resources. Failure to do so will result in the lose of local opportunities to make intelligent, choices about improving the local water resources within the county.

Wilkin County recognizes that a well-developed comprehensive water plan should integrate local initiatives with state and federal programs whenever possible. This is evident in the fact that Wilkin County has incorporated the Wilkin SWCD Comprehensive Plan, the Bois de Sioux Watershed District Revised Watershed Management Plan and will incorporate the Buffalo-Red River Watershed District Revised Watershed Management Plan into this document. The Otter Tail River Watershed Management Plan currently being developed by the Otter Tail River Watershed Improvement Project Team will also be incorporated into this plan. This integration allows more efficient management of all programs for protection of water resources and the general environment.

Since the inception of the Comprehensive Local Water Planning process in 1990, Wilkin County has accomplished the following tasks.

- Sealed 162 abandoned wells and held one public demonstration.
- Sampled and tested 113 private water wells for nitrates and coliforms.
- Protected 5,000 feet of riverbank from erosion.
- Collected and recycled 27,450 empty plastic pesticide containers.
- Provided financial incentives for establishing 543 acres of bufferstrips.

- Cleaned up 5 dumpsites along the Otter Tail River.
- Provided financial incentive to one high priority feedlot.
- Publish a quarterly newsletter "Enviro-Minder" and distributed to every household in the county.
- Adopted Wilkin County Shoreland Ordinance.
- Conducted 5 waste pesticide collections.
- Retrofitted 3 dams to allow for fish passage and safer recreation use.
- Developed the Otter Tail River Comprehensive Plan.
- Conducted 5 Household Hazardous Waste Collections.
- Conducted 3 septic system maintenance workshops for homeowners.
- Painted storm drains with "Drains to River" warning to deter dumping of hazardous waste into storm drains.
- Planted 4 miles of county road right-of-way to native grasses.
- Cooperating with Becker and Otter Tail Counties and SWCD's on the Otter Tail River Watershed Improvement Project.
- Cooperated with Clay SWCD on a Flood Mitigation Grant for the South Branch of Buffalo River.
- Assisted the Minnesota DNR and ND Water Commission with the collection of data for 2 groundwater studies.
- Participate in the Ag BMP Loan Program. Received 3 allocations in the amount of \$240,000

Although numerous accomplishments have been made since the inception of the Comprehensive Local Water Plan, Wilkin County has yet to take full advantage of the opportunity to facilitate proactive comprehensive water planning. Proactive water resource management will be aided and accelerated by an increase in the Base Grant of the Natural Resource Block Grant and by applying for other grants available for water planning activities.

Priorities during this current planning period (2003 – 2007) include: an accelerated effort to establish buffer/filter strips to reduce non-point pollution; reducing flood events; requiring septic systems to be upgraded at property transfer; and the establishment of a citizen stream monitoring program. The protection of our drinking water is another important issue that Wilkin County has identified. To do so Wilkin County will assist the City of Moorhead in the development and implementation of a Source Water Protection Plan in the northern portion of the county and will assist the communities of Breckenridge, Kent, Wolverton, Campbell, and Rothsay in the development and implementation of their own Wellhead Protection Plans.

Flood Damage Reduction (FDR) process has received a lot of attention since the Flood of '97. Wilkin County endorses the 14 Flood Damage Reduction goals established by the Minnesota Department of Natural Resources. Specifically Wilkin County endorses the top three goals; 1) Prevent Human Loss of Life 2) Prevent damages to structures, homes and communities, and 3) Reduce damages to farmland, transportation, and water quality. Wilkin County will work together with the Bois de Sioux and Buffalo-Red River Watershed Districts and the City of Breckenridge in reducing the impact of floodwaters

and reduce flood damages within the County. These are new strategies that Wilkin County will begin to implement during the current planning period.

Goals and Objectives are identified in general terms for all areas of the county as well as being analyzed in the context of watershed units and groundwater systems in the initiative section of this plan update. Agencies responsible for the implementation of the goals and objectives identified in the plan are listed in the initiative sections of the plan update and are identified in parenthesis. The Wilkin County Environmental Advisory Committee has identified the following four issues and classified them as high priority.

- Buffer/filter strips
- Individual Sewage Treatment Systems
- Geographic Information System
- Soil Loss Limits Ordinance

These four issues are discussed and identified several times throughout the initiative section of this update. The Wilkin County Environmental Advisory Committee has developed detail implementation strategies for these four issues and are outline in the Implementation Section of this plan.

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

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

**ORDER APPROVING
COMPREHENSIVE
WATER PLAN**

Whereas, the Wilkin County Board of Commissioners adopted its second generation Comprehensive Water Plan (Plan) on September 12, 1996, under authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board), May 22, 1996, respectively pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Wilkin County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on September 6, 2001, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On July 10, 2001, Wilkin County passed a resolution to develop a Comprehensive Water Plan Update to meet the Plan update requirements.
3. On February 21, 2001, the Board of Water and Soil Resources received a resolution from Wilkin County requesting an extension of their Comprehensive Local Water Plan.
4. On March 28, 2001, the Board of Water and Soil Resources approved the extension of the Wilkin Comprehensive Water Plan until June 30, 2002.
5. Wilkin County completed a preliminary draft Plan Update on April 25, 2002, and submitted it to affected local units of government for review and comment pursuant to Section 103B.315, Subd. 1.
6. On April 25, 2002, Wilkin County submitted a draft Plan Update to all affected local units of government including the Departments of Agriculture, Health, and Natural Resources, the Pollution Control Agency, Minnesota Planning Environmental Quality Board and the Minnesota Geological Survey for preliminary review and comment.

7. On July 29, 2002, Wilkin County held a public hearing on the Plan Update, pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
8. On September 6, 2002, Wilkin County submitted its Final Plan Update along with all written comments received on the Plan Update, and a record of the public hearing to the Board for final State review pursuant to Section 103B.315, Subd. 5.
9. On January 10, 2003, an executive summary, Board Conservationist findings, and goals and objectives of the Wilkin County Plan Update were presented to the Board Ad Hoc committee for their information and review.
10. Minnesota Department of Agriculture (MDA) Review: In the preliminary review, MDA provided no comments. On October 28, 2002, MDA commended Wilkin County on the development of their third generation plan and on progress made in implementation of previous plans. Noted within the plan were several areas where MDA may be able to coordinate with efforts identified: including agricultural drainage, low interest loans for on-site septic systems, agricultural chemical storage issues, and best management practices for agricultural operations.
11. Minnesota Department of Health (MDH) Review: In the preliminary review MDH provided no written comments. MDH is an active member of the water planning taskforce and has contributed throughout the water plan update process.
12. In the final comment period, MDH provided no written comments. MDH is an active member of the water planning taskforce and has contributed throughout the water plan update process. January 7, 2003, MDH stated they found no inconsistency with state law and recommended approval
13. Minnesota Department of Natural Resources (DNR) Review: In the preliminary review DNR provided no written comments. DNR is an active member of the water planning taskforce and has contributed throughout the water plan update process.
14. In the final comment period, DNR provided no written comments. DNR is an active member of the water planning taskforce and has contributed throughout the water plan update process. On January 7, 2003, in the final comment period the DNR, stated they found no inconsistency with state law and recommended approval.
15. Minnesota Pollution Control Agency (MPCA) Review: In the preliminary review MPCA provided no written comments. MPCA is an active member of the water planning taskforce and has contributed throughout the water plan update process.
16. In the final comment period, MPCA provided no written comments. MPCA is an active member of the water planning taskforce and has contributed throughout the water plan update process. On January 7, 2003, in the final comment period the MPCA, stated they found no inconsistency with state law and recommended approval.
17. Minnesota State Planning Agency/Environmental Quality Board (EQB) Review: Provided no comments.
18. Minnesota Geological Survey (MGS) Preliminary Review: MGS provided no preliminary comments.

19. Minnesota Board of Water and Soil Resources: On June 26, 2002, the Board provided preliminary written comments on the Plan Update. *The Board agrees with the resource concerns or opportunities identified in the plan. Coordination with other local & state water management plans to will strengthen all the plans and define roles & responsibilities of all involved; specifically, integration of the implementation actions with the implementation actions of the BDSWD plan.*
20. On October 31, 2002, BWSR final comments offered two suggestions to the plan: 1. Assessments/Goals/Actions from the draft Bois de Sioux Watershed District Overall Plan applicable to Wilkin County portion of the watershed and 2. Suggestions to enhance the measurable results within the Soil Loss Ordinance and Buffer/filter strip implementation strategies. October 2002 BWSR Board Materials pertaining to a buffer implementation opportunity was also provided.
21. Wilkin County responded to all comments received after discussion at the regularly scheduled taskforce meetings.
22. The Board Water Plan Review Committee met on January 10, 2003 in Detroit lakes with Board staff and representatives from Wilkin County to review and discuss the Plan Update. Those in attendance were Ad Hoc Committee Chair Ginny Imholte, and Paul Krabbenhoft of the Board; Ron Shelito and Pete Waller of the BWSR Regional staff, Wilkin County Water Plan Coordinator, Bruce Poppel and John Blaufuss, Wilkin County Commissioner. The water plan review committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the county on the planning process.
23. On January 22, 2003, the BWSR water plan review committee recommended that the Board of Water and Soil Resources approve the Wilkin County Plan Update.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan as the Comprehensive Water Plan Update of Wilkin County, dated at St Paul, Minnesota, this Twenty- Second day of January, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Lee Coe, Chair

WASHINGTON CONSERVATION DISTRICT BOARD OF SUPERVISORS
WASHINGTON COUNTY, MINNESOTA

DATE December 11, 2002

RESOLUTION NO. 121102

MOTION BY George Rydeen

SECONDED Paul Bischoff

.....

**RESOLUTION IN SUPPORT OF CHANGING THE LOCATION OF THE PRINCIPAL OFFICE OF
THE WASHINGTON CONSERVATION DISTRICT**

WHEREAS, the Washington Conservation District was formed in accordance with MN Statutes,

WHEREAS, the Washington Conservation District's current location of the principal office is 1825 Curve Crest Blvd, Stillwater, Minnesota 55082.

WHEREAS, the State of Minnesota has contemplated and allowed change in location of the principal office for soil and water conservation districts through State Statute 103C.221,

WHEREAS, the Washington Conservation District wishes to change its location of the principal office,

NOW, THEREFORE, BE IT RESOLVED, that the Washington Conservation District change the location of the principal office to 1380 West Frontage Road, Highway 36, Stillwater, Minnesota 55082.

The question was on the adoption of the Resolution and there were three (3) yeas and two (2) absent as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Smallidge	✓			
Rydeen	✓			
Bischoff	✓			
McConnell				✓
Johnson				✓

Upon vote, the Chair declared the Resolution passed.

IN TESTIMONY WHEREOF, I set my hand this 11 day of Dec., 2002.

Louise Smallidge
Louise Smallidge, Chair

From: Jeff Falk <Jeff.Falk@state.mn.us>
Date: 1/14/03 10:26AM
Subject: Gov. Pawlenty's Emergency Supplemental Budget Plan

FOR IMMEDIATE RELEASE:
Kupchella
January 14, 2003
(651) 296-0061

Contact: Leslie

Daniel Wolter
(651) 296-0001

GOVERNOR PRESENTS EMERGENCY SUPPLEMENTAL BUDGET PLAN
-- Pawlenty calls on Legislature to take quick action on 2003 deficit --

Saint Paul - Beginning his second week in office, Governor Tim Pawlenty released his emergency supplemental budget, calling on the Legislature to take speedy action to wipe out the \$356 million deficit for the current fiscal year that ends on June 30th. With just five and a half months left in the fiscal year, Pawlenty added that each day that passes without action makes the deficit problem much more difficult to solve.

"People need to realize this is an emergency and acting quickly to reign in spending is essential," said Governor Pawlenty.

The Governor's emergency budget plan includes structural - or permanent - budget reductions, and use of one-time monies.

Structural reductions total \$171 million, including \$77 million in agency grant and program reductions, \$44 million in state government operational reductions, and \$50 million in higher education savings. An important part of the plan gives additional tools to state agencies and higher education systems to meet the reduction targets. Tools to add flexibility include use of mandatory salary savings measures, such as a shorter workweek, to prevent layoffs. It also includes restricted out-of-state travel, retention of the flexible hiring freeze enacted by the Ventura Administration, and repeal of current laws which prohibit the use of private sector providers for state services.

In addition, \$297 million in one-time monies are used to close the budget shortfall. That part of the plan refinances general fund highway projects with trunk highway bonds, taps excess balances in other state funds, and uses a 90-day delay in the payment of sales tax refunds on capital equipment purchases.

"This plan is the first response to the enormous financial challenges we are facing," added the Governor. "It is tough, but fair and thoughtful."

--MORE--

In anticipation of the possibility of a larger-than-forecast deficit by the end of the fiscal year, the Governor's plan leaves \$136 million on the bottom line and in reserves.

"We've built in a cushion just in case revenues are down at year's end," said Finance Commissioner Dan McElroy. "In the event that revenues are up, this is a down payment on the huge budget deficit we're looking at for next year."

"From selling the state jet to reducing the cost of state government for the long-term, this is a common sense plan that solves the immediate problem and gets us on our way to tackling the larger budget deficit," Pawlenty added. "There is no question our broader budget solution is going to demand fundamental reforms - a reengineering of state government to better meet the needs and priorities of Minnesotans. But in the short-term, we have to get this year's budget back into balance - and do it quickly."

Governor Pawlenty intends to work closely with legislators to get the plan passed. He added that if action is not taken quickly, state law requires he "unallot," or withhold state payments to keep the budget in balance. Although not specifying a deadline before he takes such action, the Governor noted he would likely begin unallotment if legislative action is not taken by early February.

"I have the highest confidence that the Legislature can come together and solve this problem just as the people of Minnesota do in tough times," Pawlenty said.

Governor's FY 2003 Emergency Supplemental Budget

FY 2003 Recommendations

(\$ in millions)

Spending Cuts

State Agency Operations	\$44
State Agency Grants & Programs	77
Higher Education	50
Subtotal Spending Cuts	<u>171</u>

One-time items:

Refinance Transportation Projects	130
Cancel Unspent 1998 Capital Projects	7
21st Century Minerals Fund Balance	39
Solid Waste Fund Balance	11
Workers Compensation Special Fund Balance	15
State Airports Fund Balance	15
Reduce HESO SELF Reserves	30
Delay Sales Tax Refunds on Capital Equipment	50
Subtotal One-time	<u>297</u>

Total - All Changes	\$468
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Less: Forecast Shortfall	(356)
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Ending Balance	112
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Budget Reserve	24
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End-of-Year "Cushion"	\$136
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Governor's Recommendation for Operating Budget Reductions

<u>Agency</u>	<u>FY 2003</u>
HUMAN SERVICES DEPT	6,700,000
TRIAL COURTS	3,844,238
NATURAL RESOURCES DEPT	3,818,713
METROPOLITAN COUNCIL	2,615,440
LEGISLATURE	2,335,155
HOUSING FINANCE AGENCY	2,204,640
PUBLIC SAFETY DEPT	1,822,995
REVENUE DEPT	1,776,362
PUBLIC DEFENSE BOARD	1,537,479
SUPREME COURT	1,290,545
CORRECTIONS DEPT	1,108,233
MINNESOTA TECHNOLOGY INC	1,071,000
HISTORICAL SOCIETY	1,065,880
CHILDREN, FAMILIES, & LEARNING	1,043,544
ATTORNEY GENERAL	1,038,338
HEALTH DEPT	888,439
AGRICULTURE UTIL RES INSTITUTE	887,250
AGRICULTURE DEPT	829,237
TRANSPORTATION DEPT	750,000
TRADE & ECON DEV DEPT	677,711
FINANCE DEPT	574,016
ADMINISTRATION DEPT	460,491
COMMERCE DEPT	433,595
POLLUTION CONTROL AGENCY	422,496
STATE AUDITOR	390,280
PLANNING, STRATEGIC & L R	337,630
COURT OF APPEALS	321,080
EMPLOYEE RELATIONS DEPT	305,210
SECRETARY OF STATE	290,780
ZOOLOGICAL BOARD	270,329
MILITARY AFFAIRS DEPT	261,152
LEGISLATIVE AUDITOR	226,360
ENVIRONMENTAL ASSISTANCE	199,307
ECONOMIC SECURITY DEPT	189,275
GOVERNORS OFFICE	161,900
HUMAN RIGHTS DEPT	146,227
CENTER FOR ARTS EDUCATION	130,279
WATER & SOIL RESOURCES BD	130,039
VETERANS HOME BOARD	123,720
LABOR AND INDUSTRY DEPT	118,167
HIGHER ED SERVICES OFFICE	106,663
ANIMAL HEALTH BOARD	103,070

**Governor's Recommendation for Operating
Budget Reductions**

<u>Agency</u>	<u>FY 2003</u>
INVESTMENT BOARD	89,609
GAMBLING CONTROL BOARD	88,998
MEDIATION SERVICES DEPT	75,345
OMBUDSMAN MH/MR	72,848
VETERANS AFFAIRS DEPT	71,706
STATE TREASURER	64,969
EMERGENCY MEDICAL SVCS BD	44,997
ARTS BOARD	40,160
HUMANITIES COMMISSION	39,800
FARIBAULT ACADEMIES	39,538
ARCHITECTURE, ENGINEERING BD	29,482
DISABILITY COUNCIL	28,560
CAMPAIGN FINANCE BOARD	24,651
AMATEUR SPORTS COMM	24,603
ACCOUNTANCY BOARD	23,838
INDIAN AFFAIRS COUNCIL	22,678
SENTENCING GUIDELINES COMM	19,800
RACING COMMISSION	16,134
BLACK MINNESOTANS COUNCIL	13,259
CHICANO LATINO AFFAIRS COUNCIL	12,958
ASIAN-PACIFIC COUNCIL	11,452
OMBUDSPERSON FOR FAMILIES	9,234
OMBUDSMAN FOR CORRECTIONS	6,720
BARBERS BOARD	6,360
CAPITOL AREA ARCHITECT	6,341
PRIVATE DETECTIVES BOARD	5,574
UNIFORM LAWS COMMISSION	1,777
PUBLIC UTILITIES COMM	0
TAX COURT	0
JUDICIAL STANDARDS BOARD	0
Total Operating Budget Reductions	<u>43,898,658</u>

GOVERNOR'S FY 2003 RECOMMENDATIONS

STATE AGENCY GRANTS & PROGRAMS

(\$ IN THOUSANDS)

	REDUCTION AMOUNT
ADMINISTRATION DEPT	1,368
LEGISLATIVE TELEVISION	418
VOTER EQUIPMENT GRANT	950
STATE BAND	0.3
AGRICULTURE DEPT	27,369
COUNTY FAIRS - GRANTS TO AG ASSOC	357
ETHANOL PRODUCTION SUBSIDY	26,812
SUSTAINABLE AG DEMONSTRATION GRANTS	140
SHORT ROTATION WOODY CROP GRANTS	60
ARTS BOARD	344
ARTIST ASSISTANCE/ FOLK ARTS GRANTS	344
CHILDREN, FAMILIES, & LEARNING	3,573
TEACHING & CURRICULUM CANCELLATION	206
REDUCE SCHOOL READINESS RESERVES	791
REDUCE ECFE RESERVES	769
REDUCE COMMUNITY ED RESERVES	1,807
ENVIRONMENTAL ASSISTANCE	210
PROJECT IMPLEMENTATION GRANTS	210
HEALTH DEPT	8,558
LTC QUALITY DEMONSTRATION GRANT	500
LTC TRANSITION PLANNING GRANT	500
WIC GRANTS ADMIN	3,558
UNSPENT TOBACCO PREVENTION APPROPRIATIONS	4,000
HUMAN SERVICES DEPT	22,493
HOME & COMMUNITY BASED IMPROVEMENTS	634
NEW AUTISM PROGRAM	557
5% HOSPITAL RATEABLE REDUCTION	656
PHARMACY REDUCTION	3,080
ICF/MR RATE ADJUSTMENTS	199
CHEMICAL DEPENDENCY NON-ENTITLEMENT GRANTS	268
COMMUNITY SERVICES GRANT RFP	515
ALTERNATIVE CARE ALLOCATION	1,000
CRIMINAL JUSTICE TRAINING GRANT	5
FETAL ALCOHOL SYNDROME GRANT	106
FOSTER AND ADOPT RECRUITMENT GRANT	55
HOME SHARE GRANT	156
ADOPTION ASSISTANCE	584
FRAUD PREVENTION INVESTIGATION	64
MA SURCHARGE REVENUE	12,520
SUPPORTIVE WORK GRANT	894
MISC SPECIAL REVENUE ACCOUNTS	1,200
MEDIATION SERVICES DEPT	47
LABOR MANAGEMENT COOPERATIVE GRANTS	47

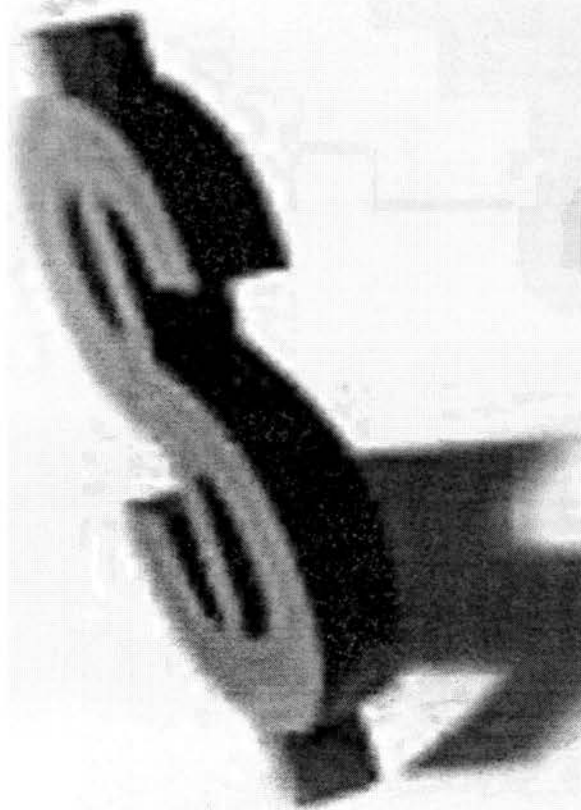
GOVERNOR'S FY 2003 RECOMMENDATIONS

STATE AGENCY GRANTS & PROGRAMS

(\$ IN THOUSANDS)

	REDUCTION
MILITARY AFFAIRS DEPT	40
YOUTH CAMP	40
MINNESOTA FUTURES RESOURCE FUND	2,400
REDIRECT 2 CENTS/PACK CIGARETTE TAX	2,400
NATURAL RESOURCES DEPT	203
TAYLORS FALLS FIRE & RESCUE	25
METRO GREENWAY GRANTS	171
TACONITE HARBOR - SAFE HARBOR PROJECT	7
POLLUTION CONTROL AGENCY	2,579
CLEANWATER PARTNERSHIP GRANTS	994
COUNTY FEEDLOT PERMIT PROGRAM	468
COUNTY INDIVIDUAL SEWAGE TREATMENT SYSTEMS GRANTS	17
REDIRECT MOTOR VEHICLE TRANSFER FEE	1,100
PUBLIC SAFETY DEPT	2,595
GRANTS TO BATTERED WOMEN PROGRAMS	56
CRIMINAL GANG STRIKE FORCE	39
CRIMNET LOCAL PLANNING	2,500
REVENUE	34
TAXPAYER ASSISTANCE GRANTS	34
SUPREME COURT	442
CIVIL LEGAL SERVICES	442
TRADE & ECON DEV DEPT	3,153
CONTAMINATED SITE CLEANUP GRANTS	1,324
BLUE EARTH RURAL ADVANCED BUSINESS FACILITIES PROG	35
MINNESOTA INVESTMENT FUND	1,314
MN FILM BOARD SNOBATE GRANTS	480
TRANSPORTATION	750
SALE OF JET	750
VETERANS AFFAIRS DEPT	114
VINLAND GRANTS	114
WATER & SOIL RESOURCES BOARD	1,167
GRANTS	1,167
GRAND TOTAL	77,439

Governor's FY 2003 Emergency Supplemental Budget



***Governor Tim Pawlenty
January 14, 2003***

Key Objectives of Governor's FY 2003 Solution

- **Bring budget into balance quickly**
- **Provide reserve to manage year-end risk**
- **Act now to permanently reduce spending**
- **Make changes supporting FY 2004-05 budget decisions**
- **Emphasize permanent reductions, use one-time funds to minimize short-term impact**
- **Consider the whole budget, not just the general fund**

Governor's Plan: \$468 Million in Spending Reductions & Other Changes

- **Eliminates the \$356 million FY03 shortfall**
- **Leaves a \$112 million balance**
- **Provides a \$136 million year-end "cushion" with the \$24 million Budget Reserve**
- **\$136 million "cushion" is 2 percent of the \$6.4 billion in revenues expected from January through June.**

Permanent Spending Reductions
Total \$171 million

State Agency Operations	\$44
State Agency Grants & Programs	77
Higher Education	50
Total	\$171

Governor's Plan Calls for \$297 Million in One-time Refinancing, Transfers

Refinance Transportation Projects	\$130
Cancel Unused '98 Capital Projects	7

21st Century Minerals Fund	39
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Solid Waste Fund Balance	11
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Workers Comp. Special Fund	15
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State Airports Fund Balance	15
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Reduce HESO SELF Reserves	30
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Delay Sales Tax Refunds Cap. Equip.	50
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Total One-time	\$297
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**03 NON POINT ENGINEERING ASSISTANCE
CHALLENGE GRANT**

01/14/03

Background

At their October 23, 2002 Meeting, the Board authorized the FY 03 NPEA Challenge Grant.

Amount Available - \$422,500

Eligible Applicants - All NPEA JPBs

First Funding Priority - JPBs whose SWCDs received FY 03 Feedlot Water Quality Management Grants, who plan on adding staff to provide additional technical assistance. The JPBs whose SWCDs received 03 FWQMGs are JPBs 4, 5, 6, 7, 8, 9, 10, and 11.

Eligible Funding Projects also include: training, equipment, staff, transportation costs, and costs for consultant services.

Recommendation

Eleven applications were received requesting \$694,034. All Applications were reviewed and approved by Board Conservationists. The G – Team is requesting that these allocations be approved as summarized on the enclosed spreadsheet.

This recommendation follows the Board's First Funding Priority and recommends funding other projects of high regional priority.

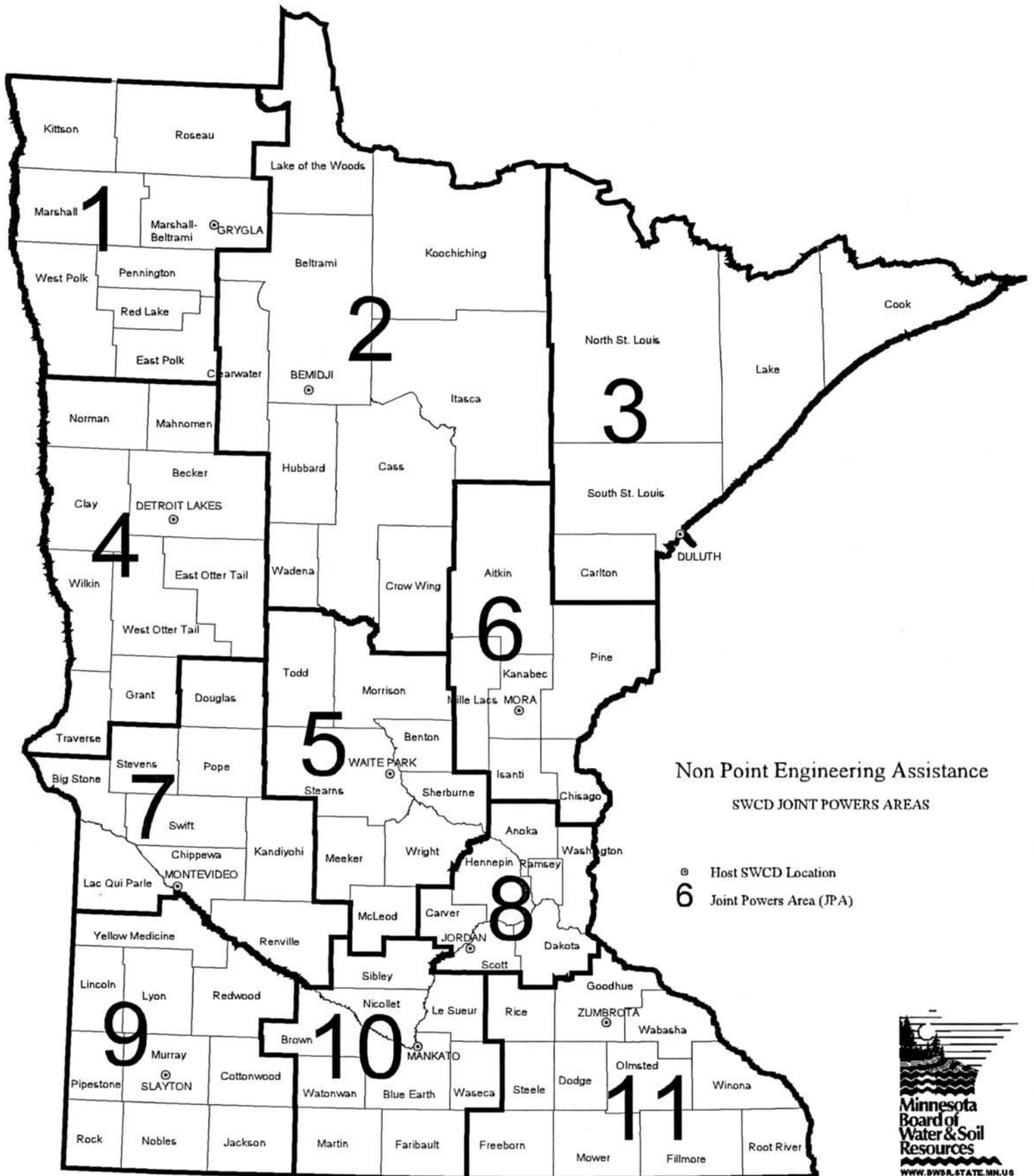
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03 NPEA CHALLENGE GRANT APPLICATIONS SUMMARY

AMOUNT AVAILABLE - \$422,500

	<u>FUNDS REQUESTED</u>	<u>FUNDING RECOMMENDED</u>	<u>COMMENTS</u>
JPB #3 PURCHASE LCD POWERPOINT PROJECTOR TO PROVIDE NPDES PHASE II TRAINING TO COMMUNITIES. PURCHASE COLOR PLOTTER TO PRODUCE HIGH QUALITY GIS MAPS AND DRAWINGS.	\$7,500	\$7,500	
JPB #4 PURCHASE ATV, TRAILER, AND GPS SURVEYING SYSTEM TO PROVIDE MORE EFFICIENT SERVICE IN LAYOUT AND SURVEY OF LARGE CONSERVATION PRACTICES.	\$49,600	\$7,000	FUND ATV AND TRAILER ONLY
JPB #5 HIRE A FULL-TIME TECHNICIAN FOR TWO YEARS TO ACCELERATE CONSERVATION PLANNING AND IMPLEMENTATION. (FEEDLOT FOCUS) PURCHASE COMPUTER, AUTOCAD AND EAGLE POINT LICENSE.	\$86,764	\$86,764	
JPB #6 HIRE STAFF FOR FOUR MONTHS, PURCHASE PICK-UP, ACQUIRE SOIL BORINGS, PURCHASE LCD PROJECTOR, PURCHASE COMPUTER - TO UTILIZE VARIOUS FUNDING OPPORTUNITIES (INCLUDES FEEDLOT PROJECTS).	\$38,210	\$34,490	SOIL BORINGS ARE COST-SHARABLE PROJECT COSTS
JPB #7 FUND A ROBOTIC TOTAL STATION SURVEYING INSTRUMENT TO EXPAND AND INCREASE EFFICIENCY OF TECHNICAL ASSISTANCE. ASSIST IN PURCHASING NEW TOTAL STATION SURVEY SYSTEM.	\$20,000	\$20,000	
JPB #8 PURCHASE GPS SYSTEM TO PROVIDE GREATER TOPOGRAPHIC SURVEYING ACCURACY NEEDED IN DESIGNS.	\$50,000	\$0	
HIRE CONSULTING FIRM TO DEVELOP GUIDANCE BOOK FOR HOMEOWNERS TO USE IN SOLVING EXTREMELY SEVERE BANK EROSION PROBLEMS.	\$50,000	\$0	SHOULD BE LWP CHALLENGE GRANT
EXTEND THE EMPLOYMENT OF LANDSCAPE RESTORATION SPECIALIST AND TECHNICIAN FUNDED BY MET COUNCIL, NRCS, AND MEMBER SWCDs.	\$110,000	\$55,000	HELP LEVERAGE CONTINUED NRCS AND MET COUNCIL FUNDING
JPB #9 FUND AN ENGINEERING INTERN/EIT FOR TWO YEARS. NEEDED BECAUSE OF VERY HIGH WORKLOAD IN SW MN (FEEDLOT FOCUS). PURCHASE FIELD SUPPORT/ SUPPLIES/ EQUIPMENT.	\$149,738	\$121,238	EQUIPMENT NOT RECOMMENDED
JPB #10 EMPLOY ADDITIONAL STAFF TO ASSIST WITH THE CREP IMPLEMENTATION WORKLOAD.	\$42,000	\$0	FUND WITH CREP BONDING FUNDS
JPB #11 CONTINUATION OF 01 CHALLENGE GRANT - EXTEND EMPLOYMENT OF SECOND ENGINEER TO ASSIST WITH HIGH WORKLOAD (FEEDLOT FOCUS).	\$90,222	\$90,508	INCLUDES \$286 SALES TAX OWED FOR GROUP EAGLE POINT SOFTWARE
TOTAL REQUESTED	\$694,034	\$422,500	

Non Point Engineering Assistance



FOR YOUR INFORMATION

January 22, 2003

- "BWSR Update"
- Memos to agencies regarding 90-day review of Comprehensive Local Water Plans for Beltrami County, Morrison County, and Nobles County
- "SWCD New Century Initiative" Updating Minnesota Statutes, Chapter 103C: Soil and Water Conservation District Law
- "Water and Soil Conservation 2003"



Board of Water and Soil Resources

U•P•D•A•T•E

A publication of the Minnesota Board of Water and Soil Resources

January 2003

SOUTH

The Minnesota River Basin Joint Powers Board (MRBJPB) held orientation sessions for new county commissioners. The sessions were an overwhelming success and showed the dedication of the commissioners to providing information and learning about the Minnesota River.

Commissioners learned about the Minnesota River Basin Joint Powers Board, the Citizens' Advisory Committee Recommendations, the various organizations involved in Minnesota River cleanup, the importance of county and watershed efforts, and land-use programs to protect water quality and improve the river. Presentations were given by members of the MRBJPB executive team along with Bob Finley of the Minnesota River Basin Data Center, Jeff Nielsen of BWSR, and Larry Gunderson of PCA.

This is the first time the MRBJPB has held the sessions directed at new commissioners. Fifteen counties were represented at the meetings in Montevideo, Chaska, and Mankato. Ten counties in the Minnesota River Basin did not have any changes in county commissioners.

ENGINEERING

To help alleviate the effects of budget cuts, we've established a 2-year partnership with MPCA to utilize the coastal engineering expertise of Gene Clark (and possibly other BWSR staff) to help resolve the impending conditional approval by NOAA and EPA of Minnesota's Lake Superior Coastal Nonpoint Pollution Control Program. This partnership will involve funding from MPCA and coordination with DNR. MPCA and DNR submitted the Coastal Nonpoint Program Plan in July 2001, as a major step toward Minnesota adopting the federal Coastal Zone Management (CZM) program. BWSR's Mark Nelson had a hand in writing the Coastal Nonpoint Program Plan, while Al Kean and Gene Clark provided significant review assistance. After reviewing the Minnesota Coastal Program Plan submittal, NOAA

and EPA drafted findings that include six conditions that must be resolved before the plan can receive full approval. Minnesota will have 2 years to resolve the conditions, after the findings are published in the Federal Register in the near future. Without resolution within that time period, Minnesota would be subject to a cut in our federal funding for Coastal and 319 Programs of up to one-third. Al and others are working with MPCA and DNR to draft a work plan and prepare an interagency agreement.

The current, and near-final, total of CREP wetland restoration easements in the Minnesota River Basin is 889, involving 54,387 acres of wetland and adjacent upland. This currently includes 131 easements with wetlands that are unrestorable at this time, or will be restored through cropping cessation only. Because many wetland restorations involve multiple easements, the total number of wetland restoration projects is approximately 580. About 80 percent of these projects have been surveyed by BWSR, SWCD joint powers staff, or other program partners, to date. About 40 percent have been designed and about 20 percent have been constructed. Design of wetland restorations, including preparation of the associated construction plans and specifications, is the winter focus for BWSR engineering staff. We are working hard to get a slough of projects (pun intended) ready for construction during 2003! Al is working with the DNR to prepare an interagency agreement that will transfer a DNR technician to BWSR to work on CREP wetland restorations to replace Leah Hiniker, who took a new job in early December.

Al recently attended an annual meeting of the Hawk Creek Watershed Project, which is located in Renville, Chippewa, and Kandiyohi counties. He gave a presentation about wetland restorations on drainage systems, as well as a presentation about alternative tile inlets. The Hawk Creek Project uses various state and federal grants to provide financial and technical assistance for erosion control and other BMPs to improve water quality in the

Board of Water and Soil Resources Update, Page 2

watershed, as well as associated monitoring. The project recently started providing cost-share for replacing existing tile inlets with rock inlets, blind inlets, and dense pattern tile inlets. Many RIM and CREP easements have been implemented in the Hawk Creek watershed.

The Technical and Scientific Advisory Committee (TSAC) of the Red River Flood Damage Reduction Work Group has four tasks in the works and nearing completion including a wetland water level bounce study, a flood damage reduction strategy for the Red River Basin, project monitoring guidance, and on-channel storage assessment guidance. The TSAC intends to complete the first three of these tasks this winter, and the latter this spring. The impending state budget cuts are adding to the motivation of the Work Group and the TSAC to wrap up these tasks and the associated reports.

- Submitted by Al Kean

METRO

We are currently updating the status of the metro WMOs (the joint-powers variety) for plan due dates and the turnover from city to citizen commissioners. This has been a several year long odyssey as the Washington County governance study sought to convert to a primarily WD approach in that county. With resolution of the court case involving the Lower and Middle St. Croix WMOs, planning activities should be commencing. Other WMO conversion is still progressing. The conversion to citizen commissioners continues as terms expire. There are a few WMOs that do not have terms set and the city staff in the position will remain until they vacate the position. We are taking a harder look at a half-dozen WMOs to determine whether commissioner appointments of city staff were made since the passage of the law requiring citizens reps.

In SWCD news, significant changes are expected at the Hennepin Conservation District. There was turnover of the supervisors, and it appears new directions are being pursued. Less turbulence is expected in the other districts, which are eager to hear what the impending budget crisis is going to mean to their operations.

-Submitted by Steve Woods

BRIEFS

Every year the DNR Division of Waters provides special recognition to one of the 45 watershed districts in the state at the Minnesota Association of Watershed District's Annual Meeting. This year Kent Lokkesmoe, DNR Waters Division director, presented the award to the Sauk River Watershed District on Friday, Dec. 6, 2002, in Alexandria.

In the award presentation, Lokkesmoe highlighted some of the reasons why the Sauk River Watershed was chosen as this year's recipient. "Sauk River Watershed District has had tremendous accomplishments this year including the re-writing of their 10 year plan, the restoration of shoreline on Sauk Lake, and the alum treatment in several lakes at the headwaters of the Sauk River."

Dan Lais, DNR area hydrologist, wrote the nomination that was supported by Terry Lejcher, Julie Aadland, and Tim Crocker, area hydrologists who work within the watershed district. Lais commented that "the Sauk River Watershed is very deserving of this award. They have been working hard in our communities to enhance water quality in a way that engages citizens while maintaining good working relationships with other agencies and units of government. This is our way of saying thanks and acknowledging the work they do."

DNR hydrologists can nominate watershed districts within the region where they work. The nominations must first go to the regional office that forwards one nomination on to the state office for the DNR Awards Committee to determine the award recipient.

"Receiving this award is a great honor for the Watershed District. It helps remind us of how important our work is while energizing us to accomplish even more," said Julie Klocker, administrator for the Sauk River Watershed District.

*Deadline for next edition:
February 19*



January 13, 2003

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: ***Beltrami County Comprehensive Local Water Management Plan***

On January 13, 2003, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated Beltrami 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 Beltrami 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, Becky Balk
- 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
Jeff Hrubes, BWSR Board Conservationist/Bemidji Office
Chris Parthun, Beltrami County Local Water Plan Coordinator

F/LandW/LanData/Local Water Planning/Water Plan Final Review

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



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

January 2, 2003

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.*

SUBJECT: ***Morrison County Comprehensive Local Water Management Plan***

On January 3, 2003, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated Morrison 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 Morrison 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, Becky Balk
- 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
Dan Steward, BWSR Board Conservationist
Chuck Forss, Morrison County Local Water Plan Coordinator

F/LandW/LanData/Local Water Planning/Water Plan Final Review

<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



December 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: ***Nobles County Comprehensive Local Water Management Plan***

On December 4, 2002, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated Nobles 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 Nobles 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
Tom Kresko, BWSR Board Conservationist
Wayne Smith, Nobles Local Water Plan Coordinator

F/LandW/LanData/Local Water Planning/Water Plan Final Review

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

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

BACKGROUND

Minnesota's soil and water conservation district law (Minnesota Statute, Chapter 103C) was written in 1937. The law authorized a new special purpose subdivision 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.



conservation programs. As Minnesota's population increases, bringing more pressures on soil and water resources, the need for the work that SWCDs do is greater than ever. The Minnesota Association of Soil and Water Conservation Districts and the Board of Water and Soil Resources jointly prepared this statute update, which will help districts provide more effective and efficient conservation programs in Minnesota.

What needs to be changed?

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.

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:

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.

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

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.

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

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 of doing business, a changing customer base, and an increasing reliance on districts as a local implementer of key state and federal

The goal of the statute change? To create an up-to-date law that provides Minnesota's soil and water conservation districts with the tools they need to effectively implement conservation measures across the state. The result will be a quality environment that will benefit all Minnesotans.

For more information, contact: Judy Erickson, MASWCD, (651) 257-1906, or Doug Thomas, BWSR, (651) 297-5617.

SWCD NEW CENTURY INITIATIVE

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

SUMMARY OF KEY POINTS

POLICY STATEMENT

(Current law: The policy statement was written in 1937.)

Proposed change: A new policy statement

1. It makes a positive statement. It makes clear that well-managed private lands also yield public benefits. It is broadly enabling without changing the basic focus of SWCDs. Protecting and improving water quality is added to the list of resource issues that benefit from district involvement.

MODERNIZE ELECTIONS AND GOVERNANCE LANGUAGE

(Current law: Due to piecemeal updates, parts of the law lack consistency with modern statewide election processes. Administrative procedures mandated by statute need to be updated and streamlined.)

Proposed changes

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. The powers, duties, and responsibilities of a district and the duties of a district board remain perpetual.
5. District creation. The state board would appoint the first district board to serve until the next general election. 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

(Current law: Mandates a joint powers agreement and full reimbursement of costs as conditions of an SWCD to accept delegation of official controls from a county or city.)

Proposed change

1. The proposed change would provide a flexible approach for a willing district to accept direct delegation of official controls related to soil and water conservation. A joint powers agreement, often viewed as cumbersome, would not be required.

FUNDING

(Current law: SWCDs must submit an annual budget to a county, which may levy a tax to support a district.)

Proposed change: Levy authority for districts

1. Two funds would be authorized: a basic operating levy and a construction and project match fund. In recognition of the current role of counties in funding SWCDs and in the interest of maintaining a good working relationship, a 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.

For more information, contact: Judy Erickson, MASWCD, (651) 257-1906, or Doug Thomas, BWSR, (651) 297-5617.

SWCD NEW CENTURY INITIATIVE

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

POLICY LANGUAGE

Current Statutory Soil and Water Conservation Policy

103C.005 Soil and water conservation policy.

Improper land use practices have caused serious wind and water erosion of the land of this state, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have the responsibility to implement practices to correct these conditions and conserve the soil and water resources of the state. It is the policy of the state to encourage land occupiers to conserve soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, ensure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax, and protect public lands.

The proposed new language for the policy statement is as follows:

Maintaining and enhancing the quality of soil and water for the environmental and economic benefits they produce, preventing degradation and restoring degraded soil and water resources of this state, contribute greatly to the health, safety, and economic well being and general welfare of this state and its citizens.

Land occupiers have the responsibility to implement practices that conserve and enhance the soil and water resources of the state. Soil and water conservation measures implemented on private lands in this state provide benefits to the land occupiers and also to the general public by reducing erosion, sedimentation, siltation, water pollution, and damages caused by floods, and by improving the aesthetic quality of the landscape.



It is the policy of the state to encourage land occupiers to conserve soil, water, and the natural resources they support through the implementation of practices that ensure continued soil productivity; protect and improve water quality; conserve natural resources; prevent impairment of dams, reservoirs, and natural lakes; reduce damages caused by floods; conserve water supplies to manage the impact of droughts; conserve wildlife; protect the tax base; and protect public lands and waters.

Note: This proposed policy statement starts out with a positive statement. It makes the connection between private lands and public benefits.

This policy statement is generic to soil, water, and related resources. It does not mention specific land uses. It is meant to be broadly enabling.

The definition of "land occupiers" is from Minnesota Statute, Chapter 103C, Subd. 8: "Land occupier" means a person, corporation, or legal entity that holds title to or is in possession of land within a district as an owner, lessee, tenant, or otherwise.

Following is the proposed new "Cooperation and Coordination" clause for "Powers of District Boards" (M.S. 103C.331):

Coordination and Cooperation. In implementing its authorities, a district shall cooperate as far as possible with federal, state, and local agencies and with private organizations in order to avoid duplication and to enhance implementation of public and private conservation initiatives within its jurisdiction. **Note:** This is meant to give confidence to district partners, present and future, that as programs grow, districts will work cooperatively.

For more information, contact: Judy Erickson, MASWCD, (651) 257-1906, or Doug Thomas, BWSR, (651) 297-5617.

SWCD NEW CENTURY INITIATIVE

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

GOVERNANCE

Background

The term "governance" refers to the structure and process that SWCDs use to function as a local unit of government. SWCDs represent a decentralized solution to a nationwide dilemma that came to a head in the 1930s—that was how to respond to massive erosion and sediment control problems associated with development of the country's natural resources as population increased and settlement patterns expanded.

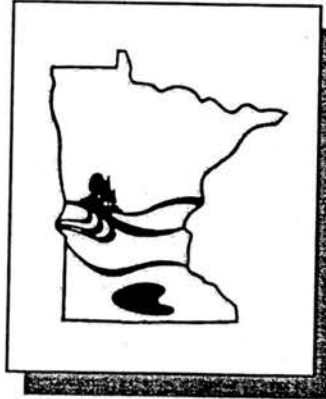
Through its governmental structure, districts remain accountable to the electorate so that the conservation measures implemented on the ground are not only technically sound but also acceptable to the owners and managers of the land within districts.

Proposed statute change

Most of the changes proposed represent a modernization and standardization of practices and procedures used by other local governments. The use of standardized practices makes it more economical and effective to administer the activities of the districts in concert with other parts of government.

Among the proposed changes:

1. Change references from "land occupiers" to "registered voters" where elections are involved. This makes the law consistent with the constitution and current elections practices.
2. Take the state board (BWSR) out of local elections processes for district referendums and clearly assign these responsibilities to county elections officials. This simplifies any local elections, makes conducting them more efficient, and ensures appropriate oversight.
3. Change the process to initiate consolidation or division of districts. Strike the "25 landowners may petition" requirement 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. This approach presents a reasonable threshold for initiating the process and is coupled with a streamlined process to consolidate or divide.

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 the district—including the duties of the district board—are perpetual. This change would prevent 25 signatories from forcing an expensive referendum process without any substantial reasons.
5. In the event that a new district were to be formed, the state board would appoint the first district board to serve until the next general election at which time the entire board would be elected to staggered terms.
6. All districts would have the option to establish supervisor election districts similar to the method by which county commissioners are elected. This would permit supervisor candidates to establish more visibility and recognition with the voters.
7. A maximum daily compensation of \$75 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 would have authority to suspend procedural laws and rules to facilitate a consolidation or reorganization requested by a district. Due process and an agreement would be required.

For more information, contact: Judy Erickson, MASWCD, (651) 257-1906, or Doug Thomas, BWSR, (651) 297-5617.

SWCD NEW CENTURY INITIATIVE

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

CLOSER TIES TO LAND USE

Background

Recognizing that no one wants to be regulated, but some things need to be prohibited, some things encouraged, and some things permitted only under certain conditions, the writers of the model soil conservation act in 1935 included authorities for districts to promulgate "land use regulations" and "conservation ordinances."

Due process was to be an important part of adopting regulations. If ordinances were adopted, the emphasis was not on prosecution and putting offenders in jail, but rather if offenders did not manage their lands appropriately and were causing off-site damages, then through the enforcement process a district could gain access to the offender's land, do the work, and bill the landowner with interest.

In only the worst case, high priority lands would be targeted. Enforcement was to be used as a final effort when all other efforts to educate, assist, and encourage had failed. Remember this was drafted in 1935; it was quite a step for the times!

The Minnesota Legislature removed these authorities from the act when it passed the Minnesota version in 1937. Nonetheless, land-use decisions remain at the core of what SWCDs do. No one in the 1930s could anticipate the land conversion activities that are taking place today.

Reasons why SWCDs should have closer ties to land-use authorities

1. Each SWCD works on its own to establish a relationship with any land-use authority within its geographic area. The law assumes that these relationships will develop to meet the need in each particular location.



2. The expertise and resources of the SWCDs represent a taxpayer investment that should be available to all local land-use authorities. Scarce SWCD resources should be put to work performing quality services and building effective partnerships.
3. Local government ordinances are increasingly the vehicle to accomplish natural resource protection.
4. Enhanced roles for SWCDs in land-use decisions affecting erosion and sediment control and water quality always result in more work for private sector businesses that provide services in this arena. The result is more environmentally sustainable land use through a balanced public-private partnership.
5. Prevention of land-use problems is cheap, versus restoration, which is expensive.
6. Most local governments in areas undergoing land conversions are strapped for resources to deal with issues. Strategic alliances can provide flexibility and economically bring together resources to help prevent problems and avoid costly restoration measures.

Proposed statute change

The proposed change allows a willing district to accept direct delegation of official controls related to soil conservation or water resources management. Present law requires a district to enter into a joint powers agreement as part of accepting a delegation of official controls. This new approach would require that a unit of government is willing to delegate the authority, that a district is willing to accept the authority, and that issues regarding funding, due process, and legal support are in agreement.

For more information, contact: Judy Erickson, MASWCD, (651) 257-1906, or Doug Thomas, BWSR, (651) 297-5617.

SWCD NEW CENTURY INITIATIVE

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

FUNDING

The original concept for funding of districts was for the state government to pay the administrative costs of the district and for the federal government to pay the operating costs. During the time, it was thought that not all counties could fund districts in all parts of the country.

When the Minnesota law was passed in 1937, it provided for the state to pay grants to the districts, the federal government to assist the district directly and through in-kind support, and for the districts to submit annual budget requests to the county. The current authority in Minnesota's statute allows a district board to annually submit a budget to the boards of county commissioners in which a district is located. County boards may levy an annual tax in the district for the amount determined by a county board.

What's being proposed?

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.

What are some benefits of a levy for SWCDs?

1. It gives counties funding options and budget flexibility.
2. Environmental protection is an increasing function of local government; a levy would validate the importance of this function.
3. Citizens of the state increasingly depend on SWCDs to be a local implementing agent for key state



and federal programs. A levy provides a solid base for taking on this role.

4. It increases visibility and accountability of SWCD programs.
5. Stable funding helps to attract and retain quality staff.
6. Local governments can take the initiative to match or attract grant funds from other agencies and organizations.
7. It clears the way to accept delegated programs.
8. Conservation on private lands yields environmental and aesthetic benefits to the public.

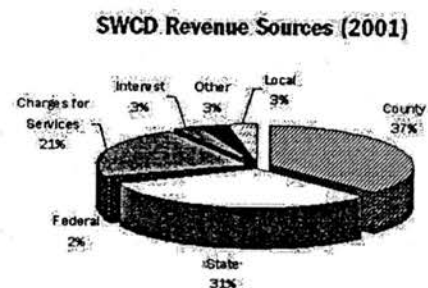
Present funding mix

In 2001, allocations to SWCDs from county governments (not including pass-through grants) totaled more than \$8.3 million. The average SWCD

county allocation is \$91,400, excluding pass-through funds. Pass-through grants from counties totaled approximately \$3.2 million or an average of \$35,865 per district. Total SWCD revenues received from counties (including pass-through funds) were \$11.5 million or an average of \$127,287 per district.

The existing funding arrangement with counties is valued by SWCDs. County appropriations have enabled SWCDs to provide natural resource protection initiatives within local communities in partnership with other agencies. The positive relationships between counties and SWCDs with respect to funding local conservation efforts must continue to grow. New optional funding tools are a key part of future success.

For more information, contact: Judy Erickson, MASWCD, (651) 257-1906, or Doug Thomas, BWSR, (651) 297-5617.



BWSR STAFF

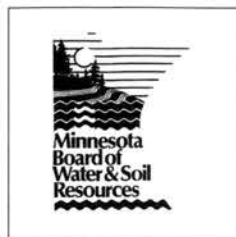
The agency's staff members are located in eight field offices: St. Paul, Rochester, Marshall, New Ulm, Brainerd, Bemidji, Fergus Falls, and Duluth. The St. Paul field office is co-located with the central office. This model means that agency staff, who are experts on regional issues and concerns, have access to a network of colleagues across the state. The field staff are the first points of contact for local governments.

POLLUTION REDUCTION BENEFITS

Accountability and reporting measures are built into BWSR's grant programs. Through its reporting system called LARS (the Local Government Annual Reporting System), the agency can monitor dollars spent on programs and the resulting outcomes of soil loss reduction, sediment reduction, and phosphorus reduction.

LARS began to have widespread use by the agency's clientele in 1998. In 2003, BWSR will release a new integrated system called "eLINK" that will help local governments manage and track information and still provide a way to track environmental benefits. This system uses the latest technology and has a built-in reporting system.

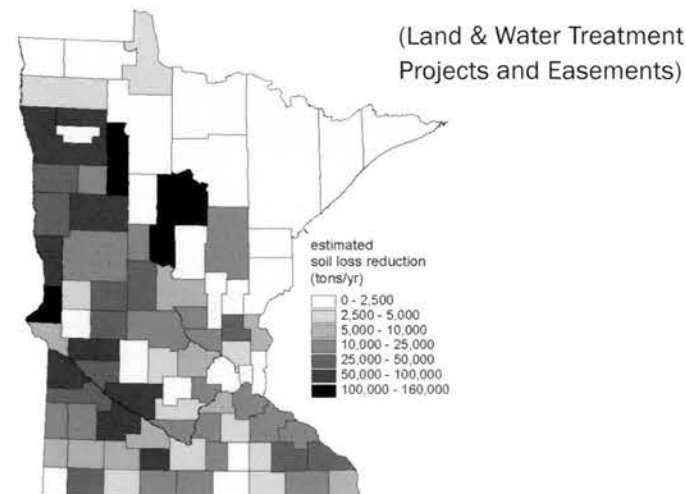
The three maps on this page show the pollution reduction benefits from the agency's easement programs and land and water treatment projects through 2001. The data from the programs was combined to provide a more efficient way to present the information.



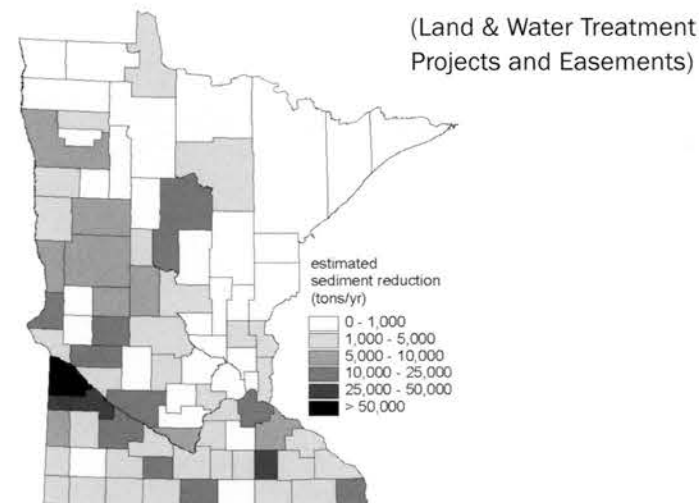
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January 2003

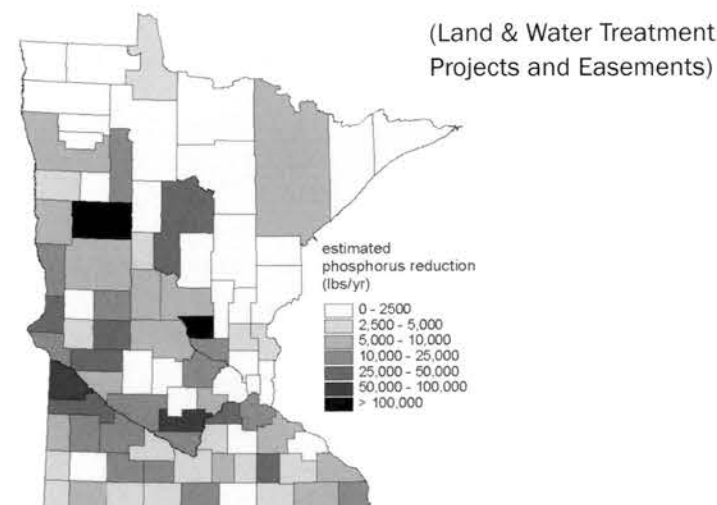
SOIL LOSS REDUCTION 1998-2001



SEDIMENT REDUCTION 1998-2001



PHOSPHORUS REDUCTION 1998-2001



WATER & SOIL CONSERVATION 2003

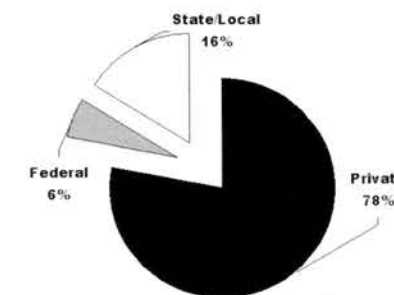


Clean air. Clean water. Abundant fish and wildlife habitat. Minnesotans have come to expect these basic elements of a healthy environment. But how does Minnesota ensure that water and soil resources are appropriately managed and conserved on the state's 41.7 million acres of private land?

The Minnesota Board of Water and Soil Resources (BWSR) believes that effective soil and water conservation on the state's private working lands is best accomplished through state-local-

federal partnerships. Because 78 percent of the state's land is held in private ownership, the agency's emphasis on those private lands is critical for the state in attaining its water and soil conservation goals. If these working lands—Minnesota's farms, forests, and urban areas—are managed wisely, the citizens of Minnesota can be assured of a healthier environment and a high quality of life.

Resource needs on these private lands are serious. According to the federal government's Natural Resources Inventory (1997), 45 percent of cultivated cropland in



Land Ownership in Minnesota

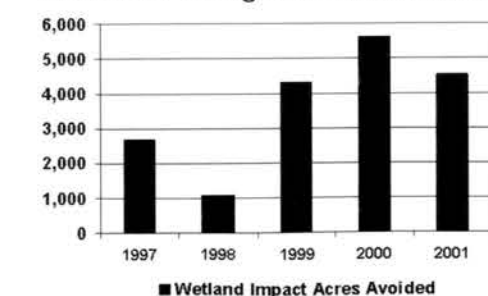
Minnesota is eroding above the "tolerable" level of five tons per year. Soil erosion—and the nutrients it carries—is considered the single most significant source of non-point pollution in the state.

BWSR, working through local units of government, protects and enhances Minnesota's natural resources by implementing a number of state programs, including soil and water conservation, comprehensive local water management, and the Wetland Conservation Act. Using a core delivery network of 200 organizations, BWSR provides financial, technical, and administrative assistance for local implementation of soil and water conservation programs to help get conservation projects on the ground. The agency's innovative approach to optimize financial and human resources available at the local, state, and federal levels serves the state well in its efforts to ensure clean water, clean air, and abundant fish and wildlife habitat.

BWSR PROGRAMS

State Cost-Share. Funding is provided to soil and water conservation districts to implement water quality and erosion-control practices. Landowners are required to match a percentage of the total project cost, using their own funds or by combining other state, federal, or local sources. This program is aimed at addressing erosion and water quality concerns on agricultural land, small feedlots, streambanks, lakeshore, roadsides, and forests, to name a few.

Wetland Protection. Minnesota's stewardship of its wetland resources includes 400 units of local governments that implement the state's Wetland Conservation Act (WCA). The purpose of WCA is to achieve a no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands. As part of its overall responsibilities to implement WCA statewide, BWSR provides a range of assistance—through technical evaluation panels, financial



assistance with grants, dispute resolution, and coordination with the U.S. Army Corps of Engineers and the U.S. Department



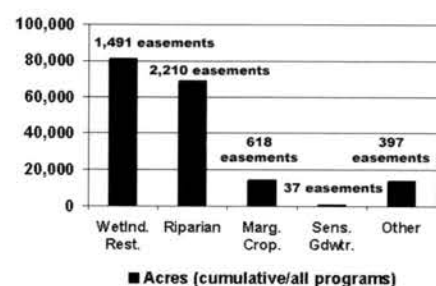
PHOTO: NRCS

BWSR believes that effective soil and water conservation on the state's private working lands is best accomplished through state-local-federal partnerships.

of Agriculture—to ensure that local decisions about wetland protection are made with input, sound science, and due process.

In addition, BWSR works directly with individual landowners through the Minnesota Wetland Banking Program. This allows landowners a convenient option of purchasing wetland credits resulting from previously restored or created wetlands. BWSR has led complex, diverse wetland restorations on large parcels of land for this bank, in part to create credits needed to replace wetlands lost through safety-related repair and rehabilitation of existing public roads, as required by state statute.

Conservation Easements.



BWSR's flagship easement program, Reinvest in Minnesota (RIM) Reserve, continues to be a major success story for Minnesota's soil and water conservation efforts. The primary

goal of RIM is to increase public and private investment in private lands to improve the state's fish and wildlife habitat, improve water and soil resources, and enhance recreational opportunities. These private-land conservation activities administered in partnership with SWCDs focus on enrolling wetland restorations and highly erodible, riparian, and sensitive groundwater lands into conservation easements.

Because Minnesota has the RIM program, BWSR can leverage money from the federal government through the U.S. Department of Agriculture to further extend the state's work in securing conservation easements. That's done by combining RIM Reserve with the federal Conservation Reserve Program (CRP). The combined effort, known as the Conservation Reserve Enhancement Program (CREP), most recently focused on the Minnesota River Basin and resulted in more than 100,000 acres of easements targeted to frequently flooded and riparian cropland and wetland restorations.

State Soils Office. The State Soils Office is a joint venture between BWSR and the University of Minnesota Department of Soil, Water, and Climate. The office also works closely with the USDA Natural Resources Conservation Service. Located on the U of M's St. Paul Campus, the office has three primary areas of emphasis. The first is to increase the usefulness of current soils data. Work involved in this area helps ensure that current data is digitally correct and

technically reliable. Another area involves managing a project to update aging soil surveys in the state. In keeping with BWSR's mission, the Soils Office also offers technical support, training, and other soil services to local government.

Engineering and Technical Services. Among the services in this arena, BWSR gives expert input, with a focus on impacts to private landowners and local government, into federal and state agricultural and non-point source pollution policy discussions and development of rules and regulations. The agency also supports local units of government in its defense of permit decisions related to WCA and develops standards for soil conservation engineering practices. Design and engineering services are provided for wetland projects restored through RIM/CREP and the Minnesota Wetland Banking Program. Specialized large lake/coastal engineering is also available.

Local Water Management. In the late 1970s, the Minnesota Legislature decided that local governments should play a principal role in achieving the state's surface water and

groundwater management goals and objectives. That resulted in the Legislature adopting water planning authorities, including the Metropolitan Surface Water Management Act (authorized in 1982), Comprehensive Local Water Planning (1985), and Metropolitan County Groundwater Planning (1987). BWSR was given oversight



PHOTO: NRCS
The purpose of the Wetland Conservation Act is to achieve a no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands.



Design and engineering services are provided for wetland projects restored through RIM/CREP and the Minnesota Wetland Banking Program.

responsibilities to ensure that local water plans are prepared and coordinated with existing local and state efforts, and that plans are implemented effectively.

Covering the whole state with that model still makes sense today. The Local Water Planning Program provides an avenue for citizens to be involved in a planning and implementation process at the local level. BWSR's role in these efforts ensures that local and state goals and objectives are being met.

BWSR provides financial assistance to counties, watershed districts, and watershed management organizations through the Natural Resources Block Grant and the Local Water Management Challenge Grant, which helps counties fund priority projects and programs identified in their state-approved and locally adopted plans.

CONSERVATION PARTNERS

Soil and Water Conservation Districts. Soil and water conservation districts (SWCDs) are the grassroots of Minnesota's conservation delivery system. Comprised of 455 supervisors and 350 employees, SWCDs work primarily on a one-on-one basis with private landowners, aiming to connect landowners with the financial and technical resources they need to put conservation practices on the land. SWCDs operate from annual and comprehensive work plans that indicate local conservation priorities, resource treatment needs, and construction schedules. Minnesota's 91 SWCDs cover the entire state.

Watershed Districts. Watershed districts, organized on hydrologic boundaries, provide a framework to address water management issues that transcend political boundaries.

Their projects and activities include flood control structures; public drainage systems; lake level controls; septic system improvements; and construction of storm water treatment ponds and sediment basins. Minnesota has 45 watershed districts.

Federal Government. BWSR links with several federal agencies on a variety of conservation programs and issues. For instance, the agency works with the USDA's Natural Resource Conservation Service and the Farm Service Agency on implementing the conservation provisions of the federal Farm Bill. BWSR partners with the U.S. Army Corps of Engineers and the Environmental Protection Agency on wetland regulations. It also restores wetlands with the U.S. Fish and Wildlife Service.

Counties. Minnesota's 87 counties play a crucial role in developing and implementing local water plans. As a general-purpose unit of government, counties, with their planning and land-use authorities, are uniquely positioned to link many land-use decisions with local goals for surface and groundwater protection and management. Local water planning provides a means to link state goals and objectives with the objectives and priorities local governments set for managing water and related land resources in their jurisdictions.

Joint Powers Boards. BWSR works with a number of joint powers boards that have been formed to address regional water and soil resource management concerns. Those joint powers boards include the Red River Watershed Management Board, Study Area II, Minnesota River Basin Joint Powers Board, the Red River Basin Commission, and metropolitan joint powers watershed management organizations.

BWSR BOARD MEMBERSHIP

The board consists of 17 members representing local government entities (three from soil and water conservation districts, three from counties, and three from watershed districts or watershed management organizations), state agencies (University of Minnesota Extension, Department of Natural Resources, Pollution Control Agency, Department of Health, and the Department of Agriculture), and three citizens. This unique composition of diverse interests and organizations is well suited to address the complex water and soil management policies and issues for Minnesota. The board sets a policy agenda designed to enhance conservation program service delivery through local governments. It meets 11 times a year. Board members, including the board chair, are appointed by the governor to four-year terms.

February 2003

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, FEBRUARY 26, 2003**

AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of January 22, 2003

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

Reports

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

Agency Reports

- Minnesota Department of Agriculture – Perry Aasness
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Natural Resources – Mark Holsten
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Lisa Thorvig

Committee Recommendations

Northern Water Planning Subcommittee

1. Pennington County Comprehensive Local Water Plan Update –
Decision Item
2. Red Lake County Comprehensive Local Water Plan Update –
Decision Item

Old Business

1. Budget Overview – Discussion on the Governor's '04-05 Budget Plan Recommendation - Ron Harnack – *Information Item*
2. Funding Options for Local Water Planning – Doug Thomas - *Information/Discussion Item*
3. Alteration of Easement #51-02-91-01 Kathleen Kernstock Easement in Murray County – Tim Fredbo – *Decision Item*

New Business

1. Board of Government Innovation and Cooperation Pilot Project for Management of Land and Water Resources - Bob Finley of Minnesota State University - Mankato Water Resources Center – *Discussion Item*
2. SWCD Technical Assistance Ad-Hoc Committee Report – John Jaschke – *Information Item*
3. Hennepin Conservation District – Steve Woods – *Information Item*
4. Overview of the “Minnesota Water Priorities 2003 - 2005” Biennial Report of the Environment Quality Board – John Wells, EQB Water Planning Director - *Information Item*

Advisory Comments

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

Upcoming Meetings

- Next BWSR Meeting, March 26, St. Paul

Adjourn

**** The Cost-Share Committee will meet immediately following the Board meeting.**



DATE: February 18, 2003
TO: Board of Water and Soil Resources Members, Advisors, Staff
FROM: Ronald D. Harnack, Executive Director
SUBJECT: February 26th BWSR Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, February 26, 2003, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

Committee Recommendations

Northern Water Planning Subcommittee

1. Pennington County Comprehensive Local Water Plan Update – see attached.
Decision Item
2. Red Lake County Comprehensive Local Water Plan Update – see attached.
Decision Item

Old Business

1. Budget Overview – Discussion on the Governor's '04-05 Budget Plan Recommendation – see attached Summary of BWSR FY04-05 Budget Impacts and the BWSR Agency Profile. Budget information is now on the web - see the link from BWSR's home page <http://www.bwsr.state.mn.us>
Information/Discussion Item
2. Funding Options for Local Water Planning - With budget cuts and reductions a number of counties and joint powers boards have recently requested information on the financing authorities that exist with their local water plans. A short presentation will cover the various authorities that counties have under both the Metropolitan Surface Water Management Act and the Comprehensive Local Water Planning Act. Some of the authorities that will be covered include fees, special taxing districts, and special assessments. *Information/Discussion Item*

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

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

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

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

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

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

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

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

3. Alteration of Kathleen Kernstock #51-02-91-01 Easement in Murray County. This is a continuation of a new business item that was tabled by the Board at the October 23, 2002 meeting. See attached. *Decision Item*

New Business

1. Board of Government Innovation and Cooperation Pilot Project for Management of Land and Water Resources - Bob Finley of Minnesota State University - Mankato Water Resources Center. The summary of attachments packet will be distributed at the meeting. *Discussion item*
2. SWCD Technical Assistance Ad-Hoc Committee Report: Attached is the draft report (23 pages) compiled by the SWCD Technical Assistance Ad-Hoc Committee. *Information Item*
3. Hennepin Conservation District – Steve Woods will update the Board on the current affairs between the Hennepin Conservation District and Hennepin County. Some of you have seen recent news articles relating to the discussion. See the articles in the Star Tribune:
<http://www.startribune.com/stories/462/3648006.html>
<http://www.startribune.com/stories/462/3645671.html>
Information Item
4. Overview of the "Minnesota Water Priorities 2003-2005" Biennial Report of the Environment Quality Board – John Wells will present information. Copies of the report will be available at the Board meeting. *Information Item*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. I look forward to seeing you on February 26!

**** The Cost-Share Committee will meet immediately following the Board meeting. Additional information will be sent to the Cost-Share Committee under separate cover. Agenda items include:**

- 1) Wabasha SWCD Feedlot Water Quality Management Grants Cost Share Program Violations
- 2) Non-Point Engineering Assistance Program Restructuring

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, FEBRUARY 26, 2003**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of January 22, 2003

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

Reports

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

Agency Reports

- Department of Agriculture – Perry Aasness
- Department of Health – Dan Wilson
- Department of Natural Resources – Mark Holsten
- Minnesota Extension Service – Jim Anderson
- Pollution Control Agency – Lisa Thorvig

Committee Recommendations

Northern Water Planning Subcommittee

1. Pennington County Comprehensive Local Water Plan Update –
Decision Item
2. Red Lake County Comprehensive Local Water Plan Update –
Decision Item

Old Business

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New Business

1. Board of Government Innovation and Cooperation Pilot Project for Management of Land and Water Resources - Bob Finley of Minnesota State University - Mankato Water Resources Center – *Discussion Item*
2. SWCD Technical Assistance Ad-Hoc Committee Report – John Jaschke – *Information Item*
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- Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck
- Minnesota Association of Townships (MAT) – Sandy Hooker
- Minnesota Association of Watershed Districts (MAWD) – Ray Bohn
- Natural Resources Conservation Service (NRCS) – Tim Koehler

Upcoming Meetings

- Next BWSR Meeting, March 26, St. Paul

Adjourn

**** The Cost-Share Committee will meet immediately following the Board meeting.**

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
February 26, 2003**

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
February 26, 2003**

Dispute Resolution Report
February 13, 2003
by Jim Haertel

There are presently seven appeals pending. All of the appeals involve WCA. There have been five new appeals filed since the last report of January 9. The first two appeals listed below are new since the last report of January 9 and are no longer pending. The next three appeals listed are new since January 9 and have been accepted. The remaining four appeals are pending.

There is an appeal of a replacement plan decision in Lake of the Woods County. Issues involve a restoration order and sequencing. The appeal has been denied.

There is an appeal of a replacement plan decision in Stearns County. Stearns County failed to provide written notice of their decision within 60 days. The appeal has been denied.

There is an appeal of a restoration order in Douglas County. A WCA rules amendment in 2002 allowed appeals of restoration orders. This is the first appeal of this type. The Executive Director will make a decision on the appeal within 60 days.

There are two appeals of a replacement plan decision made by the Shingle Creek WMO in Brooklyn Center. These two appeals were previously heard by the DRC and remanded. The WMO conducted a new public hearing, made the same decision as before, and the same appellants have filed new appeals. The appeals have been accepted and a pre-hearing conference will be scheduled.

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

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

Another appeal is of a replacement plan denial in Stearn's County. The appeal involves a single family dwelling site near the Mississippi River. The appeal has been accepted, a pre-hearing was held and the appeal is in abeyance pending the results of a lawsuit between the landowner and the county.

Another appeal involves a wetland banking site in Chisago County. The appeal has been accepted and was being held in abeyance to see how the site develops. Most of the site has now been accepted into the bank so the appeal should be withdrawn soon.

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

February 2003 BWSR Board Meeting

**OVERVIEW -- PENNINGTON COUNTY
THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN**

Background (Second Generation)

Development of the second generation Pennington County Comprehensive Local Water Plan (Plan) began December 13, 1994, with the passing of a county resolution. On October 15, 1997, Pennington County provided the Board of Water and Soil Resources (BWSR) with its updated Plan. BWSR approved the Plan on January 28, 1998. On February 24, 1998, the Pennington County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2002.

Plan Update (Third Generation)

On August 30, 2002, Pennington County submitted a resolution to the BWSR requesting a two-year extension to its Plan. On October 23, 2003, the BWSR approved the extension. Pennington County passed a resolution to update their Plan on October 9, 2001. The local water plan coordinator facilitated the process with water planning taskforce and local/state/federal agency partners to complete a total revision of the county's Plan. After conducting the public information meeting and taskforce meetings Pennington County completed the draft third generation Plan. The preliminary sixty-day review began on July 1, 2002. The public hearing was conducted on September 9, 2002. Pennington County submitted its third generation Plan to BWSR on November 1, 2002, to initiate the required ninety-day final state agency review.

County Description

Pennington County is located in the northwestern corner of Minnesota approximately 300 miles from Minneapolis-St. Paul. The City of Thief River Falls is the county seat. Pennington County is approximately 618 square miles, of which approximately 79 percent is cultivated land. Primary cash crops are corn, potatoes, small grains, and sugar beets. Pennington County's population in 2000 was 13,584 as compared to 13,306 in 1990. The increase in population from 1990 to 2000 was 2.1 percent.

Major highways in Pennington County are U.S. Highways 32 and 59 that are aligned in a north-south direction. State Highway 1 is the major east-west corridor.

Pennington County is located in the Red River Basin of the North. There are four major watersheds in Pennington County - the Middle, Red Lake, Clearwater, and Thief River.

There are 2 watershed districts in Pennington County - the Red Lake and Middle, Snake, Tamarac River.

Plan Update Review

The third generation Plan reflects current conditions and trends within Pennington County. The major trend continues to be agriculture and related agricultural production and the overall increasing concern for ground/surface water quality and quantity. To address these issues, Pennington County has developed a focused, five-year implementation Plan to address the following county and watershed priority issues.

- Groundwater and Surface Water
- Education and Information
- Land Use Management
- Erosion and Sedimentation

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

BWSR staff has participated with Pennington County throughout the revision process by attending task force meetings and meetings with the LWP administrator. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Pennington County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the Pennington County 2003-2008 five-year Comprehensive Local Water Plan.

On February 14, 2003, the Board Northern Region Water Plan Review Committee voted unanimously to recommend that the Board approve the Pennington County 2003 – 2008 Comprehensive Local Water Plan Update.

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Pennington County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on February 24, 1998, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on February 26, 1997, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Pennington County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on November 1, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On October 9, 2001, Pennington County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On August 30, 2002, the Board received from Pennington County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. On October 23, 2002, the Board approved the extension of the existing Pennington County Comprehensive Plan until December 31, 2004. (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
5. Pennington County held a public information meeting on January 9, 2002, for purposes of gaining public input into the Plan Update.

6. On July 1, 2002, Pennington County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
7. On July 1, 2002, Pennington County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On September 9, 2002, Pennington County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On November 1, 2002, Pennington County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On November 4, 2002, the Board distributed notification of the official 90-day state review and a copy of the Pennington County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On December 4, 2002, brief information regarding the Pennington County Plan Update was provided to the Board for their review.
12. **Individual Comments:** None
13. **County Response to Individual Comments:** N/A
14. **Local Government Unit (LGU) Comments:** None
15. **County Response to LGU Comments:** N/A
16. **Minnesota Department of Agriculture (MDA) Review:** No written comments were received.
17. **Minnesota Department of Health (MDH) Review:** MDH staff provided written preliminary review comments in a letter dated September 24, 2002. Stated that the plan update presents opportunities to further public health through proposed actions. Comments were made on the subjects of wellhead protection, public water supply protection, the sealing of unused wells, and on source water assessments. MDH staff recommended approval of the final draft plan in a letter dated December 10, 2002.
18. **Minnesota Department of Natural Resources (DNR) Review:** No written comments were received.
19. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA staff provided written preliminary review comments in a letter dated September 9, 2002. Stated that the plan update set a good course for surface and groundwater protection. Comments were made on the subjects of the

lack of an advisory committee, need for more wetland restorations on HEL, increased efforts toward stream bank erosion and stabilization, providing technical assistance on storm water runoff from construction sites, and flood control. MPCA staff found the plan objectives to be consistent with the Red River Basin Plan. No written final review comments were received

20. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** EQB provided written preliminary review comments on August 23, 2002. EQB reviewed the plan and stated that it appeared to be consistent with state laws. Encouraged the county to work towards connections between all types of planning.
21. **Minnesota Geological Survey (MGS) Review:** No written comments were received.
22. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff met with the Pennington County LWP administrator to discuss written comments to the preliminary plan update on January 8, 2003, to review final review comments and to discuss items related to BWSR approval.
23. **County Response to State Agency Comments:** County made written responses to state agencies regarding preliminary and final comments on October 9, 2002, and January 8, 2003. Pennington County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agency comments.
24. **Board Water Plan Review Committee Meeting:** The Northern Region Water Plan Review Ad Hoc Committee met in Bemidji, Minnesota, with Board staff and the Pennington County CLWP Administrator to review and discuss the Plan Update. Those in attendance were Leland Coe (citizen member), Paul Krabbenhoft (swcd member), Jerome Deal (swcd member), Maggie Leach (Pennington County), northern region supervisor Ron Shelito, and board conservationist Bill Best.
25. On February 14, 2003, the Northern Region Water Plan Review Ad Hoc Committee voted unanimously to recommend that the Board approve the Pennington County Comprehensive Local Water Plan Update.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Pennington County. Dated at St. Paul, Minnesota, this February 26, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland Coe, Chair

2003 Pennington LWP Update Board Order

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

February 2003 BWSR Board Meeting

**OVERVIEW -- RED LAKE COUNTY
THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN**

Background (Second Generation)

Development of the second generation Red Lake County Comprehensive Local Water Plan (Plan) began November 28, 1994, with the passing of a county resolution. On July 22, 1996, Red Lake County provided the Board of Water and Soil Resources (BWSR) with its updated Plan. BWSR approved the Plan on February 26, 1997. On March 25, 1997, the Red Lake County Board of Commissioners adopted and began implementing the Plan. This second generation Plan was in effect until December 31, 2002.

Plan Update (Third Generation)

On September 4, 2002, Red Lake County submitted a resolution to the BWSR requesting a two-year extension to its Plan. On October 23, 2002, the BWSR approved the extension. Red Lake County passed a resolution to update their Plan on August 14, 2001. The local water plan coordinator facilitated the process with local/state/federal agency partners to complete a total revision of the county's Plan. After conducting the public information meeting and taskforce meetings Red Lake County completed the draft third generation Plan. The preliminary sixty-day review began on July 1, 2002. The public hearing was conducted on September 26, 2002. Red Lake County submitted its third generation Plan to BWSR on November 1, 2002, to initiate the required ninety-day final state agency review.

County Description

Red Lake County is located in the northwestern corner of Minnesota approximately 275 miles from Minneapolis-St. Paul. The City of Red Lake Falls is the county seat. Red Lake County is approximately 432 square miles, of which approximately 78 percent is cultivated land. Primary cash crops are corn, potatoes, small grains, and sugar beets. Red Lake County's population in 2000 was 4,299 as compared to 4,525 in 1990. The decrease in population from 1990 to 2000 was 5 percent.

Major highways in Red Lake County are U.S. Highways 32 and 59 that are aligned in a north-south direction. State Highway 92 is the major east-west corridor.

Red Lake County is located in the Red River Basin of the North. There are two major watersheds in Red Lake County - the Clearwater and Red Lake. There is one watershed district within Red Lake County - the Red Lake.

Plan Update Review

The third generation Plan reflects current conditions and trends within Red Lake County. Continued focus on agricultural production, and the overall increasing concern for ground and surface water quality and quantity are the primary concerns. To address these issues, Red Lake County has developed a focused, five-year implementation Plan to address the following county and watershed priority issues.

- Groundwater and Surface Water
- Education and Information
- Land Use Management
- Erosion and Sedimentation

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

BWSR staff has participated with Red Lake County throughout the revision process by meetings with the LWP administrator. Using the required Board Conservationist Findings and Plan Review form, staff has completed the final review of Red Lake County's third generation Comprehensive Local Water Plan. The findings show the requirements under Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300, and BWSR's expectations have been met. BWSR staff recommends approval of the Red Lake County 2003-2007 five-year Comprehensive Local Water Plan.

On February 14, 2003, the Board Northern Region Water Plan Review Committee voted unanimously to recommend that the Board approve the Red Lake County 2003 – 2007 Comprehensive Local Water Plan Update.

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Red Lake County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on March 25, 1997, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on February 26, 1997, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Red Lake County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on November 1, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On August 14, 2001, Red Lake County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On September 4, 2002, the Board received from Red Lake County a resolution requesting an extension of their existing Comprehensive Water Plan.
4. On October 23, 2002, the Board approved the extension of the existing Red Lake County Comprehensive Plan until December 31, 2004. (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
5. Red Lake County held a public information meeting on February 28, 2002, for purposes of gaining public input into the Plan Update.
6. On July 1, 2002, Red Lake County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

7. On July 1, 2002, Red Lake County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On September 26, 2002, Red Lake County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On November 1, 2002, Red Lake County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On November 6, 2002, the Board distributed notification of the official 90-day state review and a copy of the Red Lake County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On December 4, 2002, brief information regarding the Red Lake County Plan Update was provided to the Board for their review.
12. **Individual Comments:** None
13. **County Response to Individual Comments:** N/A
14. **Local Government Unit (LGU) Comments:** On August 28, 2002, Velma Oakland (4th District County Commissioner) submitted a letter stating her approval of the plan update.
15. **County Response to LGU Comments:** Red Lake County LWP Administrator Tanya Hanson responded to the Red Lake County Board of Commissioners.
16. **Minnesota Department of Agriculture (MDA) Review:** No written comments were received.
17. **Minnesota Department of Health (MDH) Review:** MDH staff provided written preliminary review comments in a letter dated September 24, 2002. Stated that the plan update presents opportunities to further public health through proposed actions. Comments were made on the subjects of wellhead protection, public water supply protection, the sealing of unused wells, and on source water assessments. MDH staff recommended approval of the final draft plan in a letter dated December 10, 2002.
18. **Minnesota Department of Natural Resources (DNR) Review:** No written comments were received.
19. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA staff provided written preliminary review comments in a letter dated August 30, 2002. Stated that the plan update set a good course for surface and groundwater protection. Comments were made on the subjects of the lack of an advisory committee, need for more wetland restorations on HEL, increased efforts toward

stream bank erosion and stabilization, providing technical assistance on storm water runoff from construction sites, and flood control. MPCA staff found the plan objectives to be consistent with the Red River Basin Plan. No written final review comments were received

20. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** EQB provided written preliminary review comments on August 23, 2002. EQB reviewed the plan and stated that it appeared to be consistent with state laws. Encouraged the county to work towards connections between all types of planning.
21. **Minnesota Geological Survey (MGS) Review:** No written comments were received.
22. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff met with the Red Lake County LWP administrator to discuss written comments to the preliminary plan update on September 6, 2002, and on January 8, 2003, to review final review comments and to discuss items related to BWSR approval.
23. **County Response to State Agency Comments:** County made written responses to state agencies regarding preliminary and final comments. Red Lake County incorporated many of the changes, additions, and recommendations to the Plan Update as provided in the agency comments.
24. **Board Water Plan Review Committee Meeting:** The Northern Region Water Plan Review Ad Hoc Committee met in Bemidji, Minnesota, with Board staff and the Red Lake County CLWP Administrator to review and discuss the Plan Update. Those in attendance were Leland Coe (citizen member), Paul Krabbenhoft (swcd member), Jerome Deal (swcd member), Tanya Hanson (Red Lake County), northern region supervisor Ron Shelito, and board conservationist Bill Best.
25. On February 14, 2003, the Northern Region Water Plan Review Ad Hoc Committee voted unanimously to recommend that the Board approve the Red Lake County Comprehensive Local Water Plan Update.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Red Lake County. Dated at St. Paul, Minnesota, this February 26, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland Coe, Chair

2003 Red Lake LWP Update Board Order

**Board of Water and Soil Resources
FY 04-05 Budget Impacts**

Priority is given to sustaining the state and local government capacity to put conservation projects on the ground and protect funding for mandated programs.

Reduction Target

Overall Reduction was 20% of the agency base budget, \$3.408 million per year.

Obligations

Also required was to cover lease increases for the agency and any other obligations through internal budget reallocations. BWSR's other obligation was to provide funding for the future cost of the e-Link system. These two items reflect an increase to the agency operating cost of \$161,000 for FY 04 and \$160,000 for FY 05. Also covered in the cost increases category was an additional \$452,000 per year for cost of the Wetland Conservation Act grants to local governments for implementation of WCA.

Reductions

Agency Operating budget is reduced \$199,000. Staff for the agency will be reduced for general fund accounts from 57.65 as of July 1, 2002 to 45 as of July 1, 2003. Eight of the positions have already been reduced as a result of FY 2003 action. Service and operating changes to occur will be determined over the next month.

Local Water Management Grant funding is eliminated. Levy authority will remain in statute, rules will be repealed and statute will reflect a permissive authority for local governments to engage in water planning activities. Rationale for this reduction was (even though it is seen as an important and successful program) local water management by counties is a voluntary program. LCMR funding for competitive grants are also eliminated because those activities were funded from future resources funding.

Cost Share funding for feedlots will be reduced by \$615,000 to the FY 01 level of \$1.5 million. Federal farm bill funding is expected to fill the gap so that the state will remain on target for the 10 year feedlot fix up plan.

NPEA will be reduced by \$66,000 and funding will be provided for 7 or 8 JPB's rather than the current level of 11. Funding will also be provided at a level that is higher than the current rate.

RIM Services will be reduced by \$405,000 which will provide \$100 per easement per three year inspection requirement. Remaining funding will pay only for inspections and new funding for easement programs in the future will have to pay for implementation.

BOARD OF WATER AND SOIL RESOURCES

Agency Budget Reductions Based on Governor's 04-05 Recommended Budget

	FY03 Appropriation	FY04 Gov's Rec	FY 05 Gov's Rec	
AGENCY OPERATIONS	\$4,707,000	\$4,146,000	\$4,145,000	
	57.65 FTE	45 FTE	45 FTE	
GRANTS				
<i>(Natural Resources Block Grant)</i>				
Local Water Planning	\$2,736,000	\$0	\$0	
Shoreland	\$430,000	\$430,000	\$430,000	
WCA	\$1,720,000	\$2,172,000	\$2,172,000	
Water Planning Challenge Grants	\$382,000	\$0	\$0	Note: Cut was part of 03 first special session
<i>(SWCDs)</i>				
Base Cost-Share	\$1,860,000	\$1,820,000	\$1,820,000	Note: Cut was part of 03 first special session
Feedlot Cost-Share	\$2,115,000	\$1,500,000	\$1,500,000	
Minn. River Special Cost-Share	\$500,000	\$0	\$0	Note: Cut was part of 03 first special session
Special Projects Cost-Share	\$260,000	\$0	\$0	Note: Cut was part of 03 first special session
General Services	\$2,157,000	\$2,157,000	\$2,157,000	
RIM Services	\$750,000	\$345,000	\$345,000	
NPEA	\$1,130,000	\$1,064,000	\$1,064,000	
	\$18,747,000	\$13,634,000	\$13,633,000	

Priorities used to drive 04-05 budget plan:

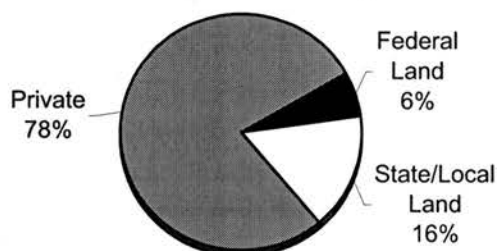
Private lands conservation programs
Technical assistance capacity
State support for mandatory programs

2/21/2003

Agency Purpose

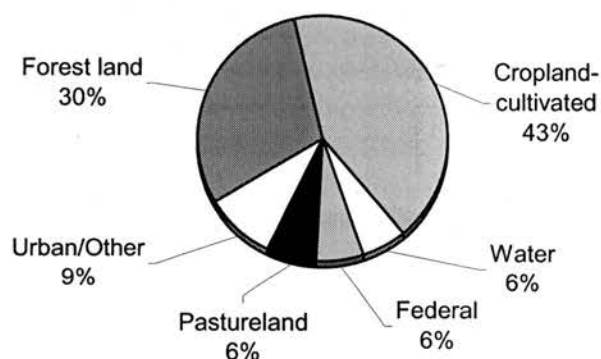
The Board of Water and Soil Resources purpose is to protect and enhance the state's irreplaceable soil and water resources by implementing (through local government) the state's soil and water conservation policy, comprehensive local water management and the wetland conservation act as it relates to the 41.7 million acres of private land in Minnesota. The agency is the state's administrative agency for 91 soil and water conservation districts, 43 watershed districts, 27 metropolitan watersheds and 80 county water management organizations.

Land Ownership



Because 78% of the state is held in private ownership, the agency's focus on private lands is critical to the state attaining its goals for clean water, clean air and abundant fish and wildlife. Managed wisely, these working lands – Minnesota's farms, forests and urban areas – contribute greatly to the production of environmental goods and benefits including cleaner air and water, fish and wildlife habitat and preservation of open spaces.

Variety of Land Uses



Agency programs to assist landowners and local government have resulted in less sediment and nutrients entering our lakes, rivers and streams, more fish and wildlife habitat and the drastic slowing of wetland losses. These outcomes are achieved, in spite of intensification of agriculture, greater demands for forest products and rapid urbanization in many parts of the state.

At A Glance

Two-year State Budget:

- ◆ \$ 8.8 million in operating funds
- ◆ \$28 million in pass-through grants
- ◆ \$32.5 million in local government match funds for project implementation

Local Government Delivery System:

Agency responsibilities are delivered with or implemented by local government to assure local priorities and participation in private lands management. These include:

- ◆ Soil and Water Conservation Districts-91 SWCD's; 450 Elected Supervisors; 359 District Employees
- ◆ Watershed Districts-43 Watershed Districts; 213 Managers; 65 Employees
- ◆ Watershed Management Organizations-27 WMO's; 162 Members
- ◆ 87 Counties
- ◆ 230 Cities
- ◆ 304 WCA LGU's

Accomplishments:

- ◆ 178,181 acres of private land wildlife habitat and restored wetland through RIM Reserve
- ◆ 29,588 acres of wetland loss avoided
- ◆ 208 feedlot fixes through state cost share
- ◆ 1.9 million tons per year of prevented soil erosion
- ◆ 522,000 tons of sediment kept out of lakes, rivers and streams
- ◆ 1,105,000 pounds of phosphorus kept out of lakes, rivers and streams.

Core Functions

BWSR's mission is implemented through the following core functions:

- ⇒ The state soil conservation agency. (M.S. 103B.101)
- ⇒ Direct private land soil and water conservation programs through the action of SWCD's, counties, cities, townships, Watershed Districts, and Water Management Organizations. (M.S. 103C, 103D)
- ⇒ To link water resource planning with comprehensive land use planning. (M.S. 103B)
- ⇒ To provide resolution of water policy conflicts and issues (M.S. 103A.211, 103A.305, 103A.315, 103A.311).
- ⇒ To implement the comprehensive local water management acts. (M.S. 103B.201, 103B.255, 103B.301)
- ⇒ To provide the forum (through the board) for local issues, priorities and opportunities to be incorporated into state public policy. (M.S. 103B.101)
- ⇒ The state agency responsible for the wetland conservation act. (M.S. 103G)
- ⇒ To coordinate state and federal resources to realize local priorities.

Operations

The board consists of 17 members representing local government entities delivering BWSR services, state agencies and citizens. The board sets a policy agenda designed to enhance service delivery through the use of local government. Agency staff is located in eight locations throughout Minnesota. The focus of agency staff is to provide technical and financial assistance to local government to plan and implement agency policy on private lands. The agency has a unique service delivery system using the staff and resources of local government, along with the state staff and resources, to work with private landowners to implement conservation on the ground. This provides an opportunity to partner state, federal, local and private resources to projects that help maintain water quality, prevent soil loss and erosion, plan for land use, and protect wetlands, located on private lands. These partnerships in service delivery ensure that the interest of state policy is implemented with local issues and problems in mind.

Budget

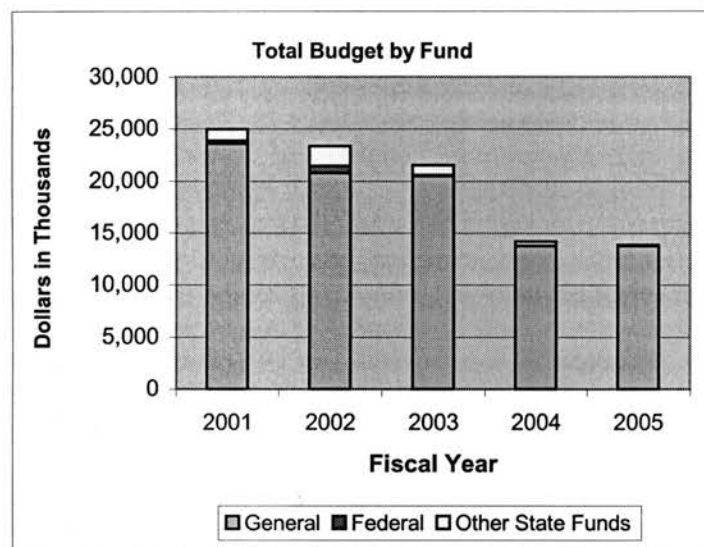
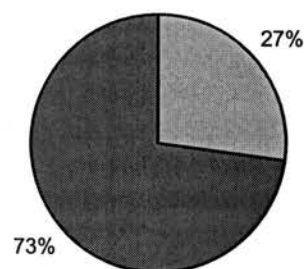
BWSR funding is primarily from the General Fund. The majority of the funds are passed through to local government to administer state policies and programs the agency is responsible for. Outcomes are evaluated to assure conservation policy objectives are attained and that resources are expended to assure program success.

Contact

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

BWSR Home page: <http://www.bwsr.state.mn.us>

Tammy McGlone, Administrative Services Director
Phone: (651) 282-2929
Fax: (651) 297-5615

**FY2004-2005 Budgeted Expenditures by Category**

□ Operating Expenses

■ Local Assistance

<i>Dollars in Thousands</i>	Actual FY2001	Actual FY2002	Preliminary FY2003	Governor's Rec FY2004	FY2005	Biennium 2004-05
Expenditures by Fund						
Direct Appropriations						
Environment & Natural Resource	463	261	280	118	118	236
General	23,577	20,757	20,476	13,762	13,761	27,523
Minnesota Resources	0	1,365	0	0	0	0
Statutory Appropriations						
Special Revenue	684	331	684	321	2	323
Federal	265	653	84	0	0	0
Total	24,989	23,367	21,524	14,201	13,881	28,082
Expenditures by Category						
Operating Expenses	5,184	4,954	5,052	4,532	4,393	8,925
Capital Outlay & Real Property	96	101	0	125	0	125
Local Assistance	19,709	18,312	16,472	11,971	11,915	23,886
Transfers	0	0	0	-2,427	-2,427	-4,854
Total	24,989	23,367	21,524	14,201	13,881	28,082
Expenditures by Program						
Water & Soil Resrcs Bd	24,989	23,367	21,524	14,201	13,881	28,082
Total	24,989	23,367	21,524	14,201	13,881	28,082

WATER & SOIL RESOURCES BOARD

Fiscal Report

<i>Dollars in Thousands</i>						
	Actual	Actual	Preliminary	Governor's Rec		Biennium
Revenue by Type and Fund	FY2001	FY2002	FY2003	FY2004	FY2005	2004-05
Non Dedicated						
Environment & Natural Resource	0	0	12	0	0	0
General	45	99	51	128	128	256
Minnesota Resources	0	4	0	0	0	0
Subtotal Non Dedicated	45	103	63	128	128	256
Dedicated						
Special Revenue	546	551	500	182	2	184
Federal	438	395	68	0	0	0
Subtotal Dedicated	984	946	568	182	2	184
Total Revenue	1,029	1,049	631	310	130	440
Full-Time Equivalents (FTE)	58.4	52.2	50.8	45.9	45.9	

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Narrative

Program Description

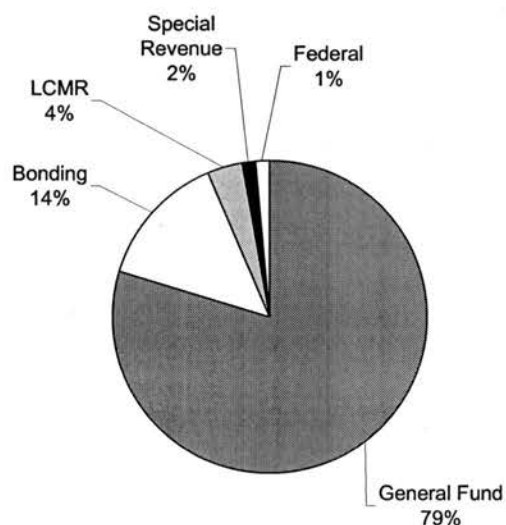
The purpose of this program is to provide the necessary resources for implementation of the state's soil and water conservation policy, comprehensive local water management and the wetland conservation act. Program resources support agency staff and local government staff implementing conservation and resource protection programs on the ground. The financial and technical support provided through grants and staffing assist local government to deliver on state mandated resource protection objectives.

Budget Activities Included:

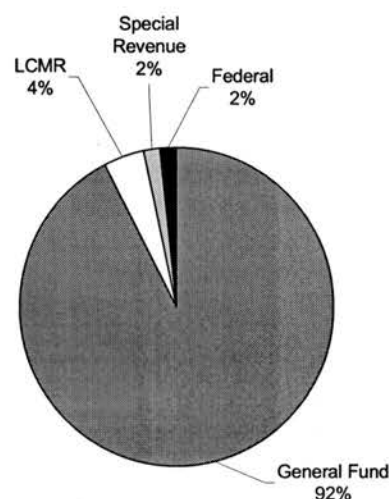
- ⇒ BWSR Operations
- ⇒ Grants to Local Governments
- ⇒ Easements

Financing

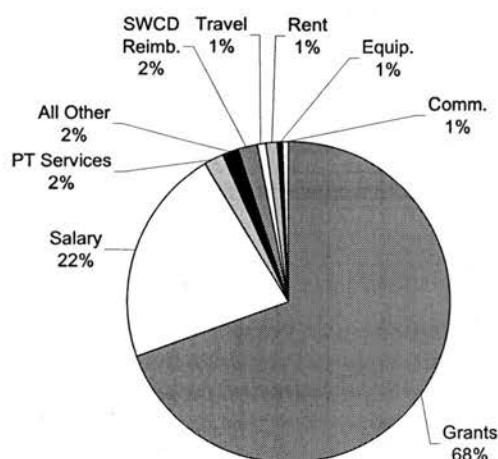
**FY 02-03 Operating Funds
(includes Bonding) \$51.7 Million**



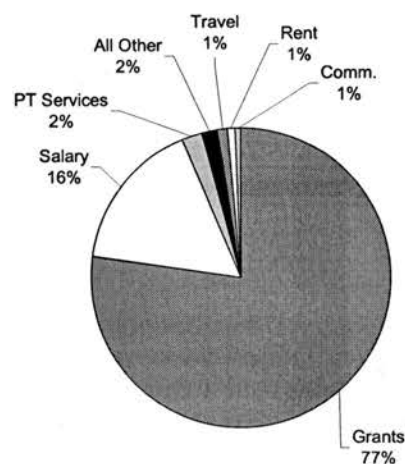
**FY 02-03 Operating Funds
(excludes bonding) \$44.6 Million**



**FY 02-03 Spending Categories
(includes Bonding) \$51.7 Million**



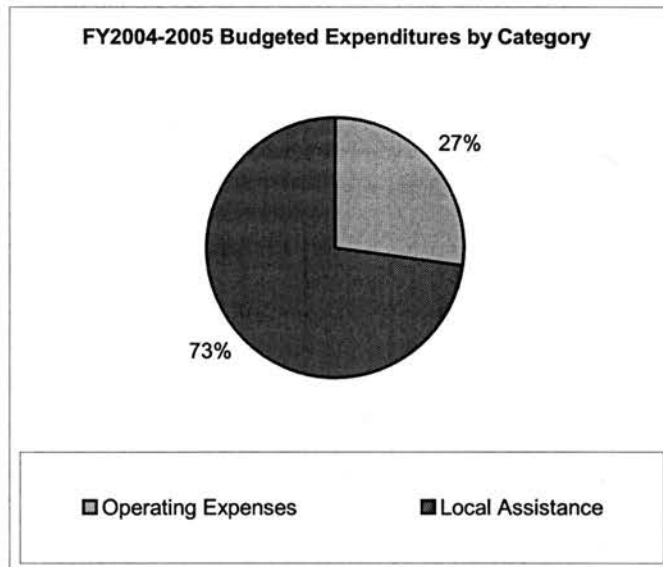
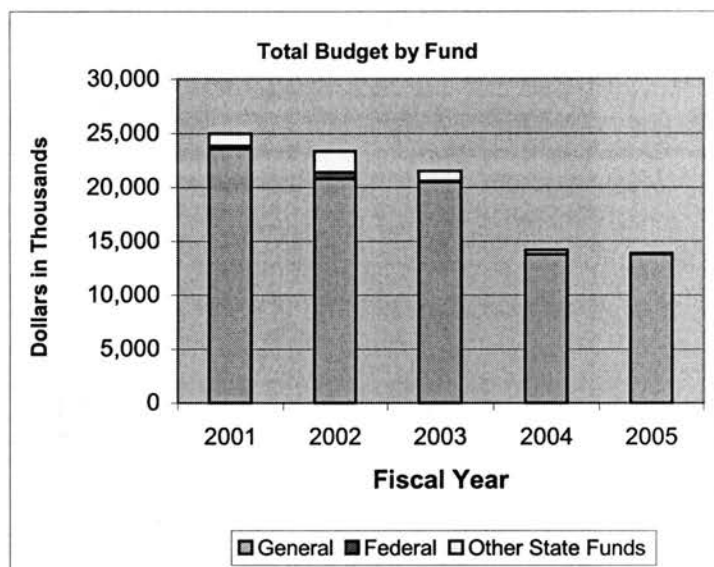
**FY02-03 Spending Categories
(excludes bonding) \$44.6 Million**



WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Fiscal Report



<i>Dollars in Thousands</i>						
	Actual FY2001	Actual FY2002	Preliminary FY2003	Governor's Rec FY2004	FY2005	Biennium 2004-05
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Total	24,989	23,367	21,524	14,201	13,881	28,082

Expenditures by Activity						
Bwsr Operations	5,748	4,954	5,052	4,532	4,393	8,925
Grants To Local Government	19,145	18,312	16,472	9,544	9,488	19,032
Easements	96	101	0	125	0	125
Total	24,989	23,367	21,524	14,201	13,881	28,082

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Fiscal Report

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Full-Time Equivalents (FTE)	58.4	52.2	50.8	45.9	45.9	

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: BWSR OPERATIONS

Narrative

Activity Description

This activity exists to provide technical and administrative resources necessary to assure state soil and water resource management goals and objectives are attained. The activity provides agency staff support to local governments for implementation of the state's soil and water conservation policy, resource protection required by the Wetland Conservation Act (WCA), staff support for local water planning, and technical assistance for conservation projects implemented on private land.

Population Served

This activity provides services to local governments for the implementation of soil conservation and water management practices with an emphasis on private lands. Meeting state environmental goals requires working with a broad network of local governments who each possess some of the tools to address particular aspects of solving problems. There are almost 800 local units of government empowered with the responsibility to deliver services on behalf of the agency to achieve the state soil and water conservation and protection goals. These entities are clients, as well as agents in that they receive technical and administrative support from the activity but they are also the activity's major service provider.

Activity at a Glance

Activity Clientele

- ◆ Local Units of Government
 - ⇒ 91 SWCD's
 - ⇒ 43 Watershed Districts
 - ⇒ 27 WMO's
 - ⇒ 87 Counties
 - ⇒ 304 WCA Authorities
- ◆ Private landowners throughout the state
- ◆ Other state and federal conservation partners
- ◆ Private conservation organizations

Available Statewide Land Resources

- ◆ 41.7 million acres of private lands including
 - ⇒ 23 million acres of cropland
 - ⇒ 5.3 million acres of private forested land
 - ⇒ 7.4 million acres of wetlands

Services Provided

Lists address some of the responsibilities of the Board of Water and Soil Resources (BWSR) in the following areas:

Soil and Water Conservation Districts (SWCD) M.S. 103C

- ⇒ Hear petitions and order formation of, consolidation of and/or division of districts, approve change of location, conduct referendum and order discontinuance of districts.
- ⇒ Approve changes to nominating districts for elections and hear petitions/order removal of elected supervisors.
- ⇒ Establish and enforce penalties for violation of grant programs and/or misconduct of supervisors or employees.
- ⇒ Approve and administer state grants, coordinate programs and activities with state and federal agencies.
- ⇒ Develop structural land use management practices and other programs designed to achieve soil and water conservation goals.
- ⇒ Review and approve works of improvement.

Watershed Districts and Watershed Management Organizations (WMOs) M.S. 103B & D

- ⇒ Establish, define boundaries, enlarge or consolidate districts. Appoint first board of managers of new districts.
- ⇒ Receive and hear appeals of district project orders.
- ⇒ Review annual audits and reports. Enforce member eligibility requirements. Assign non-implementing areas to associated counties.
- ⇒ Approve management plans and revisions, review rules and regulations, review and approve engineering reports on proposed projects, and approve plans for establishment of stormwater utility fees.
- ⇒ Authority to investigate misconduct of managers.

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: BWSR OPERATIONS

Narrative

Counties and Cities M.S. 103B, F & G

- ⇒ Approve land management plans.
- ⇒ Hear and decide appeals of wetland replacement, wetland exemption determinations and municipal contracts with water plans.
- ⇒ Rescind WCA authority, impose building moratoriums.
- ⇒ Certify employees' completion of wetland delineation training and certify wetland banking transactions.
- ⇒ Approve comprehensive local water management plans and revisions.
- ⇒ Approve and allocate grant funding to counties. Conduct audits and investigate potential grant violations.

Wetland Conservation Act M.S. 103A, B & G

- ⇒ Project review, dispute resolution, and appeals.
- ⇒ Participate on technical evaluation panel.
- ⇒ Interagency coordination and enforcement.
- ⇒ Evaluate local government unit (LGU) performance.
- ⇒ Administer program rules, banking, forms, manuals, training, and delineator certification.
- ⇒ Delineator certification.
- ⇒ Develop, review, and approve local wetland plans and ordinances.
- ⇒ Acquisition and development for local government wetland road replacement program.

Comprehensive Local Water Management Program M.S. 103

- ⇒ Establish content expectation for local water management plan including citizen involvement.
- ⇒ Review and approve plans submitted.
- ⇒ Resolve disputes arising from planning process.
- ⇒ Support local implementation of local water management plan.
- ⇒ Support development and adoption of local ordinances to protect and improve water quality or quantity.
- ⇒ Support and provide technical assistance for the installation of practices to protect, conserve or improve water quality or quantity.

Historical Perspective

The agency was created in 1987 as a result of the merger of the Water Planning Board, the Southern Minnesota Rivers Basin Council and the Minnesota Soil and Water Conservation Board. The history of the agency dates back to the 1930's in some form. BWSR is different from other agencies because of its board of local officials, citizens, and state agencies. This forum is unique in its ability to bring diverse interests to the table to achieve mutual goals and coordinate activities. The board also provides a means for local government to have input into the administrative branch of government.

The Reinvest in Minnesota (RIM) program enacted in 1986 added the ability to use conservation easements as another tool in the protection of water quality. Soil loss, sediment control, phosphorus reduction, and creation of fish and wildlife habitat are some of the demonstrated benefits of conservation easements.

In 1991 the activity added a major regulatory function with the passage of the Wetland Conservation Act. The goal of the act is no net loss of wetlands in this state. The protection is intended for both quality and quantity of wetlands. Activity efforts focus on wetlands located on private lands, restoration of wetlands that have been drained or filled for agriculture and wetlands that are disturbed for urban development and transportation projects.

WATER & SOIL RESOURCES BOARD

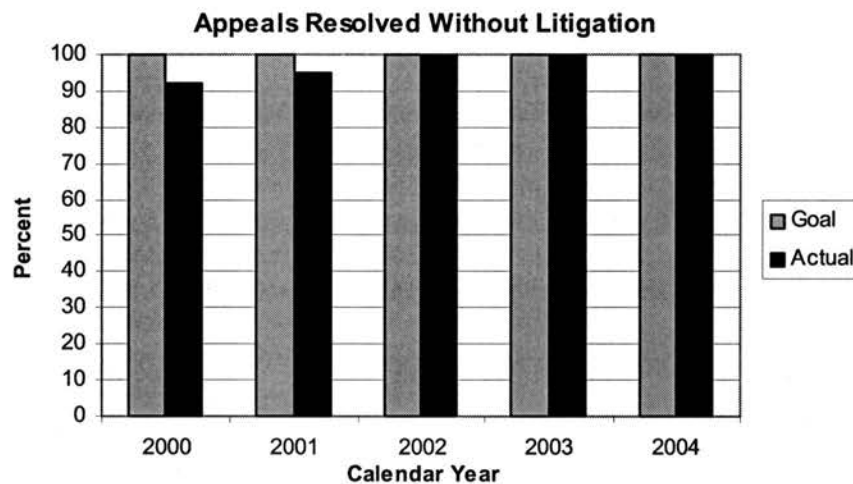
Program: WATER & SOIL RESRCS BD

Activity: BWSR OPERATIONS

Narrative

Key Measures

No net loss of wetlands will be a key measure for this activity. The method for tracking and calculating this measure is currently being developed. The measurement should demonstrate progress toward the state goal for wetland protection of no net loss. An additional measure that will be developed is to tract training activities for local government. Activity performance can be measured by the effectiveness of local delivery systems as they are the key to local program implementation.



Contact

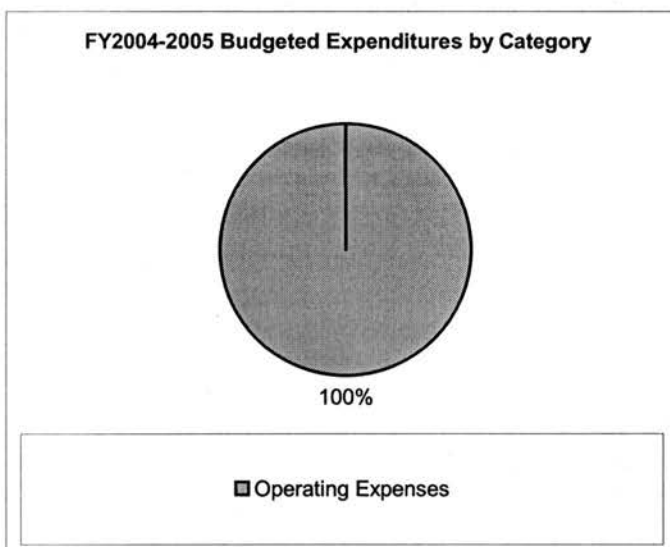
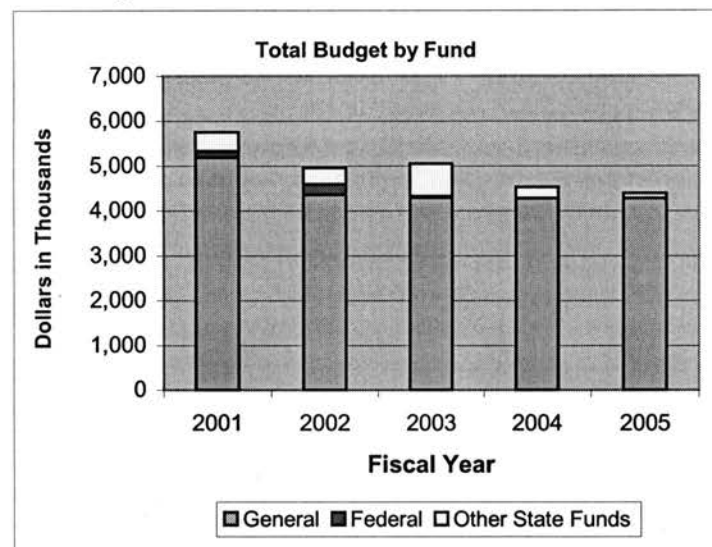
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WATER & SOIL RESOURCES BOARD
Program: WATER & SOIL RESRCS BD
Activity: BWSR OPERATIONS

Fiscal Report



<i>Dollars in Thousands</i>	Actual FY2001	Actual FY2002	Preliminary FY2003	Governor's Rec FY2004	FY2005	Biennium 2004-05
Expenditures by Fund						
Direct Appropriations						
Environment & Natural Resource	151	224	280	118	118	236
General	5,185	4,355	4,288	4,274	4,273	8,547
Statutory Appropriations						
Special Revenue	270	144	452	140	2	142
Federal	142	231	32	0	0	0
Total	5,748	4,954	5,052	4,532	4,393	8,925

Expenditures by Category						
Operating Expenses	5,184	4,954	5,052	4,532	4,393	8,925
Local Assistance	564	0	0	0	0	0
Total	5,748	4,954	5,052	4,532	4,393	8,925

Revenue by Type and Fund						
Non Dedicated						
General	0	3	0	0	0	0
Subtotal Non Dedicated	0	3	0	0	0	0
Dedicated						
Special Revenue	546	349	115	57	2	59
Federal	384	340	56	0	0	0
Subtotal Dedicated	930	689	171	57	2	59
Total Revenue	930	692	171	57	2	59

Full-Time Equivalents (FTE)	57.4	52.2	50.8	45.9	45.9	
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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: GRANTS TO LOCAL GOVERNMENT

Narrative

Activity Description

Grant programs provide funding to local units of government responsible for delivering agency services in their local communities. The funding provided is for local program administration and conservation projects put on the ground. The goal is to maximize the financial and human resources (state, local, and federal) available to deliver the goals and objectives for clean water, clean air and abundant fish and wildlife habitat.

Population Served

The activity issues grants to a core delivery network of 200 organizations. Those grant funds are used to implement local water management programs and to provide cost-share to private landowners who use these funds and their own financial resources to install conservation practices on their land to benefit state water and soil resources.

Services Provided

The activity primarily provides financial incentives for local units of government and landowners to construct conservation practices. The majority of these funds leverage federal and landowner dollars as part of a required local match. Funding is also provided for limited planning and regulatory activities. These dollars help local government manage the quantity and quality of their water and to construct projects that will improve water resources.

Funding for wetland regulatory activities allows local government to protect the wetland resources in their community. The funding and state regulatory authority they receive through the agency programs allow them to identify and protect wetlands from construction and development in order to achieve the state resource conservation and protection goals.

Finally, funding is provided to support the administrative operations of soil and water conservation districts. Counties provide the majority of funding for these operations. The state contribution assists in providing resources for staff and operating expenses associated with Soil and Water Conservation Districts (SWCD) delivery of state programs.

Historical Perspective

The state has provided funding to SWCD's to assist with the expenses of their operations, to perform maintenance inspections on state Reinvest in Minnesota (RIM) easements and to provide local engineering services for state and federal cost share projects.

Cost share funding is provided to construct water quality and erosion control treatment practices. There are a wide variety of practices that can be implemented depending upon the specific nature or condition of the resource or the objective to be achieved by implementing the practice. The activity funds are always matched with landowner contributions and frequently matched with local and federal contributions. There has been an increase in funding for feedlot cost share as the state has identified a 10-year plan to solve the problem of polluting feedlots in the state. Cost share funding is a major component of that plan and is provided to producers to assist them in their compliance with rules and regulations for feedlots.

Activity at a Glance

Reporting for Calendar Year 2001

Land and Water Treatment Projects

- ◆ Number of projects 3,763
- ◆ Total Cost \$19,020,000
 - ⇒ BWSR Cost \$3,430,000
 - ⇒ Minnesota Pollution Control Agency (MPCA) \$1,383,000
 - ⇒ Other State Agency \$1,955,000
 - ⇒ MPCA State Loans \$867,000
 - ⇒ Minnesota Department of Agriculture (MDA) State Loans \$2,442,000
 - ⇒ Occupier Cost \$4,900,000
 - ⇒ Local Government Unit Cost \$1,527,000
 - ⇒ Federal Cost \$2,165,000
 - ⇒ Other Cost \$351,000
- ◆ Soil loss reduction 349,000 tons per year
- ◆ Sediment reduction 59,400 tons per year
- ◆ Phosphorus reduction 131,000 pounds per year

Local Water Planning Projects

- ◆ Number of education projects 606
- ◆ Number of planning projects 43
- ◆ Number of inventories 81
- ◆ Number of monitoring projects 293

Feedlot Water Quality Mgmt Cost Share Projects

- ◆ Number of projects 28
- ◆ Phosphorus reduction 2,574 pounds per year

WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: GRANTS TO LOCAL GOVERNMENT

Narrative

The natural resources block grant provides funding for program administration at the local level for water planning, shoreland management, and the wetland conservation act. Competitive funding for high priority local water planning projects was provided in the past through a challenge grant program that was eliminated in 2003 budget reductions.

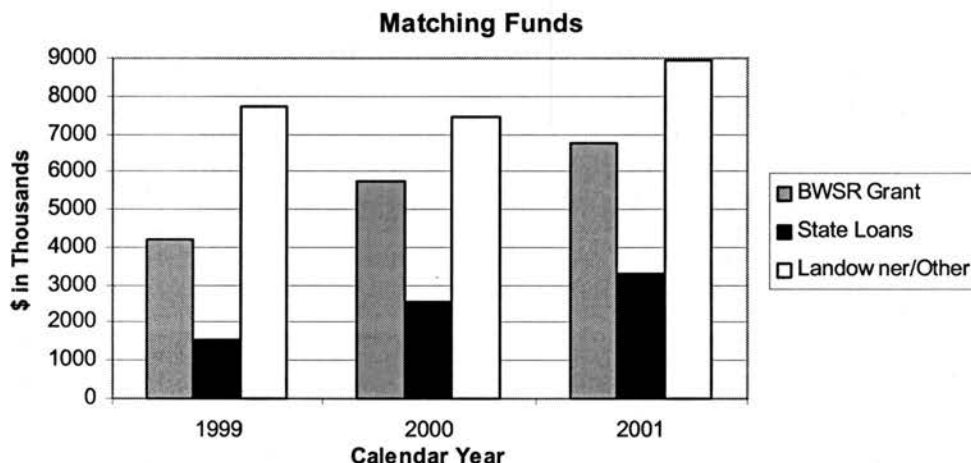
Key Measures

As a key measure, the percent of land eroding at less than sustainable soil erosion limits from water and wind will demonstrate the effectiveness of grant funds practice implementation on maintaining soil on the land where it belongs rather than in the water. The Natural Resources Inventory, done every five years will provide source data to determine performance.

Tons of sediment/pounds of phosphorous prevented from degrading state surface waters.

	Calendar Year Reporting					
	1999 Actual	2000 Actual	2001 Actual	2002 Estimated	2003 Estimated	2004 Estimated
Phosphorus Reduction (pounds per year)	172	226	131	140	140	140
Soil Loss Reduction (tons per year)	488	283	349	300	300	280
Sediment Reduction (tons per year)	108	81	59	75	75	70

Conservation partnerships developed to provide 1 to 1 match for state project dollars.



Contact

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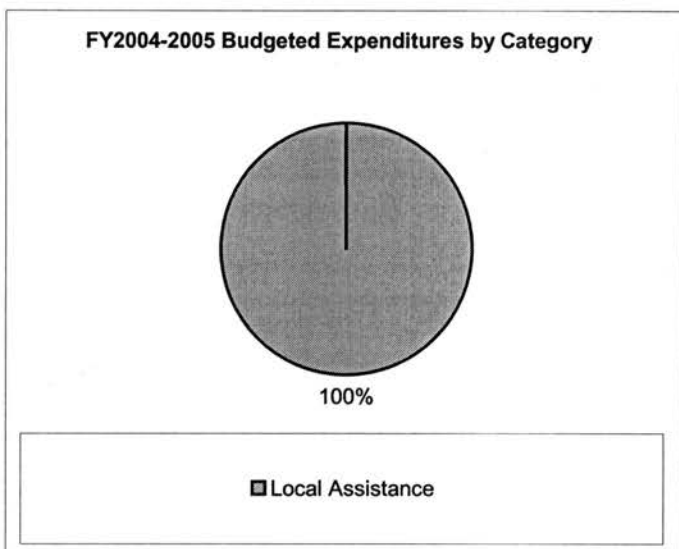
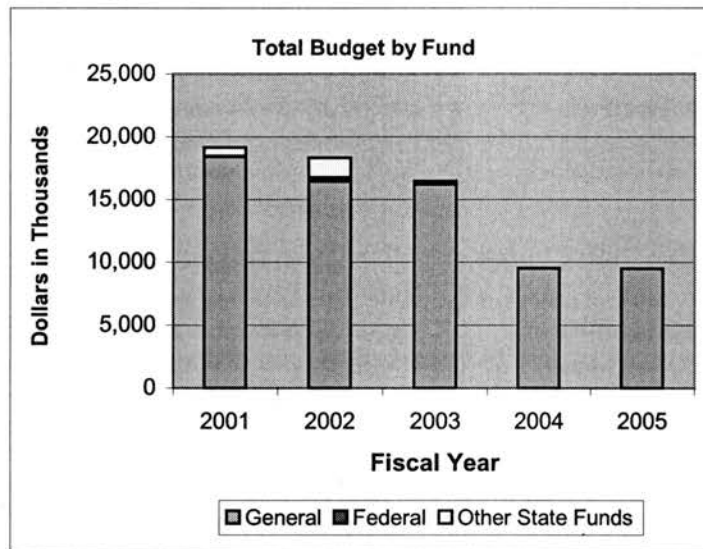
Tammy McGlone, Administrative Services Director
Phone: (651) 282-2929
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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: GRANTS TO LOCAL GOVERNMENT

Fiscal Report



<i>Dollars in Thousands</i>	Actual FY2001	Actual FY2002	Preliminary FY2003	Governor's Rec FY2004	FY2005	Biennium 2004-05
Expenditures by Fund						
Direct Appropriations						
Environment & Natural Resource	312	37	0	0	0	0
General	18,392	16,402	16,188	9,488	9,488	18,976
Minnesota Resources	0	1,365	0	0	0	0
Statutory Appropriations						
Special Revenue	393	187	232	56	0	56
Federal	48	321	52	0	0	0
Total	19,145	18,312	16,472	9,544	9,488	19,032

Expenditures by Category						
Local Assistance	19,145	18,312	16,472	11,971	11,915	23,886
Transfers	0	0	0	-2,427	-2,427	-4,854
Total	19,145	18,312	16,472	9,544	9,488	19,032

Revenue by Type and Fund						
Non Dedicated						
Environment & Natural Resource	0	0	12	0	0	0
General	45	96	51	0	0	0
Minnesota Resources	0	4	0	0	0	0
Subtotal Non Dedicated	45	100	63	0	0	0
Dedicated						
Special Revenue	0	202	385	0	0	0
Federal	54	55	12	0	0	0
Subtotal Dedicated	54	257	397	0	0	0
Total Revenue	99	357	460	0	0	0

Full-Time Equivalents (FTE)	1.0	0.0	0.0	0.0	0.0	
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WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: EASEMENTS

Narrative

Activity Description

The Reinvest in Minnesota Reserve (RIM Reserve) program establishes the activities ability to take conservation easements on private lands. Keeping marginal agricultural land out of production protects soil and water quality and fish and wildlife habitat. The conservation easement is one of the many resource management tools provided to local government to work with landowners for managing and protecting out states working lands. Easements provide public benefits without removing lands from local tax rolls or having the state incur the costs and liabilities of ownership.

Population Served

Services of the activity are provided to local governments who serve as a sales force for the state. Their effectiveness is manifested in landowner demand that is historically double the supply of easement money.

Services Provided

The activity provides financial incentives to landowners in exchange for a conservation easement that defines future land use options. In exchange for compensation for the easement, the landowner agrees to take the land permanently out of crop production or pasture. The land is then restored to a natural state, using native grasses or restoring a wetland. The benefits derived are improvements to water quality, reduction in soil loss and sediment and habitat creation. Resources of this activity are often matched up with federal U.S. Department of Agriculture (USDA) programs like, Conservation Reserve Program (CRP), Wetland Replacement Program (WRP) to maximize benefits and leverage federal resources.

Activity at a Glance

- ◆ 4,798 easements (1986-2001)
- ◆ Number of acres enrolled in easement programs
 - ⇒ RIM 59,587
 - ⇒ RIM/CREP 101,194
 - ⇒ RIM/WRP 7,017
 - ⇒ PWP 11,803
- ◆ Acres by land type enrolled
 - ⇒ Marginal Cropland 14,319
 - ⇒ Riparian 68,866
 - ⇒ Sensitive Groundwater 1,175
 - ⇒ Wetlands Restored 81,113
 - ⇒ Other 14,128
- ◆ 9.6 tons per acre per year soil loss reduction
- ◆ 4.7 tons per acre per year sediment reduction
- ◆ 5.8 pounds per acre per year phosphorus reduction
- ◆ State dollars invested in easements \$147,386,000
- ◆ Federal dollars matched for easements \$173,403,000
- ◆ 2002 implementation cost per acre enrolled \$152

Historical Perspective

In 1986 The Reinvest in Minnesota act was passed and a RIM reserve program was created to keep certain marginal agricultural land out of crop production or from being pastured to protect water quality and increase fish and wildlife habitat. In the 1996 Federal Farm Bill, a conservation reserve enhancement program (CREP) was authorized. The Minnesota River CREP was one of the first state efforts to be approved in the nation and has resulted in over 100,000 acres of easements being acquired over the last four years and added to the agencies easement inventory.

WATER & SOIL RESOURCES BOARD

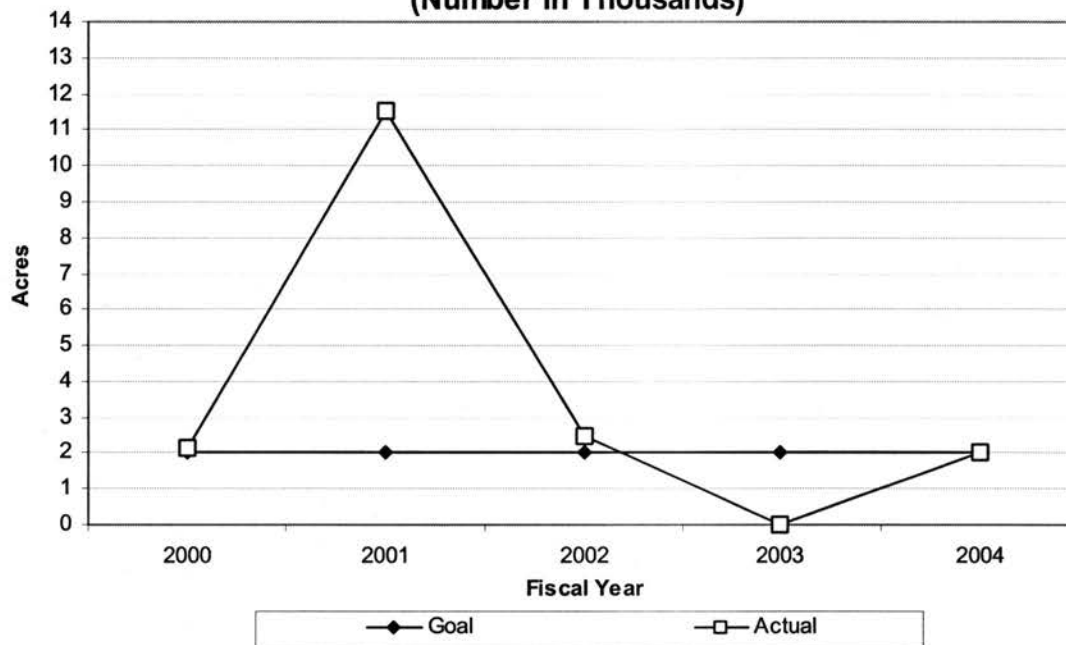
Program: WATER & SOIL RESRCS BD

Activity: EASEMENTS

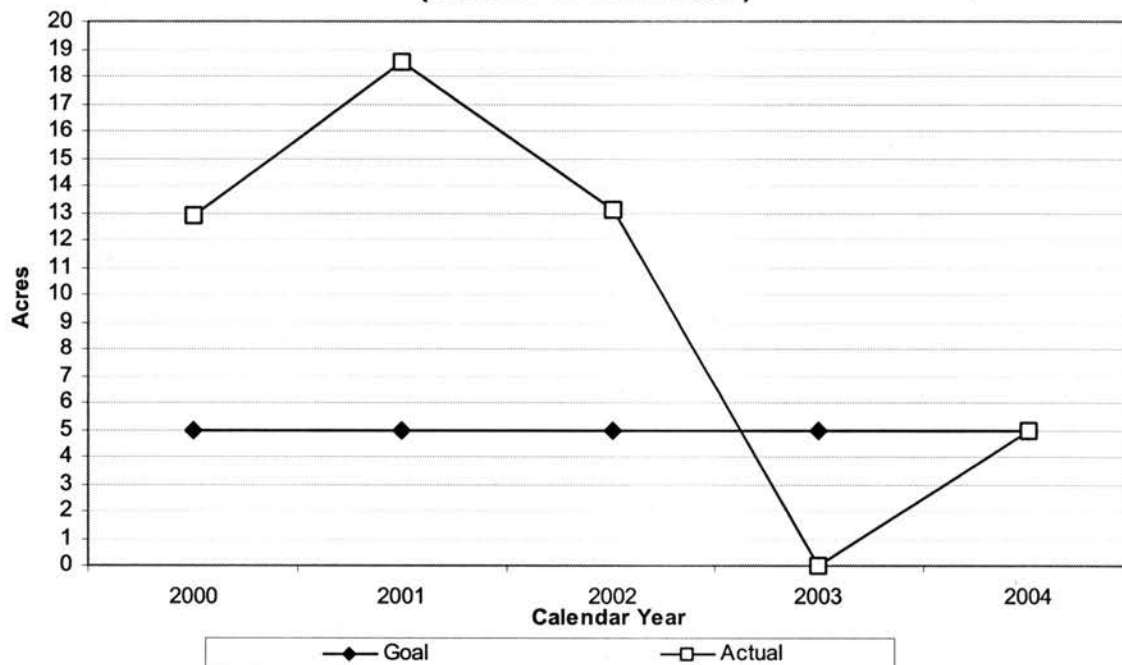
Narrative

Key Measures

**Number of Wetland Acres Restored
(Number in Thousands)**



**Marginal Agriculture Land Enrolled
(Number in Thousands)**

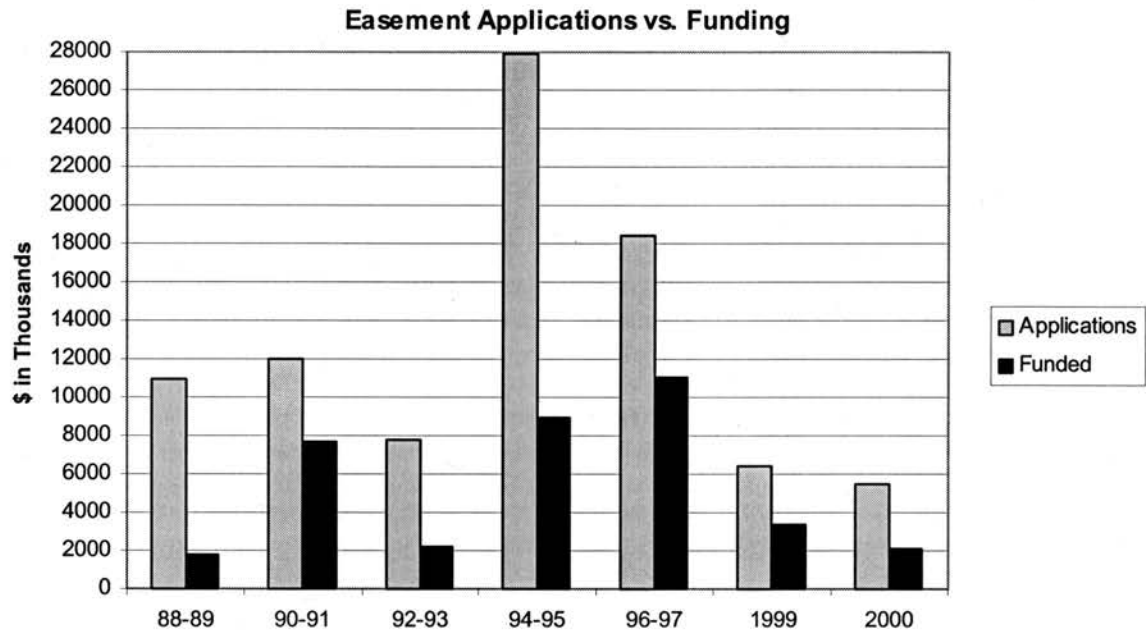


WATER & SOIL RESOURCES BOARD

Program: WATER & SOIL RESRCS BD

Activity: EASEMENTS

Narrative



Contact

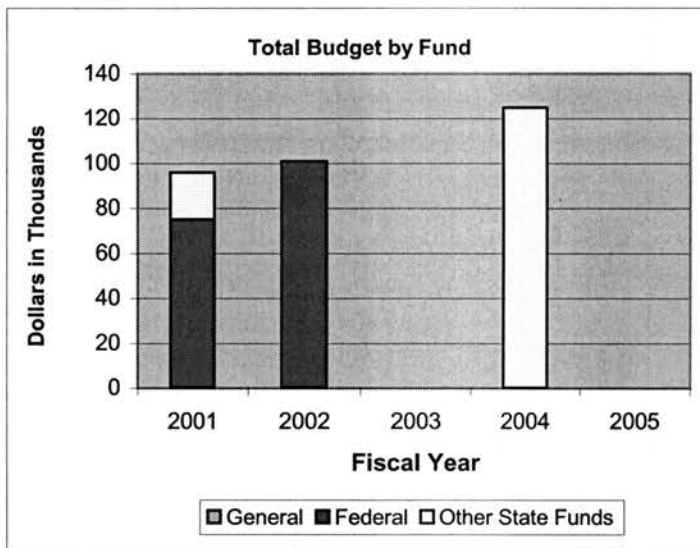
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WATER & SOIL RESOURCES BOARD
Program: WATER & SOIL RESRCS BD
Activity: EASEMENTS

Fiscal Report



<i>Dollars in Thousands</i>	Actual FY2001	Actual FY2002	Preliminary FY2003	Governor's Rec FY2004	FY2005	Biennium 2004-05
Expenditures by Fund						
Statutory Appropriations						
Special Revenue	21	0	0	125	0	125
Federal	75	101	0	0	0	0
Total	96	101	0	125	0	125
Expenditures by Category						
Capital Outlay & Real Property	96	101	0	125	0	125
Total	96	101	0	125	0	125
Revenue by Type and Fund						
Dedicated						
Special Revenue	0	0	0	125	0	125
Subtotal Dedicated	0	0	0	125	0	125
Total Revenue	0	0	0	125	0	125



**State of Minnesota
Department of Finance**

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February 18, 2003

The Minnesota Legislature
State Capitol
St. Paul, Minnesota

Dear Legislators,

I respectfully submit for your consideration the FY 2004-05 Governor's budget proposals for the non-cabinet agencies in the Environment, Natural Resources, and Agriculture omnibus bill. These agencies collectively administer \$129 million for the FY 2004-05 biennium. The Governor encourages the agencies to work diligently to be effective stewards of taxpayer resources and focus operations and spending on their highest service priorities.

The funding recommended for these agencies for FY 2004-05 represents a \$28 million (18%) decrease from the FY 2002-03 biennium. The funding provided for these agencies will be used to protect our water quality, reduce soil erosion, protect the health of our domestic livestock, educate citizens on environmental issues, and help farmers find ways to compete in the world market.

The magnitude of the projected budget shortfall and the desire to protect core government functions necessitates reducing or eliminating some functions. The Governor intends that agencies individually redesign their operations to minimize the disruption to public services as much as possible. It will also be important for them to collaborate with other agencies to consolidate operations, co-locate facilities, or otherwise cooperate to share services in order to reduce costs.

Examples of reductions in this area include a 20% average reduction in agency administrative costs, and \$13 million in reductions to grant programs.

The pages that follow provide more detailed information on individual agency spending history and budget plans for the next biennium.

I know that my staff, the agencies, and the Governor's Office all stand ready to provide you with additional information and assistance as necessary as you go about the difficult task of crafting a sound budget for the upcoming biennium.

Sincerely,

Dan McElroy
Commissioner

WATER & SOIL RESOURCES BOARD

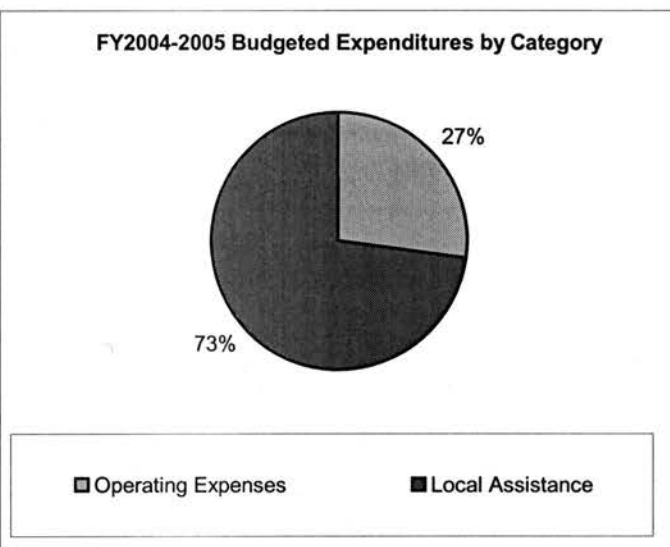
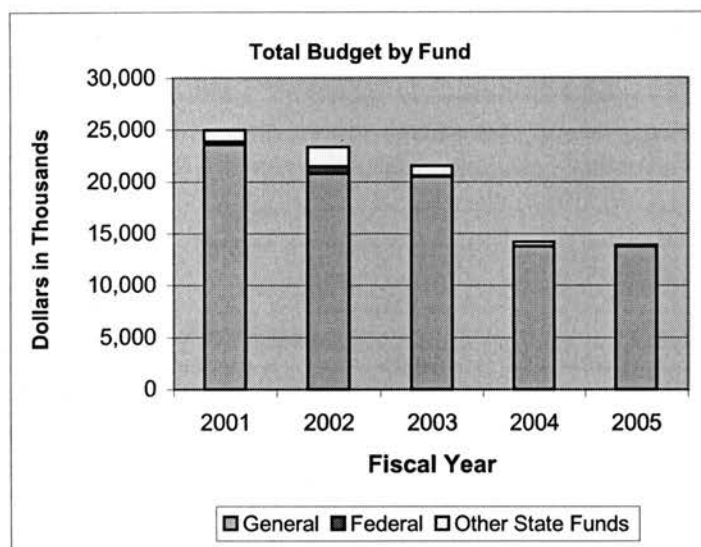
Budget in Brief

FY 2004-05 Expenditures (\$000s)

	General Fund	Other Funds	Total
2003 Funding Level	33,664	767	34,431
Biennial Appropriations	700	0	700
Legislatively Mandated Base	-280	0	-280
One-Time Appropriations	0	-500	-500
Adjusted Base Funding	34,084	267	34,351
Change Items			
Budget Reduction	-6,817	0	-6,817
LCMR Recommendation	0	292	292
Wetland Banking	256	0	256
Governor's Recommendations	27,523	559	28,082
Biennial Change, 2002-03 to 2004-05	-13,710	-3,099	-16,809
Percent Change	-33%	-85%	-37%

Brief Explanation Of Budget Decisions:

The biennial appropriation base adjustment was needed to reflect BWSR's use of its "carry-forward carry-back" authority. The legislatively mandated base adjustment reflects the "phase one" reduction BWSR received in the FY 2002 session. The one-time appropriation adjustment was for an LCMR project.



<i>Dollars in Thousands</i>	Actual FY2001	Actual FY2002	Preliminary FY2003	Governor's Rec FY2004	Governor's Rec FY2005	Biennium 2004-05
Expenditures by Fund						
Direct Appropriations						
Environment & Natural Resource	463	261	280	118	118	236
General	23,577	20,757	20,476	13,762	13,761	27,523
Minnesota Resources	0	1,365	0	0	0	0
Statutory Appropriations						
Special Revenue	684	331	684	321	2	323
Federal	265	653	84	0	0	0
Total	24,989	23,367	21,524	14,201	13,881	28,082
Expenditures by Category						
Operating Expenses	5,184	4,954	5,052	4,532	4,393	8,925
Capital Outlay & Real Property	96	101	0	125	0	125
Local Assistance	19,709	18,312	16,472	11,971	11,915	23,886
Transfers	0	0	0	-2,427	-2,427	-4,854
Total	24,989	23,367	21,524	14,201	13,881	28,082
Expenditures by Program						
Water & Soil Resrcs Bd	24,989	23,367	21,524	14,201	13,881	28,082
Total	24,989	23,367	21,524	14,201	13,881	28,082

WATER & SOIL RESOURCES BOARD

Fiscal Report

<i>Dollars in Thousands</i>						
	Actual	Actual	Preliminary	Governor's Rec		Biennium
Revenue by Type and Fund	FY2001	FY2002	FY2003	FY2004	FY2005	2004-05
Non Dedicated						
Environment & Natural Resource	0	0	12	0	0	0
General	45	99	51	128	128	256
Minnesota Resources	0	4	0	0	0	0
Subtotal Non Dedicated	45	103	63	128	128	256
Dedicated						
Special Revenue	546	551	500	182	2	184
Federal	438	395	68	0	0	0
Subtotal Dedicated	984	946	568	182	2	184
Total Revenue	1,029	1,049	631	310	130	440
Full-Time Equivalents (FTE)	58.4	52.2	50.8	45.9	45.9	

WATER & SOIL RESOURCES BOARD

Change Item: BUDGET REDUCTION

Fiscal Impact (\$000s)	FY 2004	FY 2005	FY 2006	FY 2007
General Fund				
Expenditures	(\$3,408)	(\$3,409)	(\$3,409)	(\$3,409)
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	(\$3,408)	(\$3,409)	(\$3,409)	(\$3,409)

Recommendation

The Governor recommends a reduction of \$3,408,000 in FY 2004 and \$3,409,000 in FY 2005. This reduction requires changes in both the business processes of the agency and the way the agency provides funds to local governments that provide soil, water and wetland protection programs on behalf of the state.

Background

The agency accomplishes its goals through the state's 91 soil and water conservation districts (SWCD), 45 watershed districts and counties, cities and townships implementing wetland protection and comprehensive local water management programs. This budget plan places priority on the agency's mission of achieving the state's objectives for clean air, clean water and abundant fish and wildlife habitat through the wise use and management of the state's 41.7 million acres of private land. The budget plan preserves:

- ⇒ The agency's core mission of soil erosion control and water conservation on private lands.
- ⇒ Cost-share assistance that offsets a portion of landowner cost for implementing soil and water conservation projects and feedlot pollution control abatement systems.
- ⇒ Technical assistance to farmers, ranchers and forestland owners through the agency's non-point engineering assistance program and the state's 91 SWCD's.
- ⇒ Technical and financial assistance to over 300 local governments, which carry out the state's mandatory wetland protection program.
- ⇒ The agency's alternative dispute resolution program for citizens that are aggrieved by local government decisions relating to the wetland conservation act, and watershed district projects and rules.
- ⇒ The agency's ability to partner with and leverage technical assistance and financial resources of the U.S. Department of Agriculture Natural Resources Conservation Service and Farm Service Agency, the Minnesota Pollution Control Agency and the U.S. Environmental Protection Agency.

This proposal eliminates funding and staff technical assistance for the state's voluntary Comprehensive Local Water Planning Act implemented by counties outside the seven county metropolitan area. Implementation activities funded through this program can be broadly categorized under the headings of education and information, monitoring and data collection, inventory and mapping, land use planning and regulation, and land and water treatment practices. Based on 2001 calendar year reporting, loss of funding will result in:

- ◆ 606 fewer education projects;
- ◆ elimination of 293 local surface and groundwater monitoring projects; and
- ◆ approximately 700 land and water treatment projects not being implemented.

Surface water planning in the seven metropolitan counties will not be affected by this reduction.

The reduction proposed is split between the agency operating funds and the agency grant programs. Operating funds will be reduced by 5% in this plan with the reduction primarily relating to support for local water management planning grants being eliminated in the proposal. The grant funds reduction represents a 25% reduction to grants. In addition to the water planning grant elimination, \$615,000 is being reduced from feedlot cost share per year. This reduction is possible because of the increase in federal funding that will be targeted for feedlots in this state from the USDA Environmental Quality Incentive Program. This reduction should not impact the target established for clean up and fixes of polluting feedlots because the money reduced by the state will be available from the federal program.

WATER & SOIL RESOURCES BOARD

Change Item: BUDGET REDUCTION

Relationship to Base Budget

The change item represents a 20% reduction in agency operating and grant funds. The budget reduction also requires the repeal of the State's local government road wetland replacement program, which has no longer been funded in bonding appropriations.

Key Measures

- ⇒ Increased accountability for local units of government.
- ⇒ Maximize Minnesota's share of federal farm bill conservation program funding.
- ⇒ Advancements towards one stop shopping for WCA.
- ⇒ Improved use of technology for processing grants and reporting accomplishments.

Alternatives Considered

Several alternatives were considered in management of the agency operating and grant programs. Also reviewed in this process were federal farm bill conservation programs that need to be leveraged. All proposals directly affect the agencies ability to deliver on the critical mission factors of the programs. In weighing the pro's and con's of all proposals, the impacts of the one presented seemed most manageable.

Specific proposals considered would have had the following impacts:

- ⇒ Across the board cuts.
- ⇒ Stop the GP2 permitting process and give up on assumption of 404.
- ⇒ No agency participation in technical panels for WCA.
- ⇒ All disputes would have to go to district court.
- ⇒ No maintenance performed on RIM easements.
- ⇒ Leave federal dollars earmarked for Minnesota conservation programs with the federal government.
- ⇒ Provide additional mandates and increase cost for local government to pick up state programs.

Statutory Change: M.S. 103B, 103C and 103G

WATER & SOIL RESOURCES BOARD

Change Item: WETLAND BANKING

Fiscal Impact (\$000s)	FY 2004	FY 2005	FY 2006	FY 2007
General Fund				
Expenditures	\$128	\$128	\$128	\$128
Revenues	\$128	\$128	\$128	\$128
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	0	0	0	0

Recommendation

The Governor recommends a proposed new fee for costs of wetland banking accounting and administration and the funding necessary to administer the wetland banking program. Significant increases in the workload associated with wetland bank accounting and administration have occurred as use of the bank has increased since it was established in 1993. The recommendation is to assess fees to cover bank administration costs associated with project reviews, legal documentation, client inquiries, reporting, database development and management, and accounting requirements necessary to maintain the state's wetland banking system.

Background

The face of wetland mitigation banking has changed substantially over the past 10 years in Minnesota and nationally according to recent reports by the Environmental Law Institute, the General Accounting Office of the federal government and two assessments of the state wetland banking system by interagency committees. The ELI study noted what has been occurring in Minnesota for several years, wetland mitigation banking has evolved from a small industry dominated by state and local governments to a growing commercial enterprise dominated by entrepreneurs. In Minnesota, activity in the wetland bank has grown to approximately 80 private accounts and over 20 public accounts.

Since the early 1990's federal agency guidance and legislation (Clean Water Act and Federal Farm Bills), state policies (Executive Orders 91-3. 00-02) and legislation (Wetland Conservation Act) have promoted the use of wetland mitigation banking, which allows developers and landowners to compensate for the negative impacts of their development projects on existing wetlands by paying for the restoration or creation of an off-site wetland.

Wetland mitigation banking is an innovative, market driven system that has improved the efficiency and effectiveness of state environmental standards, streamlined the state and federal regulatory processes for developers and landowners and provided entrepreneurs and land speculators with an income stream. However, thus far, the costs of the program have been borne by the public at large rather than the users of the system who are building, buying and selling the wetland credits.

Fees would be established for account maintenance; account establishment, deposit or transfer and withdrawal. The maintenance fee would be set at \$500.00 per year and generate and estimated \$40,000.00 per year. Establishment, deposit or transfer fee would be \$1,000.00 and would generate and estimated \$30,000.00 per year. The withdrawal fee would be 6.5% of the value of the credits and would generate \$58,500.00 per year.

Relationship to Base Budget

The workload associated with the bank was initially accommodated as part general Wetland Conservation Act program responsibilities but the growth of the banking system has greatly outstripped the capacity of the existing program staff. The reduction in agency staff available and the greater use of the wetland bank have created the need to establish a funding system to cover the cost of continued operation of the wetland bank.

Key Measures

- ⇒ High quality wetland restorations.
- ⇒ Accounting integrity for account holders and regulatory agencies.
- ⇒ Clear and legally sound processes for buyers and sellers.

WATER & SOIL RESOURCES BOARD

Change Item: WETLAND BANKING

- ⇒ Regulatory standards are met.
- ⇒ Regulatory simplification and efficient and improved wetland mitigation is achieved.
- ⇒ Fragmented impacts from projects are consolidated in well managed areas to provide habitat, water quality and other wetland functions generally at lower cost.

Alternatives Considered

Examples of alternatives considered include:

- ⇒ Eliminate the wetland banking program which would create a state liability to existing account holders.
- ⇒ Freeze on any new deposits, upsets market driven system and still has an 8 to 12 year workload component to manage existing accounts.
- ⇒ Convert the banking program into a private enterprise, which has complications because of being a regulatory program that serves standards also required by the federal government. (Not a short term solution.)
- ⇒ Convert the banking system to an entirely public system that would not include private development of credits except for the state acquisition of land but this would require a significant investment of capital funds.
- ⇒ Provide for a fee system driven by wetland account activity, project application or value of credits sold.

Statutory Change: M.S. 103G

WATER & SOIL RESOURCES BOARD

Change Item: LCMR RECOMMENDATIONS

Fiscal Impact (\$000s)	FY 2004	FY 2005	FY 2006	FY 2007
Environmental Trust Fund				
Expenditures	\$118	\$118	0	0
Future Resources Fund				
Expenditures	0	0	0	0
Great Lakes Protection Account				
Expenditures	56	0	0	0
Net Fiscal Impact	\$174	\$118	0	0

Recommendation

The Governor has recommended the elimination of the dedicated funding for the Future Resources Fund. The Governor is not making specific recommendations on LCMR projects at this point, but intends to provide a statement of the administration's priorities for Environmental Trust Fund projects at a later time.

Background

Local Water Planning Challenge Grants – \$790,000 from the Future Resources Fund to accelerate the local water planning challenge grant program. Local match required.

Updating Outmoded Soil Survey: Improving Existing Soils Database – \$118,000 each year from the Environmental Trust Fund to continue updating and digitizing outmoded soil surveys in Fillmore, Goodhue, Dodge, and Wabasha counties. Cost share is required.

February 10, 2003

TO: Board Members

FR: Tim Fredbo, Easement Specialist

RE: OLD BUSINESS – Continuation of Easement 51-02-91-01 Alteration Request,
Kathleen Kernstock, Murray County

This is a continuation of the original request that was tabled at the October 23, 2002 Board meeting. Ms. Kernstock wants to remove 29 acres in a perpetual easement and replace it with approximately 29 acres in an adjacent section to the south. A copy of the original request from the October meeting, dated Sept. 26, 2002, is attached for reference. The Board tabled the original request to await a response from the DNR Area Wildlife Manager as required by law.

I received the letter from Perry Loegering, DNR Area Wildlife manager, on October 25, 2002. Mr. Loegering has some reservations with the replacement plan, or exchange, as it was originally proposed. Mr. Loegering suggested in his letter that the proposal could be more acceptable to him if we were to require an additional 150 feet of buffer along the west side of the stream in Section 10.

The Murray SWCD and I have been attempting to work with Ms. Kernstock to see if this change would be acceptable to her. We have learned that she is trying to negotiate with potential purchasers of this property and trying to satisfy their needs as well. Hence the difficulty in getting a timely response from Ms. Kernstock..

STAFF RECOMMENDATION

In light of the difficulty we are having in getting Ms. Kernstock to agree with the latest proposal, I have decided to bring this decision item back to the Board at this time. It is my recommendation to the Board that you approve of this request with the requirement that 150 feet of additional buffer on the west side of the stream, and a 20 foot access strip up the east property line to the county road, all in Section 10, be required as a condition of approval for the exchange.

This would add approximately 5 acres to the replacement acre area bringing the total to 34.8 acres. I would request that the Board authorize staff to adjust the final acres if and when Ms. Kernstock decides to proceed with this alteration, preserving the buffer on both sides of the stream, the access strip, and a minimum of 29.8 acres as originally proposed.

The Board also has the option to approve of the request as it was originally submitted for the October Board meeting.



Minnesota Department of Natural Resources

Division of Wildlife
2431 26" ST., Slayton MN 56172
PHONE: (507) 836-6919
FAX: (507) 836-6317

10-24-02

OCT 25 2002

Tim Fredbo, Director
Board of Water and Soil Resources
One West Water St., Suite 200
St. Paul, MN 55105

R.E. Kathleen Kemstock, Kent Biever RIM exchange, Contract #51-02-91-01

Dear Mr. Fredbo:

After reviewing the above-described proposal, I am of the opinion that the State of Minnesota is not getting an exchange of equal or greater value. The proposal has some very positive aspects. I just don't think they are equal or greater to the loss of the other tract. The proposal describes exchanging a 29-acre tract in section 3 for 29.8 acres in section 10. I am assuming the original tract was enrolled under the pastured hillside program.

The exchange would provide a larger continuous tract of land that would protect almost 1/2 mile of Plum Creek, which is a definite improvement. However the width of the buffer area along the west shore of Plum Creek in the north half of the tract is very narrow. Perhaps the boundary along the west side of Plum Creek could be expanded to include a 150 foot wide buffer to protect Plum Creek from the pasture and farm site. Removal of the tract in section 3 would expose a portion of Plum Creek and a quarter mile of Plum Creek tributary to grazing.

I viewed portions of the area a couple years ago. The tract in section 3 have very few native plants growing on it which indicates heavy grazing took place on it in the past. A portion of the proposed trade contained some good quality prairie, and indicator that the area may not have been grazed as heavily as the tract in section 3. The western portion of the proposed trade is an irregular shape that is more difficult to maintain a pasture fence than the relatively straight boundary of the existing site in section 3, and may not be pastured with the frequency or intensity that the site in section 3 could be. Also the southeast portion of the proposed trade has a history of haying not grazing, a practice which I view to have less of a negative impact on Plum Creek.

No one can see into the future and see how these properties will be used. A parcel such as the one in section three with straight boundaries is much easier for fence maintenance and would probably have a higher tendency to be pastured more often than the proposed exchange parcel in section 10. I feel that without the added buffer to Plum Creek in section 10, the long term impact on Plum Creek will be better served to keep the parcels as is.

Thank you for allowing me to comment on this proposal. Feel free to contact me if you have any comments or questions on these issues.

Sincerely:

A handwritten signature in black ink, appearing to read "Perry C. Loegering". The signature is fluid and cursive, with the first name "Perry" being more prominent.

Perry C. Loegering
Area Wildlife Manager

- C. Wayne Edgerton, Agricultural Policy Director
Howard Konkol, Murray County SWCD

September 26, 2002

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Conservation Easement 51-02-91-01, Kathleen Kernstock

BACKGROUND:

Kathleen Kernstock has requested the state to remove 29 acres of land currently in a perpetual RIM Reserve conservation easement. The land is located in the SE ¼ of the SE ¼ of Section 3 in Holly Township, Murray County. She is proposing to replace it with 29.8 acres of land just to the south of this parcel in the NE ¼ of Section 10 of Holly Township. The original easement was recorded in August of 1992 on 49.8 acres, 29 acres in Section 3 and 20.8 acres in Section 10. Kathleen Kernstock has owned the land under easement since June 19, 2001.

The 29 acres under easement in Section 3 was eligible for RIM as a riparian hillside pasture. The 20.8 acres in Section 10 was eligible as marginal cropland. The State paid \$29,316.43 for this perpetual easement in 1992.

The 29.8 acres proposed as replacement acres are riparian pasture. The land is directly west of the 20.8 acres under easement in Sec. 10. This would place both sides of Plum Creek under easement. Ms. Kernstock is not requesting any practice establishment dollars for the replacement acres.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Ms. Kernstock has submitted a letter and an air photo in support of her request. She feels that her proposal will provide better protection for Plum Creek, improved wildlife habitat, and be safer for her home site.

Craig Christensen, District Technician for the Murray SWCD has considered Ms. Kernstock's request to exchange acres on this easement. He feels that this proposal would be beneficial for Plum Creek and the wildlife in the vicinity.

FINDINGS:

I have discussed this situation with Ms. Kernstock. The pasture in Sec. 10 has been grazed extensively. Livestock have access to Plum Creek. Placing the 29.8 acres in Section 10 under easement would better buffer the Creek, and keep livestock out of nearly a half mile of creek bed. Ms. Kernstock would use the released acres in Sec. 3 for

pasture. This pasture is fenced on the east side, west of the creek, so livestock will not be allowed direct access to the creek. There is a well near the old building site in Sec. 3 that will be used for stock watering.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED.** This proposed exchange would have a positive water quality impact on Plum Creek. Cattle would be excluded from the creek and pasture adjacent to the creek on steep land would be put under easement. Wildlife habitat would be protected and enhanced. No easement payment or practice payments will be made to Ms. Kernstock.
2. Deny the request to exchange. **NOT RECOMMENDED.** This is a reasonable request proposed by the landowner. This program needs to be flexible when the effects to the resources our easements are protecting are negligible or benefits are increased.

SWCD Technical Assistance Ad-Hoc Committee Report
2-7-03 DRAFT

On June 25, 2002 the MASWCD board made a motion to encourage BWSR to conduct a working group of SWCD representatives to focus on the future of how SWCDs provide technical assistance. Discussion items include: NPEA program, forestry, wetlands, and federal technical service provider issues.

MASWCD Board Action: The MASWCD Board of representatives provided the names of two SWCD Supervisors from each Area to serve on the SWCD Technical Assistance ad-hoc workgroup (facilitated by BWSR). The focus of this group was to develop options to maximize future NPEA program and technical services delivery through SWCDs. The following are the persons selected by the MASWCD Board as representatives and alternates to serve on the SWCD Technical Services ad-hoc work group (facilitated by BWSR).

Area I

- Phil Hamre, West Polk SWCD Supervisor
- Gary Johnson, Roseau SWCD Supervisor
- Alternate: Carol Berg, Hubbard SWCD Supervisor

Area II -

- Jerome Flottemesch, Becker County SWCD Supervisor
- Marv Stangl, Morrison County SWCD Supervisor
- Alternate - George Libbon, Stevens County SWCD Supervisor

Area III

- Merrill Loy, Carlton SWCD Supervisor
- Roland Cleveland, Chisago SWCD Supervisor
- Alternate: Gene Larson, Koochiching SWCD Supervisor

Area IV -

- Russ Schlegelmilch, Carver SWCD Supervisor & Chuck Uphoff, Stearns SWCD
- Ernie Larsen, Anoka Supervisor

Area V

- LeRoy Stensgaard, Pipestone SWCD Supervisor
- Steve Sunderland, Chippewa SWCD Supervisor
- Alternate: Clint Schuerman, Swift SWCD Supervisor

Area VI -

- Dave Trebelhorn, Sibley SWCD
- Duane Petrowiak, Martin SWCD.
- Alternate Ralph Stadick, Brown SWCD Supervisor

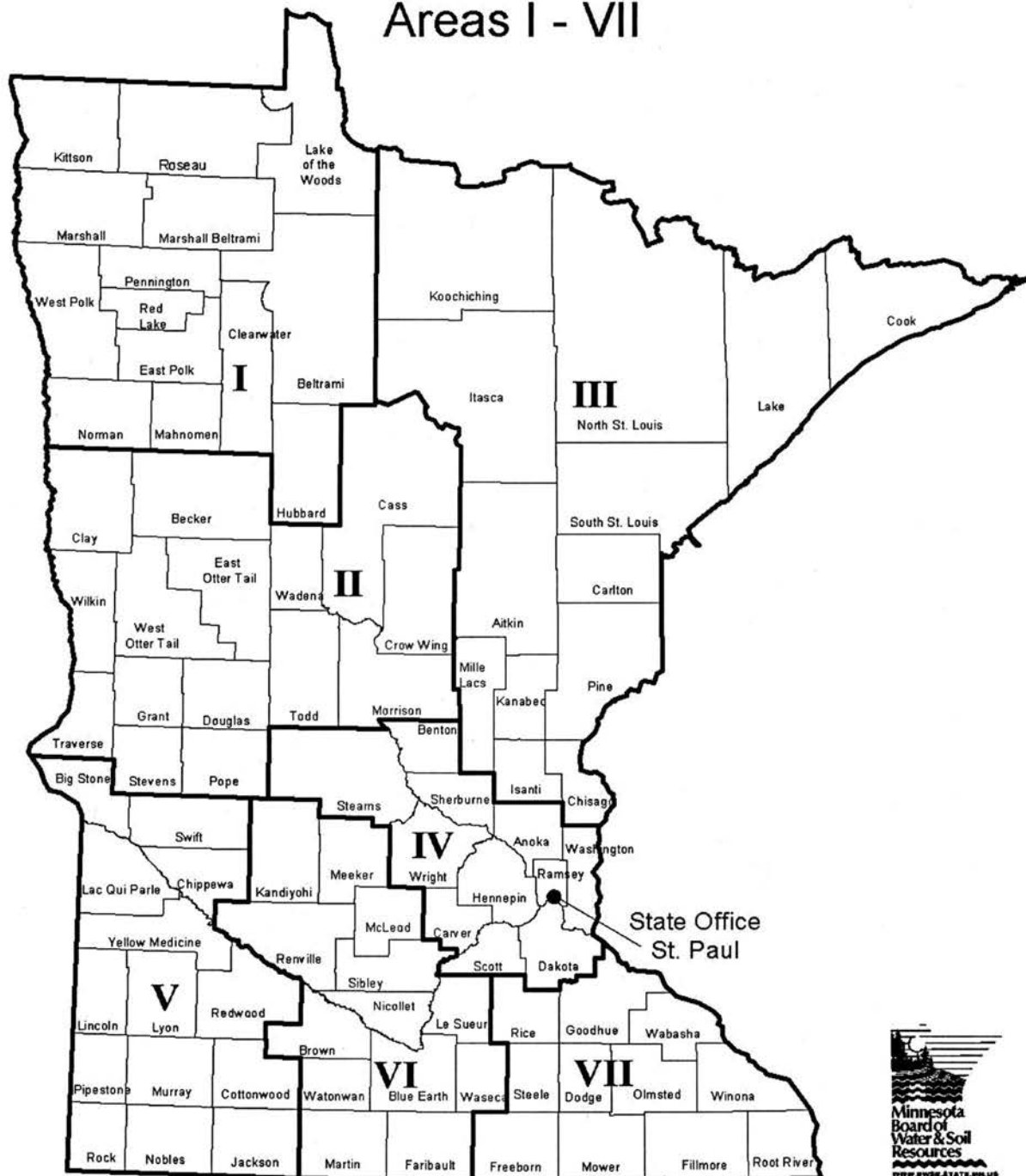
Area VII -

- Jim Gebhardt, Mower SWCD Supervisor
- Clarence Anderson, Rice SWCD Supervisor
- Alternate Glen Kinneberg, Root River SWCD Supervisor

MACDE representatives are:

- | | |
|---------------|----------------------------|
| Brad Matlack | Carlton SWCD |
| Chris Parthun | Beltrami SWCD |
| Gary Hoffman | Big Stone SWCD |
| Kyle Krier | Pipestone SWCD/MACDE Pres. |

Minnesota Association of Soil & Water Conservation Districts Areas I - VII



4/01

SWCD TECHNICAL SERVICES AD HOC COMMITTEE WORKGROUP PURPOSE AND GOALS

- I. What's the best way to do it? Recommendation on how we believe we can best establish a delivery system and scope of services for priority conservation activities
- II. How do we do it and who does what? Cover roles and responsibilities of various parties involved:
 - 1. BWSR
 - 2. MASWCD
 - 3. Host district managers
 - 4. staff
 - 5. JPB (if necessary)
- III. Areas of assessment:
 - 1. Determine Need for Regional SWCD Technical Services.
 - 2. Design sustainable structure for delivery of Regional SWCD Technical Services.
 - 3. Develop policy, technical and financial support mechanisms to sustain Regional SWCD Technical Services.
- IV. Output – Report to MASWCD and BWSR board
- V. Timeline – Finalize report no later than April 2003

Opportunity

Establishment of expanded/enhanced Regional SWCD Technical Services can set the stage for greater individual SWCD potential.

Problem = "identity"

Generally, the existing example of Regional SWCD Technical Services -- the NPEA JPBs -- are not thought of as of, by, and for member SWCDs. That is, the shared membership model is viewed as secondary to the "imposed" state program structure that created the 11 JPBs.

Areas of Attention (Based on NPEA experiences)

1. Identity

- A. State Program, or
- B. SWCD Shared Resource, or
- C. Local Government Shared Resource, or
- D. Local/State Shared Resource
- E. Name for service delivery

2. Marketing

- A. Internal Support
- B. External Partnerships

3. Structure: items to evaluate

- A. # of JPBs and boundaries
- B. alternatives to JPB
- C. watershed/basin alignment
- D. governance alignment
- E. consistency vs. diversity
(staffing, work priorities, revenue sources)

4. Funding

- A. State
- B. SWCDs
- C. Other (partnerships, fees)

SWCD TECHNICAL SERVICES AD HOC COMMITTEE MEETING DATES/AGENDA

October 10, 2002 Agenda

- Purpose, timeline, etc.
- NPEA history review
- Areas of Potential Services: Forestry, Wetlands, Federal technical service provider issues
- Look at other models: pro's and con's
- Clientle identification

November 21, 2002 Agenda

- Review notes from October 10, 2002 meeting
- Develop clear purpose, goals and understanding for the group's work
- Recommend alternative delivery structure

December 19, 2002 Agenda

- Review notes from November 21, 2002 meeting
- Description/ Purpose of / Benefits/ Benefits of SWCD Technical Center
- Alternatives evaluation using previously developed geographic and administrative criteria.

February 13, 2003 Agenda

- Review/Edit of draft committee report

Examples of SWCD Services Collaboration:

1. BALMM Group in Rochester: 2 SWCD offices spearheaded the collaboration that has existed since October 1999 through a MOU. The two district managers led formation regarding common needs of the Mississippi River and problems in the watershed. MPCA act as the fiscal agent and BALMM receives their funding from grants.
2. Becker/Hubbard County Ground Water Study: Collaborated with DNR, USGS, and received grant funds, local water planning funds, private money, county allocations, MDA, and contracts. Otter Tail River Watershed Organization: 3 SWCDs working together using BWSR and local water planning funds with a "loose" in formal agreement. Fiscal agent responsibilities are shared.
3. JPB works with the Buffalo/Red River watershed district and has very loose agreements on a project by project basis.
4. Chisago JPB used challenge grant funds to hire a technician for 3 months. The JPB and the district agreed to employ the technician for 6 months and at the end the JPB was able to keep the technician on as their employee.
5. 7 Metro SWCDs/NRCS employed a Shoreland stabilization position. They have a MOU amongst the 7 counties and they go around helping local districts complete their projects. The employee provides educational assistance. The Anoka SWCD acts as host district and provides administrative space and support. Applied for 2 more years of grant funds from NRCS and should be able to continue for 4 years. NRCS funds about 60% and the remaining 40% comes from the SWCDs. There was a formula for usage, depending on the hours worked, the districts are then billed for services.
6. Clearwater and Beltrami, in 1990, formed an alliance among 2 SWCDs via a contract, both donating cash to share a Forester. Beltrami was host district for 4-5 years. Now each SWCD has their own Forester position. They did not charge a fee for services.
7. RCRCA works with 9 counties strictly on watershed projects. They started with a budget of \$50,000 and currently spend between \$500 - \$600 annually coming from grants. Redwood SWCD is the fiscal agent and have between 3-5 employees. The collaboration has worked well but it's strictly on a watershed basis that resulted in approximately 20-30% reduction in sediment coming down the rivers.
8. BERBI River Basin: funded by grants, Martin SWCD fiscal agent, represent 9 counties, a county commissioner and SWCD on the board.
9. Lake Superior Association of conservation districts, districts with jurisdiction within in the watershed, no staff, have several contracts for GIS services and consulting forester for stewardship planning and receive grant funds. Fiscal agent responsibilities are shared. No dues so all work done is on grant money.
10. MN River JPB and CREP positions funded by multiple state agencies and SWCDs.

11. Carver County received money from Met Council to do work in Sibley County for buffers strips.
12. Intra-county Merger: Cass County formed alliance with Cass county board and merged SWCD with Environmental Services; SWCDs became county employees.
13. Inter-county Merger: Pipestone SWCD are merging with counties (and physically with NRCS). They secured SWCD funding and they were better able to serve the public and get more accomplished for enforcements.

Success Factors and **Benefits** of SWCD Technical Services Collaboration:

1. Needs comes up from landowner; Either JPB staff or NRCS staff work together; the public views the two organizations as the same.
2. Benefits for pooling money – gives more and better options when recruiting potential employees
3. Good grant writers
4. Need clear and competent leadership (staff and board) with ability to project and identify problems, obtain funds, and show results.
5. Need recognized by SWCD board and JPB was able to respond. Individually could not do as much with out that collaboration. Economies of scale.
6. Use state staff as facilitators with local board oversight. Eliminates local administrative costs and entanglements.
7. Collaborations have generated recognition on a federal level and have been successful in obtaining funding.
8. Visibility is enhanced and it could be an incentive for leveraging more funding.
9. Targeting a commonly shared resource that allows districts to target resource issues. Identification of needs and bringing together partners.
10. Learn and stretch into areas that may otherwise have never been done or known. When collaborating with different groups the SWCD (or JPO) becomes the lead agency and it adds to their visibility.
11. Gain more experience and expertise and the public see how agencies are working together for a shared goal and demonstrates efficiencies.

Obstacles to SWCD Technical Services Collaboration:

1. Funding threshold. Need for a base level of funding to make sharing possible.
2. Limited resources. Collaboration takes a lot of people time to make all the administrative connections (more meetings) and the tradeoff is difficult. Do I work with landowner or put projects on the land? Size or volume of threshold must be met to realize the efficiencies.
3. Turf issues. Giving up authority requires a trust that the benefits will come.
4. Risk of losing identity which can be diminished in a collaboration.
5. Partnering should be with those with common interests, problems, responsibilities and goals.
6. There can be a push toward bigger, more uniform, more clarity from top; not what is seen and desired from public they want access to services.
7. Not always meeting cost effective goal. If goals are not the same there's the potential of waste.
8. Loss of control- who's in charge with unfavorable decisions being made. Boards are not efficient at administrative functions, e.g. personnel.
9. Reversal of agreements and details are difficult to develop. Loose agreements are not thought out completely and it's not clear how to get out of the agreement.
10. JPB's feel district supervisors don't know what the technical staff is doing. Information is not being communicated with the districts as to what the JPB's are doing.
11. Communication gets more complicated. E.g. board to staff; board to board etc.
12. Attitude or lack of vision to see a common goal or the need to enter and then support the collaboration
13. Lack of ownership by members after the collaboration is created.
14. Inequities among partners. Is everyone getting their fair share of the pie?

Potential Regional SWCD Technical Services Offerings:

1. "Conservation Engineering" (NPEA)
2. Private Forest Management
3. Shared engineering services: road/county engineering
4. Wetland Specialists: WCA and Restoration
5. Watershed Management and Water Quality
6. Flood control; planning, prevention
7. Public relations; e.g., newsletters, press releases in local paper
8. Nutrient Management Specialist; e.g., Feedlot Specialist, Manure Management, Runoff Management
9. Erosion control plans for road issues, plats, and ordinances
10. Construction site erosion control and Low Impact Development (LID)
11. NPDES construction site review and permitting
12. Technical and grant writer
13. Conservation planner, e.g., grazing lands
14. Technology (externally) – GIS, GPS, land records, web reporting, e-link
15. Administrative (internally) – network and software support, audit and bookkeeping support
16. Conservation Easements Specialist
17. Native grass management; e.g., fires, vegetative management on private lands, burning, native plant intro.
18. Limnologist/Aquatic Biologist
19. Hydrogeologist
20. Lakeshore/ shoreline stabilization; erosion control management prevention
21. Soil Scientist; e.g., Septic, Feedlots, crop productivity, hydric soil interpretation, soil history
22. Dispute resolution, mediation related to natural resource issues

Note to remember: Conflicts of interest, private competition

Potential Regional SWCD Technical Services Clientele:

1. SWCD's
2. Cities
3. Developers
4. Counties, e.g., Highway Department, Planning and Zoning
5. Townships, e.g., Roads
6. Landowners, e.g., Feedlot Operator
7. Realty Agencies
8. Watershed Districts
9. Lake Associations
10. Tribal Governments
11. Private conservation organizations, e.g., Pheasants Forever, Ducks Unlimited
12. Other state and federal agencies, e.g., DNR, PCA, NRCS, Health, BWSR, and USFWS, COE
13. State Legislature

Internal Marketing/Administrative Ideas

1. Study alternative Costs, availability per hour, per type of job, contracts with private or public organizations, NRCS, etc.
2. State focus on capability; local/SWCD focus on priorities.
3. Link and compare to NRCS work
4. Attend meeting both at state conventions, presentations at area meetings, BWSR agenda, market accomplishments
5. Long-term funding solidification would help in the marketing of this program for the future; if the funds are not going to be there some district run the risk of not being funded.
6. Show results (using pictures) to the members and stakeholders.
7. Market how we work with locals and lobby for taxing authority and levy.
8. Would it be easier or harder to market and sell under a different name for each JPO?
9. NPEA grant to individual SWCDs to be passed onto the JPBs. BWSR→SWCDs →JPBs
10. Make part of the base SWCD allocation for "Conservation Engineering/Technical Assistance".
11. Put as a part of total BWSR appropriation.

How would you describe the current NPEA JPB model?

Survey Question Results:

Results

4	1	JPB's are SWCD Area Engineering
0	2	Local and state shared resources to share engineering specialist
5	3	Partnership to provide engineering and technical assistance to SWCDs through joint powers agreements
3	4	A technical assistance program to assist SWCDs in the implementation of SRF projects and/or others conservation projects approved by the local joint powers board.
1	5	Cooperative engineering services for SWCDs and other conservation organizations.
0	6	Sharing resources and technology to meet the needs of SWCDs.
1	7	Engineering expertise to assist SWCDs and other agencies.
0	8	Area engineering assistance for local government.
2	9	SWCD shared program for technical services funded by the state.
0	10	Program to provide technical assistance to landowners to apply conservation practices.
0	11	An officially aligned group of SWCDs who share a common interest and commitment in implementing soil and water practices on behalf of the landowner.
1	12	Public funded organization with services that can assist landowners in their conservation efforts.
1	13	BMP implementation practice program for practices needing engineering assistance that is not otherwise provided to SWCDs.
0	14	Engineering assistance to accompany State Cost Share and SRF to get conservation projects implemented
2	15	Conservation engineering carried out cooperatively through SWCDs funded by state government
2	16	Engineering assistance to landowners through the local SWCD's to implement conservation practices.
8	17	Local joint powers boards formed for SWCDs to hire engineering and technical assistance for conservation projects
0	18	SWCD driven program for delivering conservation technical (or engineering) services to public and private landowners.

SWCD TECHNICAL SERVICES AD HOC COMMITTEE
Potential Names

- SWCD Engineers
- Conservation Services Center
- SWCD CEA (Conservation Engineering Services)
- Conservation Engineering
- SWCD Technical Center (for broader services)
- SWCD Technical Service Providers
- Conservation Engineering Services Center
- SWCD Conservation Technical Services (Center)
- Conservation District Technical Center
- SWCD Regional Conservation Services (e.g. lakes, trees, funding, GIS)
- Conservation Engineering Services
- Others: Non Point, SRF, Environmental

RESULTS OF PROPOSED SWCD TECHNICAL SERVICES DELIVERY NAMES

Note: From the October 2002 meeting the attendees were ask to rank their top choices for a proposed description and names for the organization and e-mail them to Michelle Lewis at BWSR before the next meeting. From the list of 18 naming options here are the top 4 the committee voted on:

1. # 17 – Local joint powers boards formed SWCDs to hire engineering and technical assistance for conservation projects - 8 votes
2. # 3 - Partnership to provide engineering and technical assistance to SWCDs through joint powers agreements - 5 votes
3. # 4 - Job's are SWCD Are Engineering 4 - votes
4. # 1 - A technical assistance program to assist SWCDs in the implementation of SRF projects and/or others conservation projects approved by the local joint powers board - 3 votes

Naming results summary:

- A. The proposed name list has one thing in common – SWCD. The current JPBs believe SWCD are primary clientle.
- B. Should associate the group with the word *Conservation* because that's what the group does.
- C. SWCD regional technical center was suggested
- D. Could replace *SWCD* with the words *Conservation Districts* only dropping Soil and Water.
- E. Conservation District Regional/Area Technical Center/Services
- F. SWCD Technical Center/Services is the name the group has recommended.

Options for realigning SWCD Technical Services

- 1a. Watershed Alignment
- 1b. Ecoregion (quasi)
2. NRCS Area = MASWCD Areas (7) with same or Complimentary offices
3. Let SWCDs create on own by combining their funding and resources. (E.g. school districts)
4. New common name, same JPB boundaries
5. Change the 7 MASWCD areas to match JPB area (11 or a new number)
6. Consolidate or eliminate one or more JPBs (e.g., those with no employees)
7. Consider boundaries and staffing based on highest priority technical assistance needs - allow for non-engineering specialists with BWSR grant change
8. Billing among districts for services. E.g. Anoka/Metro NRCS positions (50%)
9. Use MOAs rather than JPB with host district (and host district with BWSR)
- 10a Boundaries based on workload formula
- 10b 100% competitive over a multi-year period.
11. Contract for services with private sector
 - a. Independent (Districts)
 - b. Collective (JPB)
12. JPB/SWCD grant used to contract/hire local, state, or federal employee.

CRITERIA to consider FOR REALIGNING SWCD TECHNICAL SERVICES

1. TRAVEL DISTANCE – Evaluates the amount of staff time spent traveling - an operating cost. Generally, the larger the structure area, the more time spent traveling.
2. SHARE TECHNOLOGY – Evaluates the ability of the structure to share technology with and from other available public and private sources.
3. COMPATIBILITY WITH OTHER GOVERNMENTS – Evaluates the ability of the structure to coordinate with and complement other existing units of government to maximize efficiencies and provide service, including, operating as a “technical service provider” (TSP).
4. MANAGEMENT – Evaluates the ability of the structure to perform roles including supervision, clerical, equipment and supplies, space, and administration.
5. OPERATING EFFICIENCY - Evaluates the ability of the structure to minimize operating costs.
6. SERVICE DELIVERY – Evaluates the ability of the structure to provide the desired level of service.
7. STABILITY – Evaluates the ability of the structure to obtain consistent funding, provide long term funding for management and staff.
8. PRIORITY SETTING – Evaluates the ability of the structure to establish workload priorities and deliver assistance as prioritized.
9. STATE COVERAGE – Evaluates the ability of the structure to provide statewide seamless coverage.
10. RE-ORG COSTS – Evaluates the costs of implementing a structure change from the current 11 JPB areas.
11. PRIVATE CONSULTING - Evaluates the ability of the structure to utilize private consultants.
12. PUBLIC CONSULTING - Evaluates the ability of the structure to utilize public consultants.
13. ACCOM. NON-ENG SPEC. – Evaluates the ability of the structure to accommodate specialists other than non-point engineering.
14. CLEAR IDENTITY - Evaluates the ability of the structure to be identified as a “special” entity.

ALTERNATIVE STRUCTURES FOR REALIGNING SWCD TECHNICAL SERVICES

1. CURRENT JPB AREAS – This structure is the current 11 NPEA JPB area structure.
2. ECO-REGION ALIGNMENT (QUASI) – This structure would align boundaries to the closest SWCD boundaries that correspond to DNR eco-regions. Eco-regions may be grouped.
3. ADOPT NRCS/MASWCD AREAS – Structure boundaries would be aligned according to the seven current NRCS/MASWCD area boundaries.
4. DECREASE THE # OF JPBs - Decrease the number of JPBs from 11 to a lower amount. JPB boundaries would be re-drawn.
5. WORKLOAD BASED AREAS – Structure areas would be based on the amount of workload within a geographic area. Structure boundaries would be redrawn.
6. COMP. BASED ALLOC. – NPEA funding would be based on competitive application for the funds from SWCDs, SWCD groups, or JPBs.
7. WATERSHED ALIGNMENT – This structure would align shared technical assistance boundaries with major watershed boundaries.

ADMINISTRATIVE OPTIONS

1. JPB billing SWCDs for services provided in their SWCD.
2. Dissolve JPBs and operate under MOAs.
3. JPBs contract for services.

RECCOMENDATIONS

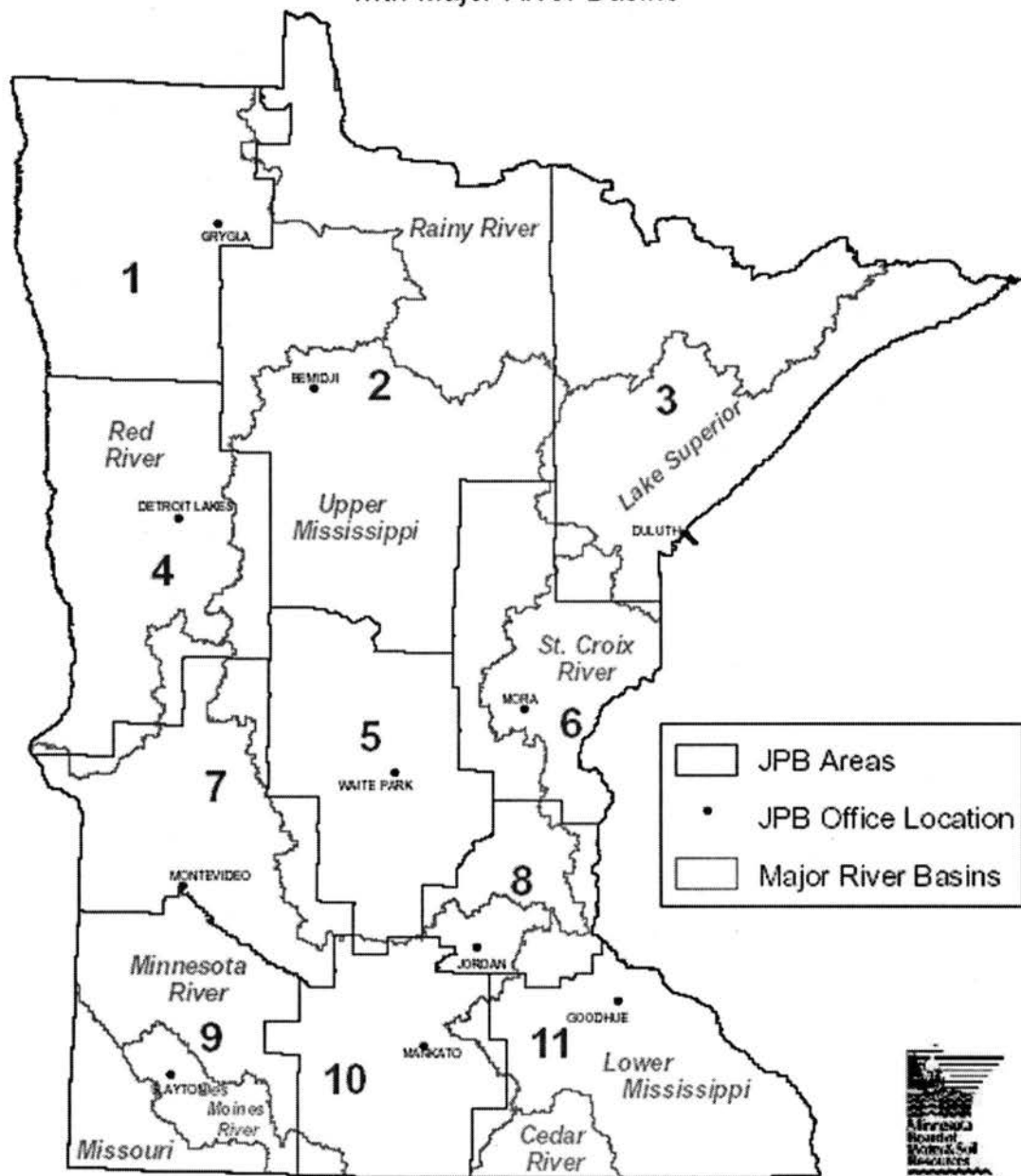
Appendix A - ALTERNATIVE STRUCTURES EVALUATION MATRIX

ALTERNATIVE STRUCTURES FOR TECHNICAL ASSISTANCE DELIVERY: EVALUATION								
CRITERIA	OPTIONS	1	2	3	4	5	6	7
		CURRENT JPB AREAS	ECOREGION ALIGNMENT (QUASI)	ADOPT NRCS/MASWCD AREAS	DECREASE # OF JPBs	WORKLOAD BASED AREAS	COMP. BASED ALLOC.	WATERSHED ALIGNMENT
1 TRAVEL DISTANCE								
2 SHARE TECHNOLOGY								
3 COMPAT. W/ OTHER GOV'T.								
4 MANAGEMENT								
5 OPERATING EFFICIENCY								
6 SERVICE DELIVERY								
7 STABILITY								
8 PRIORITY SETTING								
9 STATE COVERAGE								
10 RE-ORG. COSTS								
11 PRIVATE CONSULTING								
12 PUBLIC CONSULTING								
13 ACCOM. NON-ENG. SPEC.								
14 CLEAR IDENTITY								

Appendix B

(INSERT PDF MAP OF JPBs w/ MAJOR RIVER BASINS)
JPB_riverbasins.pdf

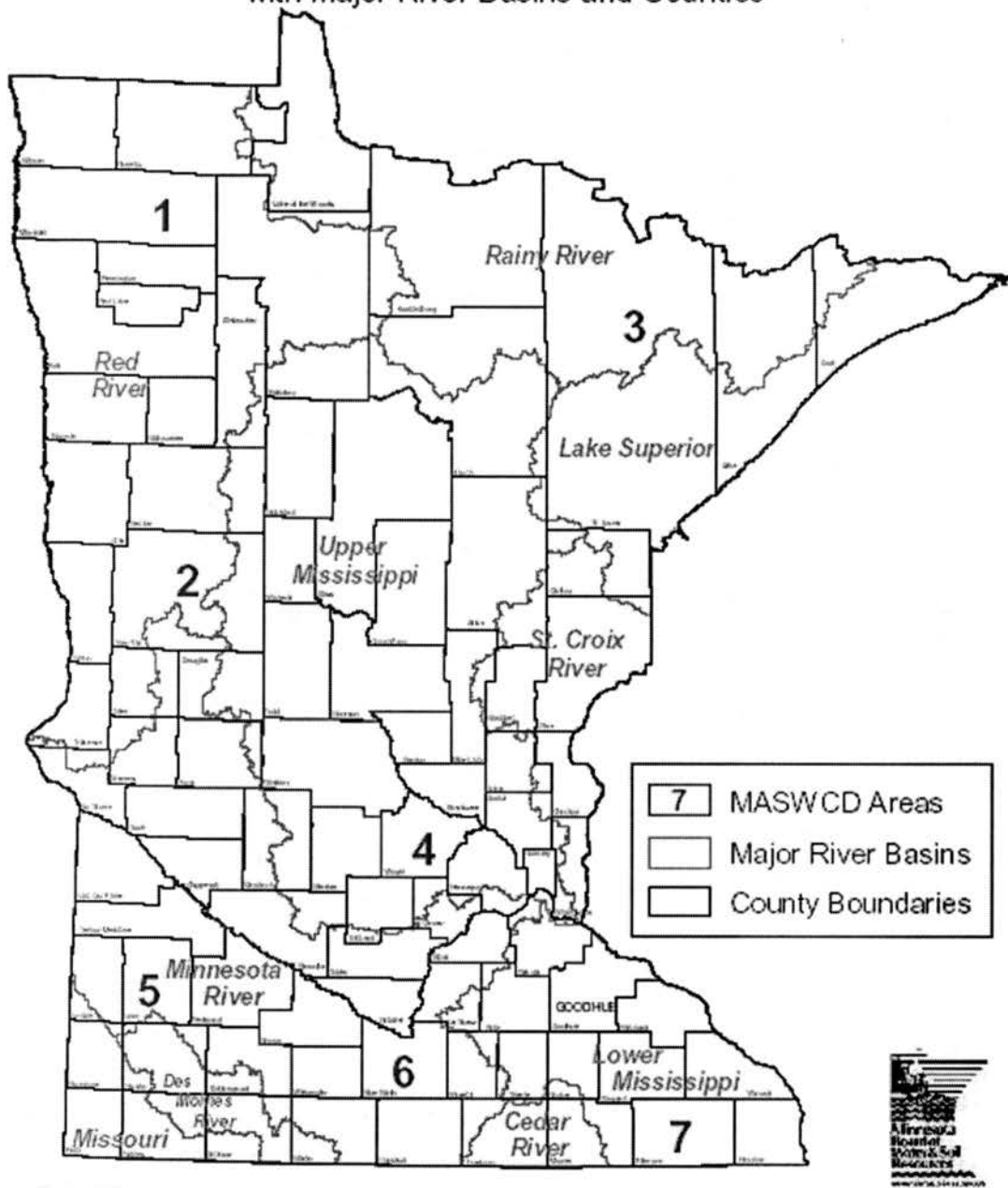
Joint Powers Board Areas with Major River Basins



October, 2002



MASWCD AREAS with Major River Basins and Counties



October, 2002

Appendix D - Nonpoint Engineering Assistance (NPEA) Program: Staff Directory November 18, 2002

	JPB Name & Host SWCD	Position	Name	Phone Number	E-mail Address
1	<i>Northwestern MN</i> Marshall-Beltrami SWCD 231 E State St. Grygla, MN 56727	SWCD Mgr. Engineer Technician	Cheryl Sistad Jim Hest (vacant)	218-294-6144 218-294-6142 Fax: 218-294-6182	chs1@gvtel.com jah@gvtel.com
2	<i>North Central MN</i> Beltrami SWCD 3217 Bemidji Ave. N Bemidji, MN 56601-4328	SWCD Mgr. Engineer Technician	Chris Parthun Jon Hodgson Chad Severts	218-755-4339 218-755-4341 218-755-4341 Fax: 218-755-4342	cep@mn.usda.gov jdh@mn.usda.gov cjs@mn.usda.gov
3	<i>CCLNS</i> S. St. Louis SWCD 215 N 1st Ave. E, Room 110 Duluth, MN 55802	SWCD Mgr. Engineer Technician	R. C. Boheim Cory Horton Ron Hansen	218-723-4867 218-723-4865 218-723-4865 Fax: 218-723-4731	r.boheim@southstlouisswcd.org cory.horton@southstlouisswcd.org ron.hansen@southstlouisswcd.org
4	<i>West Central MN</i> Becker SWCD 809 8th St. SE Detroit Lakes, MN 56501	SWCD Mgr. Engineer Technician	Brad Grant Al Broyles Jeff Haverland	218-846-7360 218-846-7381 218-846-7381 Fax: 218-846-7380	brad.grant@mn.usda.gov wcmjpb@tekstar.com wcmjpb@tekstar.com
5	<i>Central MN Cluster 5</i> Stearns SWCD 110 2nd St. S., Suite 128 Waite Park, MN 56387	SWCD Mgr. Engineer Technician	Dennis Fuchs Mike Mayer Steve Girard	320-251-6718 320-654-5965 320-654-5965 Fax: 320-251-9171	dennis.fuchs@mn.usda.gov mmm2@mnwaitepar.fsc.usda.gov scg@mnwaitepar.fsc.usda.gov
6	<i>IMPACT 6</i> Kanabec SWCD 214 NW Railroad Ave. Mora, MN 55051	SWCD Mgr. Engineer Technician	Kelly Osterdyk Nicole Sternquist Nick Rydberg	320-679-3982 320-679-3982 320-679-3982 Fax: 320-679-4692	kelly.osterdyk@mn.usda.gov nicole.sternquist@mn.usda.gov nick.rydberg@mn.usda.gov
7	<i>MN River Source</i> Chippewa SWCD County Courthouse Montevideo, MN 56265	SWCD Mgr. Technician Technician	Jean Diggins Glenn Carlson Paul Toft	320-269-2139 320-269-8513 320-269-8513 Fax: 320-269-8593	jld@mnmontevid.fsc.usda.gov gjc@mnmontevid.fsc.usda.gov pst@mnmontevid.fsc.usda.gov
8	<i>Assn. of Metro SWCDs</i> Scott SWCD 7151 W 190th St., Suite 125 Jordan, MN 55352	SWCD Mgr. Engineer Technician	Pete Beckius (use private consultants)	952-492-5425 Fax: 952-492-5422	pbeckius@co.scott.mn.us
9	<i>Southwest Prairie</i> Murray SWCD 2740 22nd St., Suite 3 Slayton, MN 56172	SWCD Mgr. Engineer Technician Technician	Howard Konkol Scot Leddy Mike Skoglund Mike Timmerman	507-836-8933 507-836-6061 507-836-6061 507-836-6061 Fax: 507-836-6697	hjk@mnslyton.fsc.usda.gov sdl2@mnslyton.fsc.usda.gov mgs@mnslyton.fsc.usda.gov mgt@mnslyton.fsc.usda.gov
10	<i>Zone 10</i> Blue Earth SWCD 1160 Victory Drive Mankato, MN 56001	SWCD Mgr. Engineer Technician	Tony Abrahamson Kyle Vogt Greg Schemmel	507-345-4744 507-345-7418 507-345-7418 Fax: 507-345-6036	tony.abrahamson@mn.usda.gov kyle.vogt@mn.usda.gov greg.schemmel@mn.usda.gov
11	<i>Southeast SWCD Technical Support</i> Goodhue SWCD 104 E 3rd Ave. Goodhue, MN 55027	SWCD Mgr. Engineer Technician	Glen Roberson John Adams (vacant)	651-923-5286 651-923-5286 Fax: 651-923-5288	glen.roberson@mn.usda.gov john.adams@mn.usda.gov
	Winona SWCD P.O. Box 39 Lewiston, MN 55952	Engineer	Pete Fryer	507-523-2171 Fax: 507-523-3717	peter.fryer@mn.usda.gov

**BOARD OF GOVERNMENT INNOVATION & COOPERATION
PILOT PROJECT FOR MANAGEMENT OF LAND AND WATER RESOURCES**

The goal of this study was to clarify roles and responsibilities of local and regional public authorities that manage and influence land and water resources in the Greater Blue Earth River Basin in south central Minnesota. Included in the analysis are eleven counties, eleven soil and water conservation districts (SWCDs), and two joint powers organizations. Counties make up the membership in one of these organizations; SWCDs are represented in the other. The multi-county joint powers organization has thirteen members, but two of the members are outside the Greater Blue Earth River Basin and, therefore, did not actively participate in the study. Seven of the eleven SWCDs belong to the SWCD joint powers board.

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.

Methods used included literature reviews, interviews, and large group and small group interaction. The process culminated in a recommendation to dissolve the two current joint powers boards and enter into a new joint powers agreement represented by the eleven counties and SWCDs in the Greater Blue Earth River Basin. Action on the recommendation is pending.

**BOARD OF GOVERNMENT INNOVATION & COOPERATION
PILOT PROJECT FOR MANAGEMENT OF LAND AND WATER RESOURCES
FINAL REPORT
LWR-00-02
December 2002**

Study Overview

The goal of this study was to clarify roles and responsibilities of local and regional public authorities that manage and influence land and water resources in the Greater Blue Earth River Basin in south central Minnesota. Included in the analysis are eleven Counties, eleven Soil and Water Conservation Districts (SWCDs), and two joint powers organizations. Counties make up the membership in one these organizations; SWCDs are represented in the other.¹

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.

Methods used included literature reviews, interviews, large group, and small group interaction. The process culminated in a recommendation to dissolve the two current joint powers boards and enter into a new joint powers agreement represented by the eleven Counties and SWCDs in the Greater Blue Earth River Basin. Action on the recommendation is pending.

Copies of committee minutes and other pertinent summary materials are included in appendices to this report.

Principal study components

- Selection of appropriate authorities to include in the analysis. Joint powers organizations and other regional authorities are of particular significance, in addition to Counties and Soil and Water Conservation Districts.
- Description of statutory and informal duties, roles, and responsibilities of each authority. Summary and description of programs and other services administered by each.
- Explanation and discussion of interactions and relationships among authorities in relation to expectations about program outcome; determination of level and scope of services provided. Identify areas of overlap, duplication, and non-coverage.
- Summarize findings in the form of recommendations for alternative organizational structures to achieve land and water resource goals and objectives.

¹ The multi-county joint powers organization has thirteen members but two of the members are outside the Greater Blue Earth River Basin and therefore did not actively participate in the study. Seven of the eleven SWCDs belong to the SWCD joint powers board.

Background

Since the mid-1990s, staff and elected officials in south central Minnesota Counties and Soil and Water Conservation Districts (SWCDs) have been searching for ways to improve cooperation and communication, and to achieve a more coordinated approach to land and water resource protection. In general, there has been widespread belief that people are attending too many meetings, too many water-related organizations are competing for scarce resources, and distinctions between various boards and organizations are becoming less and less clear. These developments coupled with increasing demands on local government to financially support several regional groups led people to believe that there must be better, more productive, ways to get the job done. It was suggested by some that it might be desirable to consolidate some of the existing groups and thereby reduce the amount of time and resources expended. Alternatively, if the range of groups and organizations active in the region were necessary, and consolidation wasn't the answer, then it was important to clarify responsibilities and develop improved methods of communication.

Shortly before and during the time local officials and staff began raising questions about organizational issues and started trying to sort out roles and responsibilities, state land and water resource protection programs were undergoing a transition. This transition actually started in the late 1980s when agencies such as the Department of Natural Resources (DNR), Minnesota Pollution Control Agency (MPCA), and the Board of Water and Soil Resources (BWSR) began advocating for a more watershed-based approach, particularly with respect to implementation. This shift in focus was clearly reflected in the Comprehensive Local Water Management Act that required planning on a hydrologic or watershed scale, and in the Clean Water Partnership grant program that supports watershed-based studies and implementation projects. Also, during this timeframe, the Minnesota River Basin emerged as a focal point and efforts were underway to organize and manage implementation programs on a major watershed scale (Blue Earth, Le Sueur, Watonwan, etc.).

In addition to basic units of local government, south central Minnesota is home to two longstanding and successful joint powers organizations dedicated to land and water resource management. Interestingly, both organizations arose in response to state actions, and beginning in about 1997, these two organizations have been at the center of debate over how to fund and implement regional water resource programs.

The South-Central Minnesota Comprehensive Local Water Planning Project (SCMCCWPP) was established in 1987 by the counties of Freeborn, Faribault, Martin, Jackson, Cottonwood, Watonwan, Blue Earth, Waseca, Steele, Brown, Nicollet, Sibley and Le Sueur. The agreement was revised in 1989. The impetus for forming SCMCCWPP was enactment of the Comprehensive Local Water Management Act that enabled counties to develop and implement county water plans. The counties in SCMCCWPP saw a clear advantage in being organized and being able to collectively capitalize on grant opportunities to further mutual goals and objectives.

The purpose of the SCMCCWPP agreement is to enable member counties to develop comprehensive water plans for the purpose of identifying existing and potential problems and opportunities for the protection, management, and development of water and related land resources; and, to develop objectives and carry out a plan of action to promote sound hydrologic management of water and related land resources, effective

environmental protection and efficient management. The organization is funded by in-kind and direct contributions from each of the thirteen counties as determined by the policy committee and ratified by each individual county board.

Another feature of SCMCCWPP is a close working relationship with the Water Resources Center (WRC) at Minnesota State University, Mankato. Annual appropriations by SCMCCWPP to the WRC have at various times been used to support staff and match grants to undertake studies and projects of regional significance.

The Board of Water and Soil Resources (BWSR) provided a clear incentive (though not the only one) for the Blue Earth River Basin Initiative (BERBI) to remain viable when it earmarked a portion of state cost-share funds for watershed projects in the Minnesota River Basin. Organized in 1993, BERBI is represented by seven SWCDs: Blue Earth, Cottonwood, Jackson, Martin, Steele, Waseca and Watonwan. The original BERBI joint powers agreement was amended in 1997 and again in 2000 to allow the organization to take on broader responsibilities.

The major purpose of BERBI is to improve the Blue Earth River system, including the Le Sueur, Watonwan, and Blue Earth Rivers, by providing comprehensive watershed management directed toward implementation of practices to improve water quality. Funding for the organization is provided through a combination of local (County/SWCD) appropriations and grants.

Another management system found its way into the Greater Blue Earth River Basin in the late 1990s when MPCA introduced Watershed Implementation from the Local Level, or WILL as it came to be known. The WILL process was intended to integrate existing planning and implementation activities into a watershed focus and to compliment efforts already underway within the framework of the Clean Water Partnership Program. Though partially successful, the process introduced more complexity into the region by creating three additional watershed teams to go with the two joint powers boards and the eleven Counties and eleven SWCDs that were already struggling to sort things out.

Conditions in the Greater Blue Basin in 2001 were such that BERBI and SCMCCWPP were at odds over how to move forward with a watershed-based approach. Watershed teams developed through the WILL process were unsure of their role. State grants were being made or withheld for reasons not entirely clear to applicants. In addition, the local role in the Minnesota River cleanup effort was still not clearly defined.² Finally, a Resource Conservation & Development Council representing the same Counties and SWCDs already belonging to SCMCCWPP and BERBI was seeking formal authorization. Its affect on the region was still unknown, though it was being suggested that the RC&D would play a part in watershed management. Not surprisingly, in the course of many different regional meetings, feelings of confusion and frustration were routinely expressed whenever the discussion turned to activities in the Greater Blue Earth River Basin.

² Counties in the Basin, in addition to being members of SCMCCWPP, also are members of the Minnesota River Basin Joint Powers Board, a thirty-seven county joint powers organization. See Figure 7.

Major Activities

Against this background of confusion and frustration, the study began in the summer of 2001 with two facilitated meetings of County Commissioners, Soil and Water Conservation District (SWCD) Supervisors and County/SWCD staff in the eleven county area representing the Greater Blue Earth River Basin (see attached map). Participants quickly identified the desirability of a cohesive Greater Blue Earth River Basin organization and the appropriateness of having an organization with representation from both Counties and SWCDs. The Water Resources Center at Minnesota State University, Mankato was listed as the third key element in this new coalition. In addition to this core group of internal stakeholders, participants identified a large number of external stakeholders whose support would need to be enlisted to help insure success. Included in this category are interest groups, state and federal agencies, and private organizations. Figure 1 provides a complete listing of internal and external stakeholders identified by the group.

These two sessions generated a wealth of material related to perceived current and past problems, particularly with respect to communication and cooperation. A list of possible solutions to these and other problems was also compiled. Additionally, participants began discussing structural alternatives (e.g. joint powers board, or watershed district) and drafted suggestions on the purpose, mission, short term, and long-term goals of a new organization. Figures 2, 3, & 4 contain the full range of ideas and suggestions related to problems, solutions, mission, and goals that were generated during the two sessions.

The next step was formation of a small working committee that was empowered 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 twenty-two Counties and SWCDs in the Basin. Membership on the Committee was voluntary and somewhat fluid. The Committee had representation from each of the key groups and members tended to be those individuals with the greatest interest or stake in the outcome. Committee meetings were facilitated by the Water Resources Center.

Committee work was preceded by a literature review and survey of local resource managers that 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. This report is contained in the appendices.

Work of the Committee proceeded as follows:

- 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, MPCA Clean Water Partnership grant program). This information is contained in Figure 5.

- A matrix (Figure 6) 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 (Figure 7) showing local government participation in multi-county organizations, seventeen in all.
- In August 2001 the Committee drafted a Memorandum of Understanding (MOU) between Counties and Soil and Water Conservation Districts (SWCDs) in the Greater Blue Earth River Basin (Figure 8). The purpose of the MOU was to establish an understanding of how Counties and SWCDs in the Basin could 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
- 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 to follow in making a transition from the existing organizational structures (BERBI and SCMCCWPP) to the new. Figure 9 lists articles of agreement along with a sample budget, a description of the Alliance's relationship to other boards and organizations, an organization chart, and a suggested transition schedule.
- A draft joint powers agreement (Figure 10) establishing the Greater Blue Earth River Basin Alliance was presented for discussion on January 30, 2002. Included in the agreement was a formula apportioning administrative costs among the eleven member counties, something participants viewed from the outset as an important condition of organizational success.
- The joint powers agreement and funding formula was discussed and approved by County/SWCD representatives (one from each Board) in March 2002.³ Formal adoption by the twenty-two Counties and SWCDs in the Basin was recommended.

Throughout the course of committee and large group meetings, support for a joint powers agreement of Counties and SWCDs in the Greater Blue Earth River Basin remained steady. Questions about the new organization's value and purpose, duties and responsibilities of the Board and Technical Committee, funding, and various other administrative details were fully discussed during the course of drafting and revising the agreement.⁴

It appeared then, that when consensus was reached on the content of the joint powers agreement and the formula used to apportion administrative costs among member Counties, the formal study process was concluded, and the outcome was a new water management organization for the Greater Blue Earth River Basin. The Board of Directors would handle further details such as staffing, drafting of by-laws, and other administrative decisions. This Board would be assembled following ratification of the agreement by each of the twenty-two Counties and SWCDs in the Basin.

³ Jackson County and SWCD and Watonwan SWCD were not represented at the meeting.

⁴ Outcomes of these discussions are summarized in Figures 9 & 11.

The actual outcome, however, was less defined. Although most units of government approved the agreement in principle, it was never formally approved by the full membership, leaving the future of watershed management in the Greater Blue Earth River Basin in doubt.

Problems encountered in the development of the study

One significant problem with the study was the lack of commitment to a formal procedure to adopt or act upon study outcomes. This should have been determined at the outset, but because the central issues preceding the study were about cooperation and communication, the possibility of major restructuring was not given serious consideration. Although the study concluded with a clear recommendation, action on the recommendation was left to the discretion of individual boards (eleven Counties and eleven SWCDs). Questions were raised on several occasions as to how participants could be assured that whatever was decided would be acted upon, so that actual change would occur as a result of the process. Unfortunately, these questions were never satisfactorily answered.

A second related problem that was encountered during the course of the study was the absence of an authority that could resolve disputes that arose periodically. This condition hindered communication and led to development of factions that appealed their cases before independent decision making bodies such as an individual County or SWCD Board. This problem became very clear following the development and adoption of a Memorandum of Understanding (MOU) in September 2001. The MOU was intended to provide a common understanding of individual and group conduct leading up to formation of a new organization. It was developed near the time when applications were due to the Minnesota Pollution Control Agency (MPCA) for Clean Water Partnership/319 grants, primary sources of implementation funds in the Basin. Funds for certain projects had been withheld the previous year due in large part to a lack of cooperation among groups and individuals in the region. Clearly, the MOU was viewed positively by everyone involved in putting it together and represented a commitment to cooperatively seek funding for the good of the Basin. Shortly after its adoption, however, it became clear that the MOU meant different things to different people, and though it was developed in the spirit of cooperation it did not foster cooperation. In fact, it later became a symbol of the underlying conflict that had only momentarily been suppressed. Without an accepted independent authority to arbitrate disputes over the meaning and use of the MOU, its effect was greatly diminished.

Another difficulty was that too little attention was given to a full understanding of County and SWCD authorities in the study area and the ways in which these authorities are carried out. During the course of the study there was an examination of relevant statutes affecting County and SWCD programs and a discussion of how these authorities are complementary and supportive of one another. Consideration was also given to how County and SWCD duties and responsibilities sometimes overlap and are in conflict with one another, and there was also discussion about how it may be preferable to carry out certain functions on a regional rather than local scale. For example, planning and data collection activities commonly lend themselves to a regional or watershed scale, whereas implementation activities normally work best when accomplished at the most basic local unit level. It was suggested that broad functions would become the responsibility of the

joint powers organization, whereas strict implementation activities would remain with existing local units of government. This division of responsibility would help overcome disputes over turf and reduce the incidence of overlap and duplication.

Along with an examination of local authorities it was pointed out that program funding works against a watershed approach and creates barriers between Counties and SWCDs. For example, SWCDs are ineligible for Clean Water Partnership grant funds, and Counties are ineligible for BWSR cost-share funds. Though each of these programs, along with the 319 program (administered by MPCA) promotes a watershed-based approach, access to the funds does not require a watershed-based organization.⁵

These discussions, however, were too general and therefore could not be used to illustrate what was actually occurring in the Greater Blue Earth River Basin. In part this was due to the immediate decision to pursue an eleven County/SWCD joint powers agreement for the Basin without first determining if such an organization was really necessary. As a result of this decision, attention shifted toward collective concerns, and away from what was occurring at the individual (County/SWCD) level including assessments of local program effectiveness. This shift is understandable considering that a full examination of County and SWCD programs, regardless of the criteria employed, would have been extremely divisive and ultimately unproductive. Such an examination would have inevitably led to comparisons within the Basin that would not have engendered cooperation, but likely further divided some factions. An added concern is that some programs (or people) may be found dispensable. Again, this is not a desired outcome. This, perhaps, is one of the greatest appeals of a joint powers agreement and the source of its popularity: it fosters interaction and cooperation, but it requires that no one be asked to give up any authority or control.

It is not difficult to see a much different outcome than that of a joint powers agreement given a more thorough examination of County and SWCD programs, both in terms of accomplishments (e.g., BMPs installed, water quality improvements, etc) and costs. Such an outcome, however, would require a somewhat different starting point along with a set of goals directed toward water quality or land and water resource protection rather than cooperation or absence of conflict.

As noted previously, many study participants entered the process out of a sense of frustration over non-cooperation among groups and individuals in the region. The impetus for entering into the process was more about finding ways to improve working relationships than it was about finding new ways to manage resources on a watershed scale. The tension between a watershed approach and one based on political boundaries (County/SWCD) is very real, and it is very difficult to overcome. This tension is sustained by a host of factors including mixed messages delivered by agencies, the manner in which funds are distributed, turf protection, and the general tendency to resist change, among others.

The inherent tension between these two approaches was compounded by misunderstandings and mistrust, the roots of which extended many years into the past. These feelings were further affected by actions, decisions, and events that took place during the course of trying to work out a satisfactory compromise to establish the type of

⁵ The watershed-based orientation of BWSR cost-share applies only to the Special Minnesota River Basin Cost-Share Program, a program that was initiated in fiscal year 1994 and recently discontinued.

organization that met people's fundamental needs—broad-based, financially stable, efficient, and effective.

As detailed in the attached documents there are many excellent reasons for bringing the Counties and SWCDs together to cooperatively work on Basin issues. Funding opportunities would be expanded, costs would likely be reduced, communication with the public would be enhanced, a process for dispute resolution would be available, and shared vision would be developed through such an alliance, along with a number of other desirable outcomes.

There is considerable evidence to suggest that Counties and SWCDs working together can be extremely successful under certain circumstances. It is a very logical alliance, and it can be very powerful and successful. On the other hand, there is little evidence to suggest that a joint powers agreement between Counties and SWCDs, or any other combination of governmental units, is the best way to protect water quality or to manage watershed scale projects.

Most organizations, joint powers or otherwise, are formed in response to a very strong positive or negative incentive. Sometimes there is a compelling reason to get organized to take advantage of an opportunity; other times there's a need to get organized to avoid some unpleasant consequence. Despite all the discussion and ideas generated by study participants, it is hard to identify a compelling (positive or negative) reason for creating a new organization in the Greater Blue Earth River Basin.

Conclusions

Although the study did not fully achieve its desired outcome, one very positive result of the process was interaction among people and groups not accustomed to meeting and working with one another. Apparently, there was no tradition of this type of interaction prior to the study's initiation. It was fairly clear at the outset, that many Commissioners lacked an understanding of SWCD programs, just as many Supervisors lacked a sense of County water-related programs.

Throughout the course of the study, Commissioners and Supervisors were able to ask questions and learn from one another. As a result, many participants gained a deeper appreciation for County and SWCD functions and the unique constraints and opportunities faced by the two respective Boards.

Equally important, at the staff level, Counties and SWCD employees formed a technical advisory committee that continues to meet. This committee is formalized in the Greater Blue Earth River Basin Alliance joint powers agreement. Eventually, the interactions that began through the study will help in shaping a shared vision for the Basin. It just may take longer than originally imagined.

Unfortunately, development of a joint powers agreement that addressed basic needs expressed by study participants for County/SWCD representation and geographic coverage, and that provided a framework for accomplishing common goals was not sufficient to overcome apprehension over how the new organization would function. Nor was it sufficient to overcome deep-seated mistrust and longstanding conflicts between several members of the group involved in the decision making process. As the time approached to formally adopt the new agreement, questions arose over whether the new structure would be any better than the old. This was a particular concern of Board members and staff of the Blue Earth River Basin Initiative (BERBI). Their argument was

based on BERBI's past and current success. They did not see the wisdom in disbanding something that was working to join something that was unknown and untested. Rather, they favored a more gradual transition that would allow an evaluation of the new organization's successfulness prior to discontinuing BERBI.

On the other side of the argument were those that insisted on the dissolution of the BERBI and SCMCCWPP joint powers agreements as a condition for entering into the agreement.⁶ Their contention was that hanging onto the old structure indicated a lack of commitment to the new organization. Once BERBI and SCMCCWPP disbanded, then the new Board could be formed.

In addition to differences of opinion about how and when to convert to the new joint powers agreement, opinion was divided on how to staff the new organization. Agreement was reached at the very outset that the new organization would be staffed and that base funding would be provided through member County appropriations. How to merge current BERBI staff into the new organization became a major point of contention, however, and led to an impasse over the issue of staffing.

In the end, for a sufficient number of people it was too big a gamble. Too much was at stake and too little was known about what the future would hold to trust that a new structure would cure the central interpersonal and inter-group problems affecting the Basin.

⁶ In fairness it must be noted that disbanding SCMCCWPP was never much of an issue. No money was at stake. BERBI, on the other hand, administers several grants that have completion dates in future years, so the membership understandably was concerned about honoring these obligations.

**BOARD OF GOVERNMENT INNOVATION & COOPERATION
PILOT PROJECT FOR MANAGEMENT OF LAND AND WATER RESOURCES
SUMMARY OF ATTACHMENTS**

- Map: Eleven-County Area Representing the Greater Blue Earth River Basin (GBERB)
- Figure 1: Complete Listing of Internal and External Stakeholders Identified by Group of County Commissioners, SWCD Supervisors, and County/SWCD Staff in GBERB
- Figure 2: Blue Earth River Watershed Problems and Solutions Identified by Group
- Figure 3: Short- and Long-Term Goals Identified by Group
- Figure 4: Mission Statements Identified by Group
- Figure 5: Explanation of Legal Authorities, Summaries of Statutes that Govern Local Water Resource Programs and Project Implementation Programs
- Figure 6: Matrix of Water Resource Management Functions and Tasks
- Figure 7: Matrix of Local Government Participation in Multi-County Organizations
- Figure 8: Memorandum of Understanding (MOU) Between Counties and SWCDs in the Greater Blue Earth River Basin
- Figure 9: Articles of Agreement to Define a Greater Blue Earth River Basin Alliance
- Figure 10: Draft Joint Powers Agreement Establishing the Greater Blue Earth River Basin Alliance
- Figure 11: Summary of Outcomes from Draft JPA Discussions

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Hennepin County moves toward cutting conservation unit

Steve Brandt

Star Tribune

Published 02/12/2003

Hennepin County commissioners took preliminary action Tuesday to cut off funding to the Hennepin Conservation District, an independently elected soil and water protection agency.

If the County Board ratifies its committee action next Tuesday, the district will lose most of its operating funds. The cutoff would be effective in mid-May.

Relations between the county and the district have been testy. Previous district boards of supervisors incurred commissioner wrath for piling up large legal bills in battles with former employees. The county put new strings on its funding of the district last year. But relations have worsened since a new board was seated in January.

The measure also directs that options for continuing conservation programs under the county's auspices be developed.

Voting for the cutoff were Mike Opat, Peter McLaughlin, Mark Stenglein, Gail Dorfman and Linda Koblick. Voting against were Randy Johnson and Penny Steele.

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Hennepin conservation board swamped with controversy

Steve Brandt

Star Tribune

Published 02/11/2003

Three months after Hennepin County voters preserved the independent agency that helps protect wetlands, the Hennepin Conservation District's future is once again in doubt.

For the second time in less than two years, County Board members are threatening to yank the district's funding. At a board committee hearing today, members will discuss a suggestion from Chairman Mike Opat to withdraw a \$654,485 county subsidy that is about 75 percent of the district budget. Other county agencies might take up the district's responsibility to provide advice on balancing conservation and economic development.

The latest contretemps threatens a conservation board that has faced internal bickering and previous attempts to abolish or control it.

Conservation commissioners were put on a short financial leash for 2002, survived a recent effort to make their posts appointed rather than elected and triumphed over the November 2002 ballot measure that would have abolished the board.

But last year's election also left allies of the disgruntled landowners who had engineered the ballot measure solidly in control of the district board.

And a series of controversial policy and personnel actions taken by the new majority has renewed calls to bring the district to heel.

"They're failing to protect the environment and failing to protect taxpayers," said Commissioner Peter McLaughlin.

A shift in control

The political turnabout started when two members of the district's Board of Supervisors were defeated for reelection last fall. Two more have since resigned.

With her two newly elected allies, Leigh Harrod now controls the five-member board, which has two vacancies. Harrod is a former Conservation District hydrogeologist who was fired in 1997, sued the district, won a settlement and then was elected to the board.

In its first few meetings since Harrod and her supporters took control, the board has made a series of decisions that supervisors described as reforms to curb excessive spending and correct overzealous regulation that has trampled the rights of property owners.

Justin Blum, elected district chairman at his second meeting, said the new board wants to make it clear that it is not a regulatory agency. The district provides technical advice that helps define wetlands, but enforcement of wetland violations is handled by other agencies.

The new board also has thrown out many of the old rules covering conflicts of interest, pay limits for

board members and the acceptance of gifts.

Maple Plain Mayor Jack Vigoren, a longtime local watershed board member, and Independence City Council Member James W. Smith have asked the state auditor to examine contracts with two newly hired consultants who have political or business ties to supervisors.

William G. Peterson, a former legislator who once served as legal adviser to the state's water board, recently was hired as the board's lobbyist at \$100 per hour. One of his prime duties will be to persuade County Board members not to cut off the district's funds.

Peterson provided legal advice to Harrod when she was sued by the district after filing voluminous requests for district records following her election to the board. She still owes Peterson \$6,215.75 in legal fees.

Harrod, who voted to hire Peterson, is appealing a court ruling that the district wasn't required to pay her legal fees. Peterson said Harrod's fees represent a past debt and won't be affected by whether his lobbying efforts succeed. Harrod said Peterson will decline payment if his role as a paid consultant becomes a distraction.

Vigoren also has complained to the state board that regulates engineers about the appointment of Larry Samstad as an engineering consultant. He said Samstad has questioned the abilities and ethics of district experts in the past.

Samstad said he has completed work on one of the cases Vigoren cites and has scrupulously avoided viewing board files on another active case in which he is involved. In a third case, he said, he has provided only casual advice without pay to a Maple Plain landowner.

But in recent memo to the board, he criticized the work of district staff members in the Maple Plain dispute, citing "a pattern of irregularities."

Samstad also played a lead role in the campaign to abolish the district last fall.

But he denies that any of those factors amounts to a violation of state conflict-of-interest rules.

"This is just a political red herring," Samstad said.

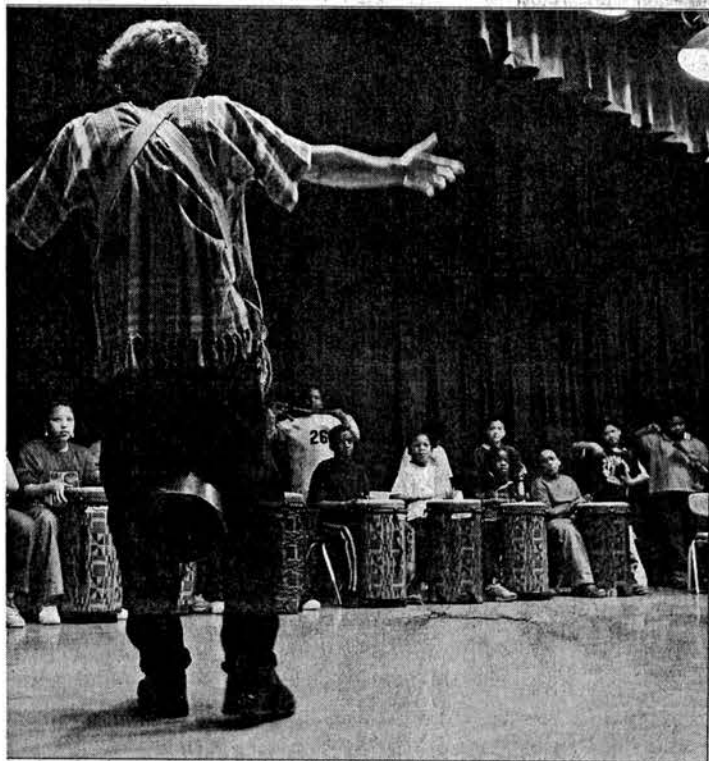
-- **Steve Brandt** is at sbrandt@startribune.com or 612-673-4438.

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Tues - Feb 11 - 03
Stub

orneys on both sides said Monday. She went to a nursing home briefly, that the county not place Bronczyk in

Drums of Africa



Carlos Gonzalez/Star Tribune

can music, per-
rhorn Communi-
an Parent In-

volvement Day on Monday. Along with the music, students performed Stomp, a body rhythm dance, and recited poetry and the "I Have A Dream" speech by the Rev. Martin Luther King Jr.

inations begin this week



Minnesota Department of Health
er the next few weeks, state health offi-
ls say about 2,700 volunteers and
alth professionals will be vaccinated.

ms in case of a terrorist attack using
smallpox virus.

"The risk of attack is thought to be
v," said Dr. Harry Hull, the state epide-
ologist. But if it occurred, he said, "the

consequences could be devastating."

Smallpox has not been reported any-
where in the world since the 1970s, but
experts fear that a weaponized form of
the virus could fall into the hands of ter-
rorists.

Originally, officials had predicted that
from 5,000 to 10,000 health workers in
Minnesota would get the vaccine in the
first phase of a national smallpox preven-
tion program. But that number has dwin-
dled as concerns spread about the vac-
cine's risks, some of which can be serious.
Several hospitals have refused to take part
in the vaccinations.

State officials, though, said the num-
ber was not a concern. "We're not forcing
anybody to be vaccinated," Hull said. "We
respect the decision of anybody who de-
clines to be vaccinated."

— Maura Lerner is at
mlerner@startribune.com.

'ged with sexual assault again

abor relations.
The charges
d in Hennepin
ounty District
urt described
assaults this
y.

In March, Han-
invited both
rs to his house,
ere they played
nes, ate candy
l drank pop. He
ght them clothes and toys.

The 10-year-old had stayed with Han-
on weekends through an informal ar-
gement with his mother. The boy's
isin got permission to sleep over, too.
ring the night, Hanson persuaded the
s to remove their clothes, and he sex-
ly assaulted them.



Donald H. Hanson

The 11-year-old told his father about
the abuse. His cousin didn't disclose the
assault earlier because he was afraid he
would get in trouble. Investigators found a
videotape of Hanson acting inappropri-
ately with the 10-year-old.

No other victims have come forward,
said Lt. Mike Sauro, head of the Minne-
apolis Police sex crimes unit. Hanson is
charged with two counts of first-degree
criminal sexual conduct, a felony. He was
being held at the Hennepin County jail in
lieu of \$300,000 bail.

According to charges filed in April,
Hanson made lewd comments to a boy on
his bus, touched a second boy sexually,
and exposed himself to a third. Those boys
all were younger than age 8.

— David Chanen is at
dchanen@startribune.com.

Conservation board's future still looks murky

By Steve Brandt
Star Tribune Staff Writer

Three months after Henne-
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— Steve Brandt is at
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or 612-673-4438.

FOR YOUR INFORMATION

February 26, 2003

- **BWSR "Update"**
- **Updated Board Member Listing**
- **Pawlenty – Molnau Administration "Values, Goals & Principles"**
- **Memo to Agencies regarding Big Stone, Chippewa, Lac qui Parle, Pope and Swift Counties Comprehensive Local Water Management Plan**
- **Memo from Marybeth Block regarding Beltrami County Comprehensive Local Water Plan**
- **Memo from Marybeth Block regarding Morrison County Comprehensive Local Water Plan**



Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources

February 2003

METRO

The wait is over. On Feb. 11, the Hennepin County Board voted 5-2 to de-fund the Hennepin Conservation District. Citing what they considered to be unacceptable trends in non-conservation spending and decisions that cast doubts as to the transparency of contracting decisions, the County Commissioners will ratify this committee-of-the-whole decision and move toward providing conservation services to citizens from within the county. Once ratified, HCD will have 90 days to wrap up the majority of operations and assist the county in setting up the new system. At this time it is unknown what the system will be or the intentions of the three remaining supervisors (two have resigned since the end of 2002). Technically the HCD will still exist, but they will have lost nearly all funds with which to operate.

Also this month we reinstated the "509 Task Force" after suspending meetings for a year to work on the water planning integration effort (509 refers to the chapter of law that established the metro-wide watershed program). We had good attendance from the PCA, DNR, and Met Council staffs and started discussing agency hopes for the upcoming Vermillion River Watershed planning process. The balance of the meeting was used to coordinated efforts on other upcoming plans and final actions on plans that are currently under review.

-Submitted by Steve Woods

NORTH

Wetlands

John Overland is officially working out of the Corps of Engineers office at Gull Lake north of Brainerd. BWSR worked out a cooperative agreement with the Corps to have John's time and expenses shared between the two agencies. The idea is to have John do double duty when he attends local TEPS (represent BWSR and the Corps). He is also assigned to some special projects such as GP2 implementation. We will miss some of John's time in the north region but the salary savings to the agency is worth the trade off, at least for now.

Routine WCA work has finally slowed down somewhat with winter finally settling in. However, appeals, violations, and ongoing oversight for previous violations still take a lot of field staff time. One key project is the Gary Bailey violation in Lake of the Woods County. This is actually two different violations. EPA is now involved and will hopefully get some movement toward restoration. The Ruther violation in Ottertail County has kept Dale busy this winter going to court and meeting with an attorney.

The WCA specialists, John and Dale, are also busy working on several banking sites. They are revising portions of the Wetland Manual as well.

eLINK

Jim Lemmerman, Keith Grow, and North Region support staff have been busy assisting Tim Ogg in lining up the eLINK information meetings. Six sessions will be held around the state to begin the process of training our local government staff on how to use the new electronic reporting system.

Forestry

The NACD Forestry Committee is holding its annual meeting and tour in the Duluth area in August. Jim Lemmerman is working with members of NACD, MASWCD, and MACDE to organize the meeting and tour. This will be an opportunity for districts with forestry activities to learn from other districts from around the nation.

Budget

Field staff have been busy fielding calls from local government staff and board members regarding the recent budget reductions. Obviously, there is a lot of concern. Since many SWCDs in the North Region implement both WCA and water planning in their counties, there could be a significant impact on local staff.

-Submitted by Ron Shelito

LAND & WATER

Sneak Peek—Preliminary 2001 Wetland Replacement Data

In response to a request by the U.S. EPA, preliminary wetland impact and replacement data were compiled from 2001 WCA and road project wetland impact reports by local government authorities, the banking database, DNR, and Mn/DOT. The data used are the same as those contributed for the State Wetland Report; the preliminary results form a subset of the final 2001-02 Wetland Report, due out this summer.

2001 Wetland Impacts/Replacement Traced by State Agencies—Preliminary Reporting

Program	Acres drain/ fill (impact)	Acres replaced
WCA—Direct Replacement	273	535
DNR—Public Water Permits	2	4
WCA—Bank	138	188
Mn/DOT	30	55
BWSR—Local Roads	161	208
State Total	604	990

-Submitted by Natasha DeVoe

Minnesota Wetland Bank: A Status Report

When it comes to the topic of wetland banking, the Minnesota Wetland Bank is unique! While many states allow the use of wetland credits to mitigate wetland impacts from developments, Minnesota is the only state that operates the accounting aspects similar to the way a financial bank operates. In the Minnesota Wetland Bank credits are managed just like a checking account is run using deposits, debits, and balances. In the rest of the nation, each account is referred to as a "Wetland Bank" with relatively few sites (accounts) available in a state. Minnesota has one "Wetland Bank," with several hundred individual sites (accounts) available.

The common thread of wetland banking across the nation is the fact that the "currency," a.k.a. the "credits," is a valuable commodity. In Minnesota the value of a wetland credit ranges from about a low of \$3,000 per acre in Aitkin County to as much as \$25,000 or more in the metro area. An estimate of the average value across the state would be about \$6,500 per acre. The cost

variance is due in large part by supply and demand, land values, and restoration costs.

Minnesota Rules Chapter 8420.0730 requires BWSR to establish and maintain the Minnesota Wetland Bank. This task has been a substantial undertaking and grows each year. BWSR has three important roles in managing the bank.

- BWSR's primary role is to establish accounts and execute withdrawals and transfers of credits. There are 217 accounts in the bank at present. Most accounts are owned by private entrepreneurs; however, many are owned by counties, cities, and state agencies.
- Second, BWSR monitors each site once every five years after the initial five year monitoring period is over to make certain the sites are being properly maintained and the provisions of the perpetual conservation easements are not violated.
- Third, BWSR takes whatever action is needed to remedy site failures and deal with irregularities in account balances. This role will become gradually more important as water control structures age and land ownership changes.

There are about 3,100 acres of unused credits in the bank. Using an average value of \$6,500 per acre, assets in the bank amount to a market value of more than \$20 million. With this amount of value, it is important to accurately track deposits and withdrawals. BWSR manages the accounts with a database that can handle transactions down to 0.0001 acre, or about 5 square feet. This level of accuracy is needed as we see several small transactions each year in the neighborhood of 300-500 square feet.

With this amount of equity at stake, BWSR cannot terminate its responsibilities of operating the Minnesota Wetland Bank without careful study of the regulatory and liability consequences. It took many years to build trust from environmental groups and other state and federal regulatory agencies that wetland banking is a sound option to use to mitigate certain types of wetland losses. Further, the private and public account holders have collectively invested millions in their bank sites. Their investments would diminish in value substantially without an agency manager that is responsible for the accounting and oversight of each site.

Board of Water and Soil Resources Update, Page 3

Following is a breakdown of the system's 217 accounts: 84 are private containing 1,200 acres of credits available for sale to public and private entities needing to mitigate wetland impacts; 39 accounts totaling 1,033 acres of credits are owned by BWSR for the Public Road Replacement Program; 45 accounts comprising 843 acres of credits are owned by public or private entities who are reserving the credits for their own use; 49 accounts have been entirely sold out and now show a zero balance. There are an additional 70 pending wetland bank applications. Many of these sites have been constructed and are awaiting certification after the necessary waiting period.

Since the value of credits fluctuate based on supply and demand, local governments and BWSR have an underlying responsibility to ensure that credits approved for deposit accurately represent the quality and quantity of wetland credits that have been legitimately established. For example, if one county allows all new wetland credit for the restoration of an existing degraded wetland, when in fact the site only qualifies for 50 percent public value credit, there is potentially a negative financial impact on the value of legitimate new wetland credits in a neighboring, existing account. Wetland bank holders expect and demand a level playing field as every credit added to the system or withdrawn from the system ultimately affects the value of their investment!

With respect to the Public Road Wetland Replacement Program, BWSR plays both the role of the banker and an account holder. Don't let that make you think that we can simply "print up" more credits as we need them (as nice as that would be in the current budget shortfall!). The Wetland Conservation Act rules and the Interagency Wetland Bank Committee (IBC) that has been established provide the necessary checks and balances to ensure that credits BWSR buys or builds fully meet all accounting and site development standards. In fact, we have refrained from buying credits from some of the earlier established accounts that lack quality due to concerns expressed by the members of the IBC.

-Submitted by Bruce Sandstrom

Wetland Bank Facts

- Bank credits are regularly used for mitigation of non-WCA related regulatory activities such as Swamp Buster violations, Section 404 permits, and DNR

Public Water Permits. Some unlikely users of bank credits include the DNR, the COE, the U.S. Postal Service, several churches, Indian Tribes (for casino mitigation) and the Metropolitan Airports Commission.

- Technical Evaluation Panels (TEPs) review each bank site before deposit at least 3 times.
- Generally, wetland restorations offer the best opportunities to develop functional wetlands. A minimum waiting period of 6 months for restored wetlands and 12 months for created wetlands is required to allow the wetland characteristics to become evident.
- Even though a bank owner must grant a perpetual conservation easement to the state for a bank site, wetland banking is not a conservation program. Once all credits are sold, each wetland bank site represents the collective filling or draining of all or parts of a number of natural wetlands somewhere else in the state.
- Both tightening or loosening of wetland replacement requirements by a regulatory body will affect the value of existing and future wetland credits.
- Many early detractors of the wetland bank concept are now great supporters as they are assured that an approved wetland impact will be mitigated. On-site replacement has often proven to be problematic due to limited on-site design options or lack of regulatory follow-up in many cases.

ENGINEERING

Although it may seem ironic in light of the recent general fund unallotments for FY 03 and

proposed budget for FY 04-05, Joe Beck, DNR engineering technician, will join our CREP wetland restoration team on Feb. 26. Joe has worked with us before via interagency contracts. This interagency agreement will keep Joe on DNR's roster, but have him working at, and paid by BWSR via Minnesota River CREP bonding funds through FY 04. Due to our wetland restoration workload, DNR's budget situation, and Joe's experience, this will be a win-win arrangement. Please welcome Joe when you meet him!

On Feb. 6, Tom Wenzel attended the annual conference of the Land Improvement Contractors Association in Mankato. He presented an overview of the Minnesota River CREP wetland restoration workload, restoration methods, critical construction considerations, and how

Board of Water and Soil Resources Update, Page 4

contractors can get involved in these projects. This included information about how contractors work with landowners and SWCDs to construct wetland restorations, SWCD points of contact, and related information about how to find out about projects ready for construction. Tom reports that he saw a lot of familiar faces of contractors, but also many new faces. We continue to coordinate with Leonard Binstock, LICA executive director, to foster increased involvement of LICA members in CREP wetland restorations. This includes hearing and helping to address the associated issues identified by LICA members.

On Feb. 18, Tom attended the second annual joint winter seminar of the Chippewa River Watershed Project and Crow River Organization of Water. He provided an overview about wetland restoration, including methods, programs, players, and integration with drainage systems. The Chippewa River is within the Minnesota River Basin and includes many RIM and CREP wetland restorations.

The Lake Superior Basin Plan is slowly getting to the stage of identifying priority recommendations and action plans. This is important to BWSR because the basin plan is substantially related to the Lake Superior Coastal Nonpoint Program for which Al Kean, Gene Clark, and others are working on an interagency agreement with MPCA to assist and to a Coastal Program grant for which we're working with DNR and the Minnesota Coastal Council.

The Red River Technical and Scientific Advisory Committee (TSAC) met Feb. 11-12 to finalize input for several projects it's doing for the Red River Basin Flood Damage Reduction (FDR) Work Group, including Project Monitoring Guidance, a Basin FDR Strategy and associated hydrologic analysis, and a Wetland Bounce Study. These projects will be completed soon. The TSAC also advanced the On-Channel Storage Assessment study it's doing for the FDR Work Group. The latter study is to identify environmental risks associated with on-channel storage and provide guidance for how to avoid certain sensitive sites, identify less sensitive sites, and design and operate on-channel storage to avoid or minimize critical environmental risks.

On Feb. 20, Al and Jeff Hrubes attended a meeting of parties involved with lowering of high lake levels on Lake Belle Taine near Park Rapids. The objective was to

help get the alternatives analysis, design, and implementation process restarted after some stalemates by folks representing the sending and receiving waters. Lake Belle Taine is a terminal lake in the Mantrap Chain of 28 lakes. The Crow Wing River Chain of Lakes is the proposed receiving watershed.

-Submitted by Al Kean

BRIEFS

Planning is underway for the 2003 State Envirothon, which will be held Wednesday, May

21. This year's site for the event, the Minnesota Zoo, should bring some new excitement to annual competition.

Zoo officials have set aside the Wells Fargo Family Farm as the site within the zoo for the competition. The farm site provides a good fit with this year's current events issue of agricultural land conservation and preservation.

Area IV is host for the event. Felicia Brockoff, of Carver SWCD, is the area's planning liaison for the state event. Pete Raeker, of BWSR, is event coordinator.

Additional outreach efforts for the event have focused on fundraising, since BWSR no longer provides funding for the event. Numerous letters and proposals have been sent to a variety of potential donors.

So far, donations have been received from the MASWCD Auxiliary, the Minnesota Pollution Control Agency, the Minnesota Soybean Growers Association, WalMart Foundation, the Minnesota Association of Conservation Districts Employees, and the Mille Lacs Band of Objibwe. We also received some commitments for donations for food and refreshments and are seeking more to help cover lunch needs. We anticipate receiving additional funds through Canon's mini-grant program.

*Deadline for next edition:
March 19*

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET, SUITE 200
ST. PAUL, MINNESOTA 55107
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<u>Appointed Members</u>	<u>Appointment Designation</u>	<u>Term Expires</u>	<u>Telephone/Fax</u>
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Jerome Deal , 1501 Second Ave., So. Wheaton, 56296	Watershed	01-02-06	320-563-8377 <i>Home</i> 320-563-4194 <i>Fax</i>
Jack Frost , 2324 Maple Lane Maplewood, 55109 jlfrost@tcinternet.net	Watershed	01-05-04	651-602-1078 <i>Office</i> 651-602-1130 <i>Fax</i>
Ginny L. Imholte , 720 So. Shore Drive Box 663, Detroit Lakes, 56501 imholte@lakesnet.net	Watershed	01-06-03	218-847-4236 <i>Home</i> 218-847-4433 <i>Office</i> 218-847-5059 <i>Fax</i>
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Clair Nelson , Lake County Courthouse, 601 Third Avenue, Two Harbors, 55616	Co. Commr.	01-02-06	218-353-7385 <i>Home</i> 218-834-8320 <i>Office</i> 218-834-8360 <i>Fax</i>
VACANT	Co. Commr.	01-03-05	

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January 22, 2003

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: *Big Stone, Chippewa, Lac qui Parle, Pope & Swift Counties*
Comprehensive Local Water Management Plan

On Wednesday, January 22, 2003, the Minnesota Board of Water and Soil Resources (BWSR) will begin the official 90-day state review of the updated Big Stone, Chippewa, Lac qui Parle, Pope and Swift County Comprehensive Local Water Management Plans. 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 Big Stone, Chippewa, Lac qui Parle, Pope and Swift Counties 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, Becky Balk
- MDH, Art Persons
- DNR, John Fax
- PCA, David L. Johnson
- EQB, John Wells
- MGS, Barb Palen
- Steve Rackers, MN Planning

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

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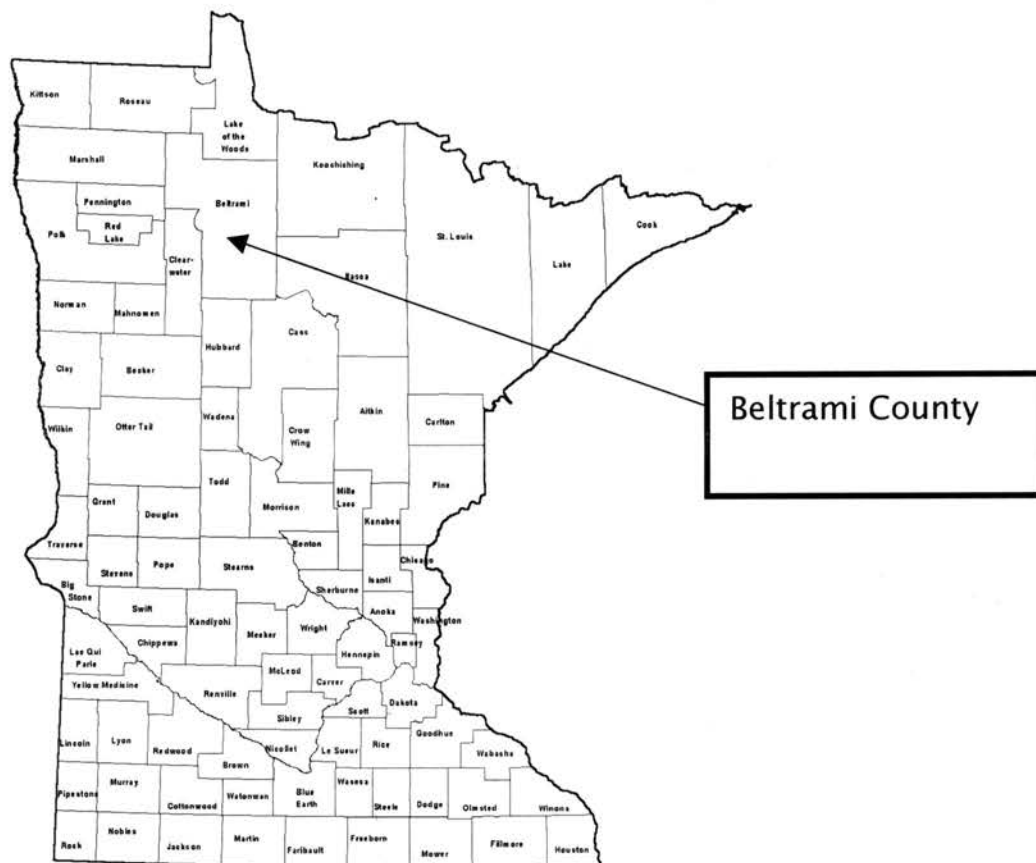
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To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Beltrami County has completed updating their comprehensive local water plan. The final 90-day review period began on January 13, 2003, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.



Board Conservationist: Jeff Hrubes, Bemidji

Duration of the proposed plan: Five years

c: Jeff Hrubes, file

Beltrami County Comprehensive Local Water Plan Executive Summary

This document represents the third generation of Beltrami County's Water Plan, first developed and approved by the County Board in 1989 and updated in 1996. While this plan is an update of previous efforts, it builds upon previous successes to more effectively address core issues. Once approved, this plan will be implemented and provide the basis for all water-resource related issues in the County until October 2007.

Participation

A 39-member Water Planning Advisory Committee (WPAC) representing various interest groups from each of the watersheds was formed to facilitate the planning process. The role of the WPAC was to review information provided by staff and identify priority issues.

A sub-task force was formed and facilitated by the Marshall-Beltrami SWCD to represent the northwest region of the county. This was done in part because of the relative isolation of that part of the county and the different issues faced by them due to geography and land use practices.

Once issues were identified, the WPAC developed strategies to address those issues that were then recommended to the County Board to implement as policy.

Process

The contents of this document are laid out in a similar order to the progression of the planning process that was undertaken over the last several months.

- The first section provides information that was collected in the update of the inventory that is important to the planning process.
- Section II documents the efforts of the County's Water Plan Task Force to focus on specific areas in each watershed that are worth further investigation. Beltrami County focused on selected areas in each watershed to effectively target limited resources in the planning process to those areas of most importance.
- The third section of this plan provides more detailed assessments of those areas selected in Section II of the document. The end of this section identifies specific, prioritized issues that will be addressed by the County within the plan of action section.
- Finally, the most important part of the plan is Section IV, the plan of action. This section identifies the water resource-related goals of Beltrami County, provides a summary of the approach to implementation that the County has committed to, and identifies objectives and specific strategies for each priority issue in each major watershed.

Plan of Action

-- Goals

- #1:** Increase understanding of the County's water resources and issues through education and data collection so that appropriate policies can be selected and implemented more effectively.
- #2:** Improve best management practice implementation where development and water resources interact, at the same time supporting the economic development goals of the County.
- #3:** Improve the quality of selected water resources where there is potential for significant economic, social, or environmental benefit.

-- Priorities and Strategies

County-wide

Top Priority Issues and Strategies

Issue: Surface waters, particularly rivers and streams, have very limited data to indicate the environmental condition.

Strategies:

- #1:** Pursue and support an improved and user-friendly state water quality database format.
- #2:** Review SWCD water quality data set for quality and integrate into a common computer database that meets acceptable state data protocols.
- #3:** Develop and implement a five-year monitoring plan for priority surface waters.

Issue: Unmanaged stormwater from development contributes pollutants to surface water.

Strategies:

- #1:** Undertake and complete a study to identify the quality and quantity of stormwater entering into urbanizing, priority lakes by storm watershed.
- #2:** Develop and implement mitigative measures in those high priority stormwatersheds to reduce nutrient and sediment inflow.
- #3:** Develop and implement new and existing measures to minimize the contribution of stormwater from new subdivisions and development to surface waters.

Issue: Soil erosion from all sources contributes to surface water quality degradation, loss in fish and wildlife habitat, removes productive topsoil and reduces functionality of streams, rivers and ditches.

Strategies:

- #1:** Assist the County, cities, or townships in identifying areas where soil erosion levels contribute to surface water quality degradation.
- #2:** Help the County or townships develop regulatory erosion control measures at their request.
- #3:** Work with landowners on a voluntary basis to prevent and/or reduce erosion on their property.

High Priority Issues and Strategies

Issue: Poor implementation of timber harvesting best management practices results in environmental degradation.

Strategies:

- #1:** Conduct a targeted public education program directed at private land owners to inform them of forestry best management practices.
- #2:** Develop and implement stewardship plans on private lands.
- #3:** Work with other local units of governments and agencies to identify and resolve common issues of concern with timber management.

Issue: Agricultural activities without proper implementation of best management practices can cause water quality degradation.

Strategies:

- #1:** Conduct a targeted campaign utilizing education, technical and/or financial assistance to increase BMP utilization.
- #2:** Work with conservation partners to identify and prioritize potential areas of immediate/important concern regarding high nutrient water bodies.
- #3:** Hold educational meetings with landowners in priority sub-watersheds. Explain/discuss the potential water quality concerns found and how ongoing cost share programs may assist with BMP implementation.

#4: Develop conservation plans with landowners in priority sub-watersheds.

#5: Continue to disseminate pertinent water quality BMP information as new data and information becomes available.

Issue: A lack of a process to facilitate management strategies for particular lakes, streams and watersheds results in uncoordinated management efforts.

Strategies:

#1: Target a public education campaign to inform lakeshore owners, particularly new lakeshore owners, of the characteristics and value of their lake, the practices of lake water quality and the management options available to individual homeowners.

#2: Develop a program to promote lakeshore associations.

#3: Undertake enhanced lake monitoring and modeling of the relationships between watershed use and lake quality on high priority lakes.

#4: Facilitate the formation of Beltrami County Coalition of Lake Associations (COLA).

#5: Address issues related to TMDL for listed water bodies.

Upper Mississippi Watershed

Top Priority Issue and Strategies

Issue: Poorly planned ISTS-based developments adversely affect groundwater quality.

Strategies:

#1: Amend the subdivision ordinance to encourage cluster development and central sewer and water in environmentally sensitive areas.

#2: Implement an ISTS inspection program on two to five priority lakes.

#3: Pursue funding to help landowners bring non-compliant systems up to code.

#4: Develop and implement a county-wide permitting process for ISTS.

High Priority Issues and Strategies

Issue: High surface and groundwater levels cause erosion, loss of shoreland, and damage to structures.

Strategies:

- #1:** Develop and implement a comprehensive management plan for all water control structures on the Upper Mississippi River.
- #2:** County develops and distributes construction design recommendations in areas sensitive to groundwater flooding.
- #3:** Implement targeted beaver population management countywide.

Issue: Increased development results in reduced integrity of shoreline vegetation.

Strategies:

- #1:** Purchase, distribute, and present shoreland management CD's offered by the DNR to local shoreland groups.
- #2:** Implement a voluntary cost-share program of shoreline vegetative management.

Upper and Lower Red Lake Watershed

Top Priority Issue and Strategies

Issue: Poorly planned ISTS-based developments adversely affect groundwater quality.

Strategies:

- #1:** Amend the subdivision ordinance to encourage cluster development and central sewer and water in environmentally sensitive areas.
- #2:** Implement an ISTS inspection program on two to five priority lakes.
- #3:** Pursue funding to help landowners bring non-compliant systems up to code.
- #4:** Develop and implement a county-wide permitting process for ISTS.

High Priority Issue and Strategies

Issue: A loss of wetlands and unique features has potential negative consequences for water quality and quantity.

Strategies:

- #1:** Continue to implement, monitor and update County Ordinance #31 (Wetland Ordinance).
- #2:** Serve as the local contact point for landowners interested in wetland programs, i.e. US Fish and Wildlife Service, PWP, WRP, CRP, etc.

Thief River Watershed

Top Priority Issue and Strategies

Issue: Stream and ditch bank erosion causes sedimentation and water quality degradation.

Strategies:

- #1:** Improve regular maintenance and increase native vegetation in ditch banks throughout the watershed.
- #2:** Encourage landowners to utilize present and future cost-share programs to provide buffers between areas of cropland and streams and ditches.

High Priority Issue and Strategies

Issue: Groundwater sources have very limited data to indicate the environmental condition.

Strategies:

- #1:** Develop and implement a plan to monitor groundwater data.

Clearwater River Watershed

Top Priority Issue and Strategies

Issue: Upstream nutrient loading contributes to surface water quality degradation on Clearwater Lake.

Strategies:

- #1:** Undertake enhanced water quality monitoring, land use analysis, and modeling to characterize dynamics of the land use/water quality relationship in Clearwater River Watershed as it pertains to the Clearwater River and Clearwater Lake.
- #2:** Work with agricultural operators and define the needs of agriculture operations that could be addressed by local organizations to improve water quality in the Clearwater River Watershed in Beltrami County.
- #3:** Develop and implement local strategies to fulfill those needs identified in #2.
- #4:** Develop and implement Clearwater Lake Management Plan.
- #5:** Develop and implement an educational campaign that explains the importance of controlling Non-Point Source pollution within a watershed.
- #6:** Contact landowners and explain/encourage the use of existing and future cost-share programs to protect resources from runoff and nutrient loading.

High Priority Issue and Strategies

Issue: The compliance rates of shoreland septic systems with current ISTS enforcement mechanisms are unknown.

Strategies:

- #1:** Implement a program to inspect ISTS systems.
- #2:** Provide financial assistance to landowners whose ISTS systems require upgrading.

Implementation

In each of the next five years, one or more issues will be identified, and a one-year work program will be developed by the SWCD. The work program will address in detail the issues, objectives, and strategies to be used to meet the objectives.

Relationship to Other Plans

Beltrami County's Water Plan has been designed to identify priority water resource issues in the County; its intent is to provide policy direction to other planning efforts undertaken for the County.

In order to fulfill this intent, Beltrami SWCD will, on a regular basis, communicate the County's priorities to other organizations involved in the management of Beltrami County's water resources, and will coordinate the implementation activities in this plan with other agencies, groups, and entities across political boundaries.

Wherever possible, this Water Plan (CLWP) was designed to complement and support the vision, strategies and policies of the proposed Beltrami County Comprehensive Plan. At appropriate points the CLWP addresses key County-wide issues in more detail than is possible in the Comprehensive Plan. The research and issues contained in the CLWP also support and substantiate the findings and direction of the Comprehensive Plan, and vice versa.

The CLWP is also consistent with the plans of other agencies and jurisdictions operating within the same watershed units.

For more information or to access a complete report, please contact the Beltrami County SWCD at 218-755-4339.

Comprehensive Local Water Planning in Beltrami County

Purpose:

To protect water and related resources through the adoption and implementation of local water management plans that are based on local priorities.

History:

In 1977 Minnesota was stricken by drought conditions that nearly rivaled the infamous drought of the 1930s. That crisis prompted the Legislature to look at how the state's water supplies were being managed. Recognizing the need for improvement, the Legislature responded by passing the Comprehensive Local Water Management Act (Minnesota Statutes Sections 103B.301 to 103B.355) in 1985. The act encourages counties to develop and implement comprehensive water plans. Local ownership is the hallmark of the program. While the plans are voluntary, various state grants and even some federal monies require the county have an adopted water management plan which is updated every five years.

In 1988, The Beltrami County Board of Commissioners appointed a local citizens-based task force to guide development of the plan for Beltrami County. The Beltrami Soil and Water Conservation District (SWCD) accepted responsibility as lead implementing agency and fiscal agent. In 1995, the Task Force's name was changed to the Local Water Planning Advisory Committee, and serves in an advisory role to the SWCD, and ultimately to the County Board.

The strengths of the first water plan, adopted in 1991, included a greater local awareness of environmental issues, strengthened ties with state agencies, and identification of priority issues along with implementation actions to address those issues. The second-generation water plan, adopted in 1996, was strengthened with a watershed-based approach, and identified sensitive groundwater areas, wellhead protection areas, wetland areas, and addressed storm water management.

Implementation:

Since Beltrami County's CLWP was approved in 1991, SWCD staff have worked with the Comprehensive Local Water Planning Advisory Committee to implement the strategies identified in each Annual Work Plan. An average of four meetings are held each year to discuss local resource issues, and provide Committee members with updates on accomplishments. Coordination with the Beltrami County Board is accomplished through appearances at regular Board meetings, and in coordination of implementation efforts with County staff. The Beltrami County CLWP has been highlighted at several state resource management meetings.

Since Beltrami County is served by two SWCDs – the Beltrami SWCD housed in Bemidji, and the Marshall-Beltrami SWCD housed in Grygla – staff from each office have worked to implement the watershed based CLWP. The following pages are intended to provide a history of highlights in water planning achievements in Beltrami County. While this is not a comprehensive report, it should convey the aggressive stewardship approach Beltrami County has taken in addressing the importance of protecting our water resources.

Highlighted Accomplishments:

Surface Water

Lake Bemidji has been a priority water body since the late 1970's, when water testing suggested the water quality was deteriorating. In 1992, a Clean Water Partnership Grant was received through the Beltrami SWCD to conduct a watershed-based assessment of water quality indicators, and compile a listing of potential sources of water quality degradation. The Lake Bemidji Watershed Clean Water Partnership has concluded its 9-year effort to study water quality issues within the watershed and implement priority strategies to improve the water quality entering Lake Bemidji. This project has received international attention, and has been visited by numerous water quality managers and policy-makers. This project received the prestigious "Technical Excellence Award" in 1996 from the North American Lake Management Society, and was voted the Local Water Planning "Outstanding Surface Water Project" in Minnesota in 1997.

The CLWP Advisory Committee recognized the success of the Lake Bemidji Watershed Clean Water Partnership, and applied for an EPA 319 Clean Water Partnership grant for the next downstream segment of the Mississippi River, from Lake Bemidji to Lake Winnibigoshish. The grant was funded in 1999, and the Cass-Winnie Clean Water Partnership has moved forward in its progress to gather water quality data within the watershed for evaluation. Several partners coordinated with SWCD staff to collect and analyze water samples at locations throughout the watershed. This information will be valuable as water-related implementation strategies are considered and planned for future implementation.

Surface water sampling has been conducted each year of the CLWP, with over 55 Beltrami County lakes being sampled for a multitude of water quality parameters since 1991. This information is utilized to establish water quality trends, or to begin a base line of information.

Assistance was provided to the City of Bemidji for the implementation of stormwater treatment options. Continuing from the very successful Cameron Park stormwater detention pond, projects completed include the Second Street sediment trap, Bemidji's Tourist Information Center detention pond, Diamond Point Park stormwater ponds, and the Lake Boulevard Project. The SWCD's involvement included technical recommendations regarding the modeling of the storm watersheds, and assisting with the development of engineering plans. These important projects help treat the stormwater from large portions of residential area in the City of Bemidji.

Groundwater

Groundwater sampling has been an important component of the CLWP. Groundwater testing in the Bemidji-Bagley Sandplain for herbicides, nitrates, phenols, chlorides, and man-made volatile organic compounds was completed between 1985 and 1988. Results from this testing revealed that groundwater contamination was directly related to land use. This testing continued through 1996, when an analysis of the gathered data since 1988 revealed that the benefit from the rigorous testing did not substantiate the cost. Testing and monitoring has continued in the sandplain area, but for more standard water quality parameters. Since 1999, the County Board and citizens became more concerned about water resources in this area, and additional emphasis was placed on the continued monitoring of groundwater observation wells. This information provided the backbone of an engineered plan to resolve the area's high groundwater concerns.

The Beltrami SWCD wrote, received, and administered a 1996 BWSR Challenge Grant to assist landowners with the cost of sealing their high priority abandoned wells. The Beltrami SWCD, through an earlier abandoned well inventory, located high priority abandoned wells in the upper Mississippi watershed portion of Beltrami County. These abandoned wells, and others that were subsequently identified were eligible to be sealed on a cost-share basis. Twenty-six high-priority abandoned wells were sealed through this program. Another grant application was awarded in 2002 to continue this program. These efforts helped to maintain the quality of drinking water available to Beltrami County landowners by reducing the risks of groundwater contamination.

Nitrate testing clinics in cooperation with MN Department of Agriculture have been held in Blackduck, Kelliher, Solway, Debs, and at the Beltrami County Fair. Over 750 landowners have participated in this free testing since 1991. Of these water tests, less than 10% indicated nitrate levels that exceeded Department of Health drinking water standards. These landowners were provided with information on the associated health risks and options to reduce their nitrate levels, and were provided with a list of certified labs for follow-up testing.

The SWCD, in partnership with the City of Bemidji, received a grant for helping defray the cost of developing a wellhead protection plan for the city well fields. This project was completed in 2000, but a failure of city well #4 will require that the draft plan be amended when the new replacement well is in place. The final wellhead protection plan will be completed in 2003.

Technical Assistance

In 1995, the Minnesota Board of Water and Soil Resources (BWSR) provided funding to the SWCDs in Minnesota to improve their technical capabilities by hiring registered engineers and technicians to assist landowners with the design and construction of conservation practices that improve water quality. The Beltrami SWCD joined with the SWCDs in Cass, Clearwater, Crow Wing, Hubbard, Itasca, Koochiching, Lake of the Woods, and Wadena counties to create a Joint Powers Board. Since 1995, engineering design and construction assistance has been provided for over two dozen conservation projects in Beltrami County. This program expedites Beltrami County landowner's requests for conservation practices engineering design and construction assistance, and greatly assists in protecting Beltrami County's water resources.

Since 1991, The Beltrami SWCD has provided technical assistance to City of Bemidji and Beltrami County landowners for projects involving wetlands. Assistance included reviewing applications, conducting site visits, issuing applicable exemptions, and coordinating with other federal, state, and local agencies.

Local Wetland Management Planning is now a reality in Beltrami County. Beltrami SWCD staff and Supervisors, along with approximately 25 citizen volunteers representing the many geographic areas of Beltrami County, supported the County's efforts to develop a local wetland management ordinance. Technical and administrative assistance were provided to the county-appointed citizen's Task Force, which was responsible for setting local wetland values based on the Technical Committee's functional wetland assessments. This effort's focus was on providing flexible wetland protection in Beltrami County based upon the wetland's function and value as it is situated in the landscape. This diverse group worked for 30 months to reach consensus on this major resource issue, and the Beltrami County Wetland Ordinance was adopted by the County Board in September 2000. The SWCDs are the designated implementing agency for this ordinance. An average of over 500 contacts are received each year requesting technical assistance with wetlands issues.

Education

Education has always been a priority in the CLWP, and efforts are made to integrate an educational component in projects as often as possible. Over 55 water quality related articles and news releases have been published in local newspapers and newsletters since 1991. In addition, numerous presentations have been made to local citizen groups, special interest groups, businesses, schools, and units of government.

The "Traveling Assemblies Program" of the Minnesota Science Museum provides water-related education to all sixth-grade students in Beltrami County through annual contracts. This very successful effort brings the Assemblies Programs entitled "WATER", and THREE RIVERS" on an alternate year basis to over 1,200 students each year. The "WATER" program details the water cycle, water conservation, and water stewardship, and provides important information on the value of water as a resource to be protected. The "THREE RIVERS" program investigates the relationships of three important rivers in Minnesota - the St. Croix, Mississippi, and Minnesota. In addition, the program is augmented by local information about the Red River of the North. Each river is detailed regarding its water quality and how that is related to overall watershed land use, parent materials, and natural resources management. Hands-on participation is stressed during each Assembly Program, and the students really enjoy it!

Forestry Assistance

Protecting water quality through better forest management has consistently been a priority in the CLWP. In 1991, the Beltrami SWCD was one of the first Districts in Minnesota to hire a Stewardship Forester to work with private landowners in providing professional forest management assistance. Since then, over 300 individual Stewardship Plans covering almost 40,000 acres have been written for private landowners. Protection of water quality has been an important component in each of these plans. Based on a follow-up survey of program participants, it was determined that over 78% of landowners have implemented some of the recommendations of their Stewardship Plan.

Development

The Beltrami SWCD, in partnership with the SWCDs and the Planning and Zoning offices in Beltrami, Clearwater, and Hubbard Counties, received a grant to undertake a lakeshore-owner targeted program providing lakeshore management technical assistance. A lakeshore owners handbook was created and over 1,000 copies were distributed to new lakeshore owners in the three partner counties. Landowners appreciated the information, and many subsequent requests for lakeshore technical assistance were received. This document is still in distribution, as the information is as valuable today as when it was first printed.

Lakeshore Associations in Beltrami County have greatly increased in number since 1991. SWCD staff were instrumental in the formation of the Turtle River Watershed Association, a coalition approach to lakeshore issues on over 12 lakes connected by the Turtle River. This citizen-based group has accelerated education and water quality testing within the watershed. Most recently, efforts have begun to create a Beltrami County Lakes and Rivers Association, which will provide a united voice and information-sharing platform for riparian landowners.

Pipelines carrying natural gas and oil intersect Beltrami County water resources in numerous locations. The County's Emergency Response Committee recognized this potential threat to water quality, and staged a pipeline break disaster drill in cooperation with the Rivers Defense Council, and many local, state, and federal agencies. This response drill was extremely effective and helped reaffirm the water quality protection incentives of the program.

Beltrami SWCD staff served on a County-appointed Committee to resolve recreational water use conflicts on the upper Mississippi River from Lake Bemidji to Cass Lake. This segment of river was experiencing significant traffic from recreational users that resulted in safety concerns, shoreline erosion, and habitat loss. Limiting water vehicle speed was determined to be the best way to reduce the resource loss, and to increase the safety of all users in the river corridor. A County Ordinance regulating the speed of watercraft in this section of river was adopted by the County Board in 1998.

Conclusion:

Beltrami County contains significant water resources, with 279 DNR Shoreland-classified lakes, hundreds of miles of streams and rivers, and significant wetland acreage. In addition to the aesthetic, recreational, and consumptive merits of these resources, they also provide significant economic returns to Beltrami County through tourism.

There continues to be a growing awareness of this area's abundant natural water resources that is drawing increasing numbers of visitors and new residents to Beltrami County. This increasing financial investment in the area needs to be accompanied by a similar investment of stewardship practices. Current landowners must strive to implement proper stewardship principles, and convey their commitment for this land to our newest landowners. By working together in recognition of the many abundant, yet fragile Beltrami County resources, this legacy will exist for our subsequent generations.

Beltrami County landowners are fortunate to have very able and active SWCDs who are dedicated to protecting the Beltrami County resources so important to this area. The SWCD is committed to working with all Beltrami County landowners and local units of government to identify environmentally sound solutions to all local resource issues, and assist with promoting and implementing stewardship practices. We invite you to visit the SWCD offices in Bemidji or Grygla and speak with our staff about the many resource conservation programs available to help protect Beltrami County's resources through the application of individual stewardship principles.

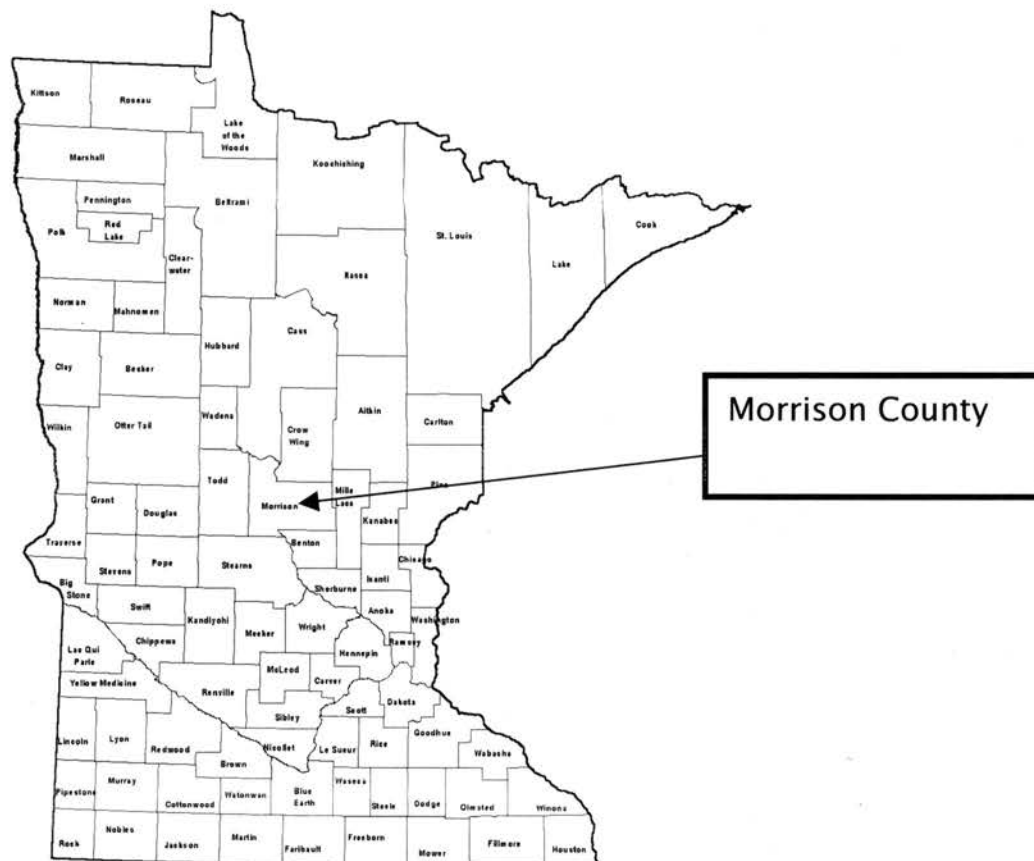
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To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Morrison County has completed updating their comprehensive local water plan. The final 90-day review period began on January 2, 2003, and the board can expect to be asked to approve the plan at the March or April Meeting. The plan's executive summary is attached.



Board Conservationist: Dan Steward, Brainerd

Duration of the proposed plan: Five years

c: Dan Steward, file



Executive Summary

A. Introduction

Since the process to develop this Water Plan was initiated, there have been several major events at the national and state levels that have dramatically changed the ways in which water resource management is viewed. Some of the major events include:

- The attack on America on September 11 and heighten need for “Homeland” security.
- Significant declines in the national, state, and regional economies including a \$2 billion shortfall by the State of Minnesota in 2002.
- The loss of funding through the Challenge grant program for water quality projects.
- A state employee strike in the fall of 2001.
- Another 3-way gubernatorial race in 2002.
- Dramatic weather events including heavy rainfalls, above average temperatures, and mild winters.

Why Plan?

Why should Morrison County develop a comprehensive Water Plan? Any one of the above noted events merits the strategic planning and management of water resources by the County.

To prepare for the unknown, and even for known conditions, is becoming increasingly more complex and difficult for resource managers and decision makers alike. Planning is the management tool that can help combine coordinated and sustained actions to protect and conserve the County’s water resources over an extended period of time.

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Location and Setting

Morrison County is a large rural county covering 1,150 square miles. It is located in central Minnesota between the Twin Cities metropolitan area and the northern lakes region. The Mississippi River flows for 41 miles through the middle of the County. The section of the river north of Little Falls represents a truly unique natural resource. This segment of the river, with its wide and shallow riffle environment, sustains one of the most diverse ecosystems in the United States.

Although it is somewhat removed from the metropolitan areas in the state, surface and groundwater resources connect the County to these larger communities in critical ways. What occurs on the landscapes and within the watersheds of Morrison County not only affects water resources used by the 32,000 or so citizens of the County, but also affects millions of other Minnesotans living along the Mississippi River, corridor including St. Cloud, the Twin Cities, and communities further downstream.

B. Purpose of County Water Planning

The purpose of county water planning is threefold. County water plans should:

- Identify existing and potential problems or opportunities for protection, management, and development of water resources and related land resources in a county.
- Develop and implement a plan of action to promote sound hydrologic management of water and related land resources in a county.
- Work toward effective environmental protection and management in a county.

The 2003 – 2007 Morrison County Water Plan has been designed to provide the people of Morrison County with a strategic framework with which to better manage their water and land resources. Due to the magnitude and importance of ground and surface waters that flow through Morrison County, there are numerous agencies and organizations that have delegated varying roles and responsibilities to manage water resources in the County. This Plan is an essential management and communication tool that will coordinate efforts by the County, its citizens, and their partnering state and federal agencies.

This Water Plan represents the third generation plan developed by Morrison County. It has been developed to meet and exceed the requirements set by the Minnesota Board of Water and Soil Resources (BWSR).

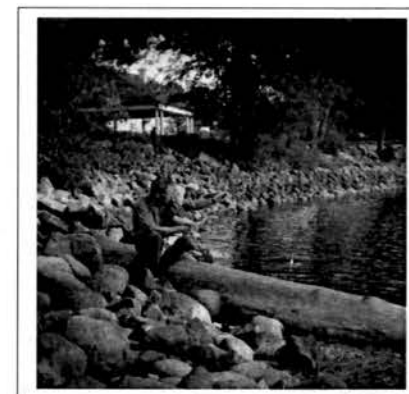
C. Evaluation of Past County Water Planning Efforts

Since the adoption of the first Water Plan by the Board of Commissioners in 1990, Morrison County has established a successful water planning and management program. The County created and implemented several innovative projects and programs to protect its water and land related resources. The innovation efforts cover a range of water resource management topics from wetland protection and shoreland vegetation restoration to an active youth education and student water monitoring program.

The Riverwatch water monitoring program is one example. Through this program, which was initiated in 1990, hundreds of students have been closely monitoring water quality trends and Macroinvertebrate populations in the County. In addition to providing the County water planning program with valuable water quality data, the Riverwatch program has dramatically affected the lives and careers of many students. These students have attended international water quality conferences, received awards in national competitions, and collaborated with students from several foreign countries on water quality monitoring.

A second success story is the County's education and public information program. Each spring, the County sponsors "Lake & River Day" where speakers share information on water resource topics. Held on a Saturday morning, the event extends numerous opportunities for shoreland property owners to learn how to better manage their land. The "Home and Garden Show" provides yet another opportunity for the County, the SWCD, and the Water Plan partners to provide valuable information to the public on water resources. In the fall of each year, partnering water plan agencies sponsor the "Water Festival", a water resource education event attended by up to 200 sixth grade students. The school day event connects students with resource managers on real life water resource projects.

A third example area of successful implementation in the County has been regulatory. The wetland protection program, administered by the Morrison SWCD, has effectively coordinated the protection of wetlands as mandated by the Minnesota Wetland Conservation Act (WCA) on a countywide basis. The County works with the SWCD to coordinate WCA activities through the Block Grant funding process as well as on land use permit applications and requests. Yet another successful regulatory effort was the revision of shoreland regulations by the County Planning and Zoning Office, which meet and exceed state standards. These and other water resource management programs and projects developed by the County and its resource management partners are regarded as some of the best in the state. A more detailed description of past implementation efforts is provided in Volume 1 of this Plan.



D. Development of the 2003 – 2007 Morrison County Water Plan

So what should a county with a successful water planning program do at this point? Taking water resource planning and management to the next level was a conscious and deliberate decision by Morrison County.

The first step in the County's vision for better managing its water resources was to complete a full or comprehensive "rewrite" of the County Water Plan. To prepare this plan, two major endeavors needed to be undertaken. First, the County needed to develop a detailed inventory and assessment of the water and land related resources. Numerous studies, reports, and monitoring/data collection efforts had been completed in the County since the 1990 Water Plan was adopted, but the knowledge was never incorporated into the document.

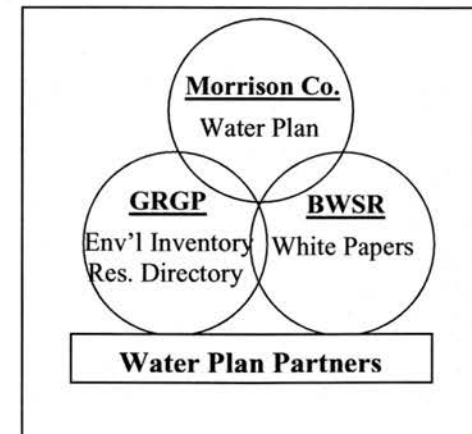
The second effort needed to complete a comprehensive Water Plan was to substantially increase the amount of public input. Getting citizens involved in a planning process, even one that develops goals and policies for managing water resources, has been limited in the past. Yet, that is exactly what good water plans need to do.

Water Plan Partners

The process to update the County's third generation water plan began during the summer of 2000. At the outset of this project, the County had limited funds to develop a comprehensive inventory/assessment and to gather public input. With limited staff time and financial resources, combined with the desire to prepare a comprehensive rewrite or overhaul of the plan, County staff sought additional funding to develop a more meaningful plan. After ten months of effort, the County was successful in obtaining financial support from the Great River Great People Resource Partnership (GRGP) and the Minnesota Board of Water and Soil Resources (BWSR).

GRGP began in the fall of 1998 as an informal group of historic property owners and resource managers working in Morrison County that sought ways to work together more effectively. Today, it is a network of agencies, organizations, businesses and individuals that preserve, manage, and interpret the natural and cultural resources of the Mississippi River watershed.

The initial project taken on by the GRGP was the preparation of an inventory of cultural and natural resources in Morrison County, Minnesota. This project was to serve as an initial effort to compile and organize existing information and data for future collaboration by the members. In the conceptual stages of the project, two basic products were proposed to be prepared, including a



“Resource Directory” and an “Environmental Resource Inventory”. The Resource Directory was designed to be a comprehensive listing of the GRGP member organizations and the services, data, and information they have developed on the land, water, and cultural resources in the County. The Environmental Resource Inventory was designed as a GIS based inventory that summarized the research in the form of maps. The results of this effort can be viewed on the GRGP website. The County Water Plan can be found on the County’s web site and additional information of the state water planning program can be found on the BWSR web site.

Since these two products were viewed as being beneficial to both the County water planning program and to GRGP, a partnership was formed to foster the preparation of the products. In July of 2001, Morrison County entered into an agreement with GRGP through the Institute of Minnesota Archeology (the GRGP fiscal agent) to develop the products for this project. Financial support of \$30,000 for the project came from GRGP through a McKnight Foundation grant. Morrison County through the Technical Committee and the consulting team provided technical support and services to complete the project.

Products from the GRGP project such as the maps and data have been incorporated into this Water Plan. A more detailed description of the GRGP project and future collaborations is provided in Section 1 of Volume 1.

The second collaboration for this Water Plan was established with BWSR. The County proposed a pilot project that would enhance the development of the Water Plan and provide the BWSR with recommendations on ways to link water and land use planning in the six “white papers”. Each of the white papers addresses a specific aspect of water and land resource management and they will be used by the BWSR to help in the revising of the County water planning statutes, rules and policies. The project was supported by BWSR with a \$15,000 grant and had three primary objectives:

- Identify how local water planning can influence county comprehensive planning and subsequent land use controls.
- Assess county comprehensive water planning program requirements and their effectiveness in promoting wise water management at the local level.
- Assess the various roles and relationships between local units of governments in implementing County Comprehensive Water Plans and related state programs administered by local governments.



E. Resource Trends and Public Input

Resource Inventory and Assessments

The Resource Inventory from Section 3 of Volume 1 provides an in-depth review of the natural resources in Morrison County. It describes the unique nature of the County's resources and why certain issues exist. The inventory serves as the baseline for the assessments. Section 4 of Volume 1 provides assessments of the County's resources and the ways in which they are being managed. It also introduces some alternative strategies for managing surface water, groundwater, and land resources in the County. Together, Sections 3 and 4 provide citizens and County officials with a scientific foundation for establishing fair and effective policies to manage water resources.

As the Plan is being implemented over the next five to ten years, the detailed inventory and assessments should be referred to frequently for background information. Over forty maps and dozens of tables have been prepared along with corresponding narratives. Due to in depth coverage, these sections of the Plan are not intended to be read from cover to cover, but to serve more as a reference document for water and land management activities.

The Watershed Perspective

Typically, municipal and county boundaries are based on the rectangular grid of original government surveys. This perspective used is the geographic basis for most local government planning efforts, such as land use or transportation. The plans are based on linear boundaries. But unlike land ownership and land use patterns that follow geopolitical boundaries, water follows topographic patterns and the forces of nature. The all too obvious result is that water becomes more difficult for governments to manage, especially when they are viewing issues on the basis of linear geopolitical boundaries.

To more effectively manage water resources, different boundaries need to be considered and established. For example, the basin planning approach established by the MPCA provides the regional focus while county water planning advocates the management of water resources from a more localized watershed perspective. Both levels use boundaries based on the flow of water.

What is a watershed? A watershed is an area of land that drains into a surface water feature such as a stream, river, or lake and contributes to the recharge of groundwater. Watersheds are divided by areas of higher elevation that cause the drainage patterns of surface water within the watershed.

Points to Consider:

“Fuzzy observations
do not mobilize people
to act.”

Prof. George Honadle
Bowling Green
State University

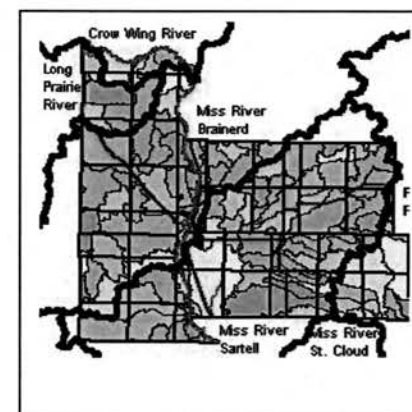
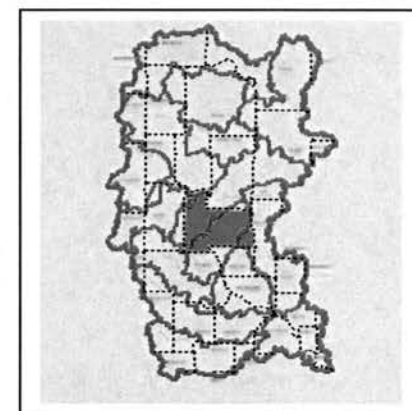
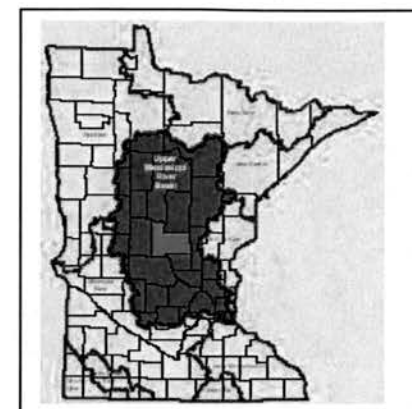
Furthermore, watersheds come in different sizes and shapes. In Minnesota, there are 10 river basins and 81 major watersheds. The basins and major watersheds form the major hydrologic boundaries in the state. Within Morrison County there are 6 major watersheds and over 100 minor watersheds. The diagrams in the right margin illustrate the hierarchy of watersheds in the state and in the County. It should be noted that the major and minor watershed boundaries bear little resemblance or similarity to the boundaries of Morrison County.

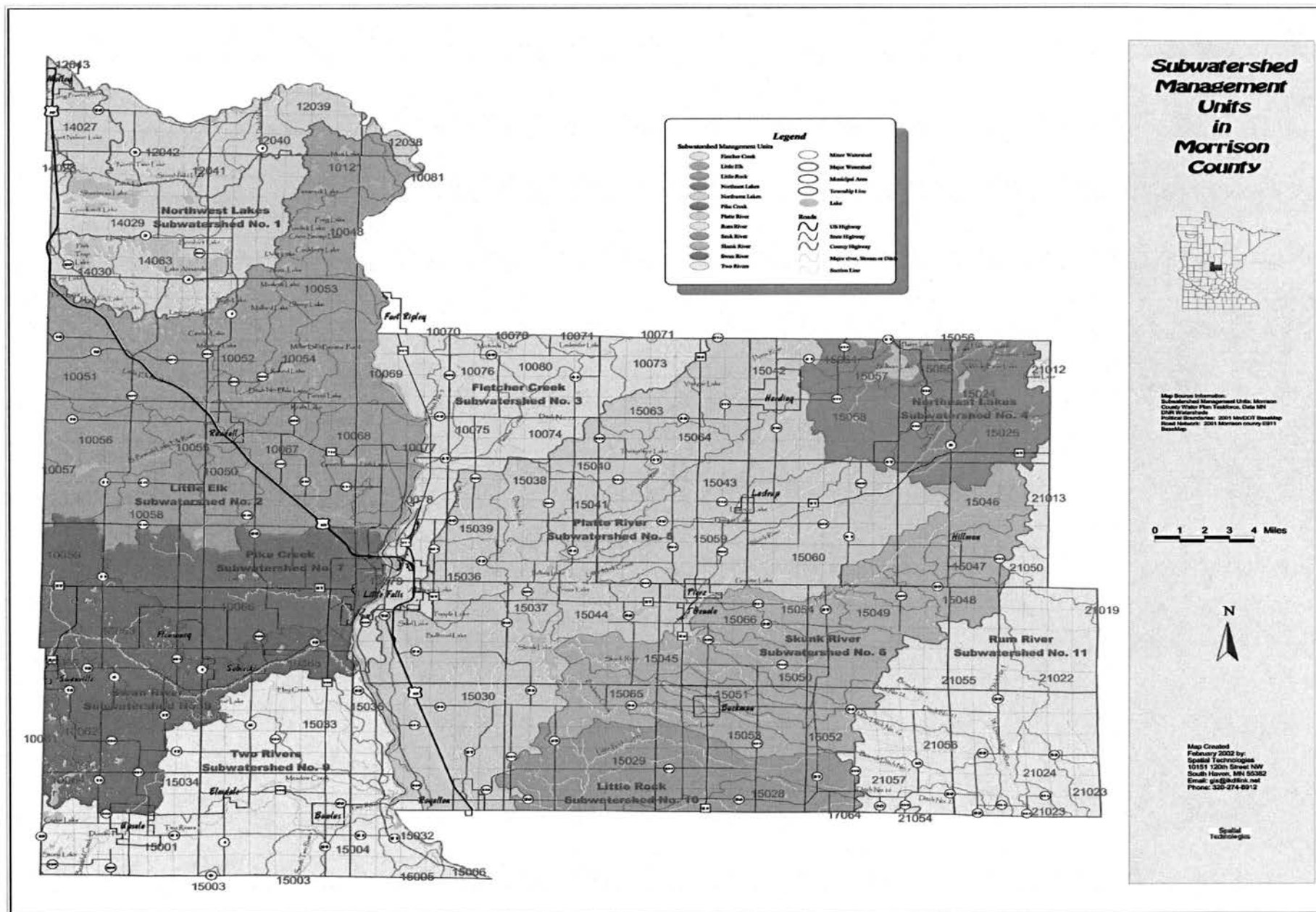
An essential step in preparing a water management plan or making water resource related decisions is to understand the hydrologic context of a given area. Resource inventories and assessments should analyze resources from a watershed perspective.

In developing the Resource Inventory and Assessment for the Morrison County Water Plan, it was determined that the County boundaries often did not serve as an appropriate level for analysis. Furthermore, neither the major watersheds nor the minor watersheds seemed to fit the County's analysis needs. The six major watersheds covered too large amounts of land in adjoining counties and did not provide adequate depth or focus on key issues in the County. The minor watersheds were too small of a geographical area to establish workable policies for managing water resources in the County.

As a result, eleven subwatersheds were established to be used as the basis for collecting and organizing data for the inventory and assessment of water resources in this plan. The eleven subwatersheds were each assigned a name and number for reference purposes. The map on the next page illustrates the subwatershed boundaries on the County base map. The following is a list of the subwatershed analysis areas:

Number	Subwatershed Name
1.	Northwest Lakes
2.	Little Elk
3.	Fletcher Creek
4.	Northeast Lakes
5.	Platte River
6.	Skunk River
7.	Pike Creek
8.	Swan River
9.	Two Rivers
10.	Little Rock
11.	Rum River





The following provides some of the key findings from the Resource Inventory and Assessment:

Land Resources

- About one-third of the County is in a geologic landform known as the sand plain. Most of the sand plains are located along the Mississippi River and in the south central portion of the County.
- The sand plains are very sensitive to groundwater pollution. The most intensively used lands in the County, from urban to agricultural, are located in the sand plain areas.
- The County has prepared an analysis that estimates sensitivity to groundwater pollution. The results have been illustrated on a map. Sensitivity rankings have been provided at the subwatershed level.

Groundwater Resources

- The County contains large groundwater reserves in the sand plain areas. Groundwater supplies in other portions of the County are significantly lower.
- High nitrates have been reported in a large number of sampled wells.
- Not enough is known about the County's groundwater resources (either quantity or quality) to determine causes and impacts of various activities.

Surface Water Resources

- Water quality in the rivers and streams over the last twenty to thirty years has improved. Lake water quality appears to be stable with some declines.
- The County's diverse transitional ecological setting, where four of its six major watersheds transition from the Northern Lakes and Forests ecoregion to the North Central Hardwood Forests, is truly unique. No other county in the Upper Mississippi River Basin or the state has this range of diversity or resource management challenges.
- Non-point pollution sources will require more creative and collaborative approaches in protecting and enhancing water and land resources on a watershed basis.

Future Development Trends

- The County's population is projected to increase slightly and age significantly over the next twenty years.
- The County will see a significant increase in the number of housing units.
- The County has many desirable amenities for growth.
- Development pressures will continue over the next twenty years and the County should expect increased impacts on its water resources.

Points to Consider:

“Unfortunately,
our affluent society,
has also been an
effluent society.”

Vice President
Hubert H. Humphrey
(1966)

Citizen Input

Active and ongoing citizen participation was integrated into the County's water planning process. Public input was gathered through several approaches and efforts. Primary methods used to garner public views included an area informational meeting, group discussions, a citizen questionnaire, an open house, Lake and River Day events, key interviews, Technical Committee and Task Force meetings, and a public hearing. The following is a list of some of the major issues and concerns raised by citizens:

Groundwater Concerns

- Impacts of agricultural operations on groundwater – feedlots, manure management.
- Impacts of failing septic systems associated with rural development.
- Impacts of irrigation.
- Abandoned wells.
- Need for more wetland protection.

Surface Water Concerns

- Agricultural impacts on surface water resources – manure management, run-off and erosion, chemical management.
- Land development impacts – shoreline development, rural residential development, run-off and erosion, lawn fertilizers.
- Failing septic systems.
- Wetland protection vs. drainage.
- Loss of fish and wildlife habitat.

Land Use and Development Concerns

- Impacts of further development in sensitive shoreland areas.
- Manure/nutrient management and more intensive agricultural uses of land.
- Need for more wetland protection.
- Drainage issues relating to development.
- Loss of woodland areas and wildlife habitat to development.
- Failing septic systems.

Based on input from the citizens, some of the greatest challenges that the County faces in its efforts to protect and enhance water resources have to do with land use and development. As many survey respondents identified, priority water resource issues tend to result from how the land is used. In

Why is public input important?

Because it's their land,
their water...

order to improve water quality in Morrison County, most citizens felt that land use issues are central to that mission.

How should the County address the water and land related resource concerns? Citizens were consistently asked this question in each of the public input gathering procedures. Over 200 ideas and suggestions were made by participating citizens on how the County should manage water and land resources (see Section 5 in Volume 1). A few of the more commonly suggested approaches or strategies to protect the County's water resources identified by citizens included the following:

- Continue education efforts.
- Identify critical water resources and prioritize them for protection.
- Increase conservation measures to protect lakes and streams.
- Encourage better land use practices.

How should we pay for these programs and projects? As a part of the small group discussions held at the public informational meeting, citizens were also asked if they were in favor of increasing property taxes to help pay for water quality projects. Although the number of people responding to this question was small, the general consensus reflected support for a small to modest increase of ad valorem taxes to support water quality projects in the County. Citizens also encouraged the County to leverage the local tax dollars and pursue other funding sources including grants and loans from state or federal government agencies.

Intergovernmental Coordination and Input

In addition to gathering input from citizens, this Plan benefited from active involvement and input from numerous local and county officials, as well as from state and federal agency representatives. Staff from the soil and water conservation districts, planning and zoning offices, county water plan programs, municipalities, and the state's natural resource agencies participated in dozens of meetings that were central to the development of this plan.

Citizen Task Force

Throughout the thirteen years of water planning, the County Board has maintained and supported a citizen based advisory board, the Morrison County Water Plan Task Force. In developing this Plan, the Task Force served as the principal review body for all draft documents developed in the planning process.

Points to Consider:

"There are many objects of great value to humankind which cannot be attained by unconnected individuals, but must be attained, if at all, by association."

Daniel Webster

F. Strategic Policy Framework

Citizen input, along with the inventories and assessments, served as the two foundational sources for development of the overall direction and policies in this Water Plan. Over the course of eight to ten months, the Task Force reviewed and refined the concepts described in what is referred to as the Strategic Policy Framework.

Mission Statement

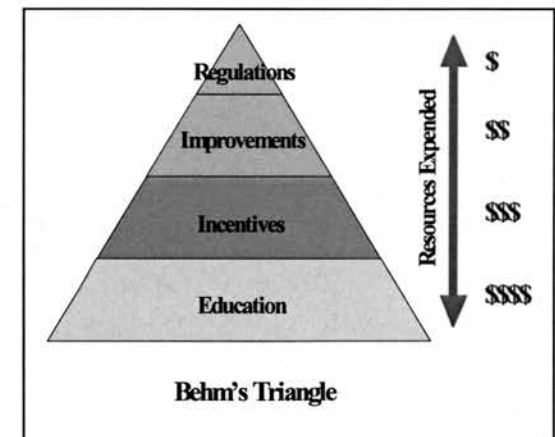
With limited resources and funding available to implement its goals and objectives, the County will need to focus efforts to manage its water resources. Therefore, the Morrison County Board of Commissioners, upon recommendation from the Water Plan Task Force, has adopted the following mission statement:

“Our mission is to protect, preserve, and enhance water and land related resources for the use and enjoyment by the citizens and visitors of Morrison County.”

Guiding Principles

The County intends to pursue programs and projects that effectively assist in the fulfilling the County’s mission and attaining its goals. To do this, the County has established a set of guiding principles. The principles have been summarized in the following list and are illustrated in the diagram in the side bar:

- The County encourages the wise use of water and land resources throughout all of its watersheds through **education**.
- The County encourages the use and application of sound scientific resource management approaches, technologies, and methods to address water resource issues through **incentive** programs.
- The County itself uses and applies sound resource management approaches, technologies, and methods to address water resource issues through **improvement** programs within the County.
- The County supports the implementation of additional **regulatory** controls and enforcement mechanisms when appropriate and necessary, to address water management issues.



Water Plan Goals

Included in the Water Plan are a series of goal statements that provide general guidance for future County decisions on the projects and programs for water resource management. Goals have been created for surface water, groundwater, land resource and administrative initiatives.

Collectively, the goals, objectives and action statements provide the framework for guiding the day-to-day operations of the County, resource agencies, and property owners as they work together to address resource issues and implement the water plan goals.

The strategic policy framework should be used by the County not only when it is responding to a specific request such as a petition for a variance or a ditch clean out project, but it should also be used in proactive situations. Some of the more frequent proactive decisions are made in the budgetary process such as the annual work programs and budgets.

Further, this policy framework should be consulted by resource agencies such as the MN DNR or MPCA and by local units of government when making decisions that affect water resources in the County. State agencies that manage natural resources in the County are encouraged to regularly use the plan as a reference guide when making their operational and capital investment decisions. Cities, townships, and other organizations such as non-profit organizations are also encouraged to refer to the plan as they make their decisions on land and water use activities.

Most importantly, landowners are encouraged to use this policy framework as they plan and manage resources on their private lands. Since a vast majority of the land in the County is privately owned, this group will make some of the most important decisions on the future quality of water resources in the County. Their actions will largely determine whether the County's land and water resources are improved or degraded.

The following is a list of the goals developed in the County Water Plan:

Groundwater Resource Goals

1. **Protect and preserve** groundwater resources in Morrison County in order to ensure a potable drinking water supply for all residents and visitors of the County.
2. Increase the **understanding and knowledge** of the groundwater resources in Morrison County.
3. Encourage the **safe and wise use** of groundwater resources in Morrison County.

Surface Water Resource Goals

1. **Protect and enhance** surface water resources in Morrison County.
2. Increase the **understanding and knowledge** of the surface water resources in Morrison County.
3. Maintain, protect, and preserve **wetlands** within Morrison County.

Land Resource Goals

1. Promote **orderly growth and development** throughout Morrison County that is consistent with sound water resource protection principles and practices.
2. Protect **sensitive groundwater and surface water resources** from land uses that have the potential for causing significant impacts on quality and quantity.
3. Promote and increase **water-based recreation and conservation lands** with a range of uses from minimal to greater impact within Morrison County.
4. Advocate **water conservation and habitat protection** through private and public land stewardship, while minimizing the need for government regulation.

Administrative/Fiscal Resource Goals

1. Promote **better awareness and understanding** by the public regarding the value of water resources and the impacts that their activities and lifestyles place on these resources from a watershed perspective.
2. Encourage active and ongoing **public participation** in the implementation of the Morrison County Water Plan.
3. Manage the Morrison County Water Planning and Management process in a **fair and fiscally responsible manner**.

Volume 2 of the Water Plan provides a complete listing of all policies, goals, objectives and action items developed in the strategic policy framework.

G. Summary of the 2003 – 2007 Water Plan Implementation Program

Program Development

There is no one strategy or tool that will solve all the water resource issues. One of the great successes of the county water planning process is that it encourages counties to develop a comprehensive approach to implementation.

The following is a list of implementation strategies and programs that the County has developed to implement the goals and objectives of the Morrison County Water Plan.

Strategy 1 – Building and Sharing Knowledge

- Education & Information – events, web site, newsletter, public relations, etc.
- Monitoring – water quality and quantity.
- Data Management – collecting, organizing, mapping, interpreting and distributing.

Strategy 2 – Action Projects

- Incentives – “Private Projects” – upgrade septic systems and feedlots, vegetative buffer strips, conservation tillage, etc.
- Improvements/Maintenance – “Public Projects” – bridges, culverts, dams, public ditch maintenance, etc.
- Equipment – tree planters, drills (native grasses), controlled burn equipment, etc.

Strategy 3 – Cooperative Community Building/Resource Protection

- Detailed Water Systems Planning – lake and river management plans, watershed studies, wellhead protection plans, etc.
- Comprehensive Planning – municipal, county and regional levels, developed with public input and assessments of the natural resources. The plans need to be frequently used and maintained over time.
- Regulations and Ordinances – coordination and consistency.

A separate program has been developed for each of the nine bulleted program areas noted above. The programs are provided in Volume 3 of the Water Plan. A description of the project, collaborating partners and estimated costs are provided for each component listed under the programs. The ability of the County to successfully implement these programs will be dependent on several factors with funding being the primary consideration. As funding is available, the County may pursue the listed programs to protect its water resources.

What is a “strategy”?

A strategy is a general course of action used to define the direction that an organization will pursue to meet its goals. The County has 3 strategies including building and sharing knowledge, action projects, and cooperative community planning.

What is a “program”?

A program is a defined area of work that implement goals and objectives of a plan. Some examples include education, monitoring, and regulatory programs.

What is a “project”?

A project is a specific task or action within a program or strategy. Projects are site or issue specific. Some examples include the ISTS upgrades in Hillman, the Level 2 feedlot inventory, storm drain stenciling in 1994, and lake parcel maps created for Lake Alexander. A series of similar projects define a program.

Future Funding Needs

Since the adoption of the original Water Plan in 1990, Morrison County has completed several major projects totaling several million dollars. Funding for these projects came from multiple sources through a variety of public and private partnerships and joint ventures. These projects have made a real and meaningful difference in protecting water resources in the County as is evident in the monitoring of surface water quality completed by the Riverwatch program and the MPCA. Yet, as outlined in the Resource Inventory and Assessment in Volume 1 of this Plan, more work remains to be done in order to meet the goals.

The programs and projects proposed in the 2003 – 2007 Morrison County Water Plan will also cost several million. The funding will come from several sources over several years, just as it has in the two previous water plans. Much like the previous County history, funding and support to successfully implement this plan will need to come from a collaboration of public and private partners.

H. Recommendations to Local, State and Federal Agencies

As a result of the intensive water planning process undertaken by Morrison County, numerous actions and strategies for addressing water resource issues were identified by the Task Force but are well beyond the scope of the County's role. In response, the County has developed a series of recommendations for local, state and federal agencies for changes or additions to their programs (see Section 6 in Volume 3). Two of the recommendations included in this section are:

- Develop a two-tiered system for distributing the base grant funds for county water implementation. An increased level of state funding should be provided to counties that more aggressively seek to plan and manage water resources in a strategic manner.
- With land use being one of the major water quality concerns, there needs to be better ways to guide land use at the local governmental level. Establish a local-state program that encourages voluntary comprehensive planning by counties, cities and townships. The program could be modeled after the Comprehensive Local Water Planning program and the portions of the Community-Based Planning Act.

These recommendations can make agencies more responsive to managing water and land resources. The County would request that the BWSR review these recommendations and forward them to the appropriate agencies and officials for their consideration. The County has distributed the recommendations to the local units of government in the County and the area legislators.

I. How to Use this Plan

Organization of the 2003 – 2007 Morrison County Water Plan

Understanding the organization of the Water Plan can help readers more quickly understand and apply concepts developed in this plan. Its organization has been intentionally designed to follow the strategic planning process to keep it simple and easier to use. Strategic planning asks three fundamental questions: Where are we? Where do we want to go? And, how do we get there?

The 2003 – 2007 Morrison County Water Plan has been organized into a three-part format to compliment the strategic nature of the County's water planning process. This format complies with the framework established by the Minnesota Board of Water and Soil Resources (BWSR). The three parts of this Water Plan include:

- Volume 1 – Plan Background
- Volume 2 – Strategic Policy Framework
- Volume 3 – Plan Implementation

Volume 1 provides the reader with an in-depth description of the County. It includes an overview of basins and watersheds in the County, a detailed inventory and assessment of the resources, and an overview of the input received from citizens of the County.

Volume 2 outlines the County's vision in a written framework. Volume 2 also provides a detailed framework of policies, goals, objectives, and action items that define how the County will manage water and land resources in the next five to ten years. A grouping of these statements for groundwater, surface water, and land resources are included in this volume.

Volume 3 of the plan establishes how the County will implement the strategic policy framework developed in Volume 2. Specific recommendations for implementing the County's goals are listed in the Implementation Program found at the end of Volume 3.

Each of the three volumes has many uses and applications. For example, data in Volume 1 can be useful in the preparation of grant applications. The strategic policy framework in Volume 2 should be consistently referred to by the County, as well as state and federal agencies when they review requests for water resource and land use permits. The programs outlined in Section 3 of Volume 3 should be used by the County as a starting point in each year's annual work program and budgetary

process. These are just a few of the plan's applications and uses. The County anticipates many other uses of the plan through the management of water resources over the next five to ten years.

User's Guide for the Water Plan

First time users of the plan will benefit from reviewing the Table of Contents and paging through the volumes and sections. Section tabs have been provided to ease navigation through the comprehensive document. The first page of each section provides a brief table of contents for that section.

In the margins of the document, there have been numerous references provided where individuals can obtain additional information or assistance on a given resource topic. The margins also include diagrams and pictures to help explain concepts outlined in the plan.

Further, the appendix has been prepared to be useful for people not familiar with water planning and resource management. For example, Appendix A includes a list of acronyms used in the plan and Appendix B provides a glossary of terms. The appendix is also the warehouse of water resource data gathered and organized for the Water Plan.

The comprehensive water planning process generated a tremendous amount of research. Together, the complete Water Plan document and the appendix serve as the County's reference document or handbook for water resource management. As resource managers and citizens encounter issues over the next five years, the information is there, waiting to be used. It can be read as it is needed.

Who to Contact

In summary, each citizen plays a major role in the wise management of our natural water resources. This Plan is intended to lay out numerous ways in which the County, its citizens, and the local units of government can work together to make sound decisions on maintaining and enhancing water and land resources in Morrison County.

If you would like to get involved in one of the projects or have any questions about the Morrison County water planning process, please contact Chuck Forss, the Water Plan Coordinator at (320) 632-0172. Or please contact one of your Water Plan Task Force members or County Commissioners listed in the Resource Directory provided in the Appendix. Thank you.

March 2003

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, MARCH 26, 2003**

AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of February 26, 2003

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

Reports

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

Agency Reports

- Minnesota Department of Agriculture – Perry Aasness
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Natural Resources – Mark Holsten
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Lisa Thorvig

Committee Recommendations

Northern Water Planning Subcommittee

1. Beltrami County Comprehensive Local Water Plan Update –
Decision Item

Old Business

1. Budget Overview – Ron Harnack – *Information Item*

New Business

1. Legislative Policy Issues – Ron Harnack – *Discussion/Decision Item*
2. Overview of the "Minnesota Water Priorities 2003 - 2005" Biennial Report of the Environment Quality Board – John Wells, EQB Water Planning Director - *Information Item*

Advisory Comments

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

Upcoming Meetings

- Next BWSR Meeting, April 23, 2003, St. Paul

Adjourn

***** The BWSR Wetlands Committee will meet after the Board Meeting.**



DATE: March 17, 2003

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: March 26th Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 26, 2003, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

Committee Recommendations

Northern Water Planning Subcommittee

1. Beltrami County Comprehensive Local Water Plan Update – see attached. *Decision Item*

Old Business

1. Budget Overview – Budget information is now on the BWSR's web page – see the link from BWSR's home page <http://www.bwsr.state.mn.us> Last week Governor Pawlenty announced his supplemental budget to address the additional deficit that was discovered in the February forecast. You can find the details at the following web site. http://www.budget.state.mn.us/budget/operating/200405/0405rec_rev1.pdf
Information/Discussion Item

New Business

1. Legislative Policy Issues – *Discussion/Decision Item*
2. Overview of the "Minnesota Water Priorities 2003 – 2005" Biennial Report of the Environmental Quality Board – John Wells, EQB Water Planning Director, will present information. Copies of the report will be available at the Board meeting.
Information Item

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. I look forward to seeing you on March 26!

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, MARCH 26, 2003**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of February 26, 2003

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

Reports

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

Agency Reports

- Minnesota Department of Agriculture – Perry Aasness
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Natural Resources – Mark Holsten
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Lisa Thorvig

Committee Recommendations

Northern Water Planning Subcommittee

1. Beltrami County Comprehensive Local Water Plan Update –
Decision Item

Old Business

1. Budget Overview – Ron Harnack – *Information Item*

New Business

1. Legislative Policy Issues – Ron Harnack – *Discussion/Decision Item*
2. Overview of the “Minnesota Water Priorities 2003 - 2005” Biennial Report of the Environment Quality Board – John Wells, EQB Water Planning Director - *Information Item*

Advisory Comments

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

Upcoming Meetings

- Next BWSR Meeting, April 23, 2003, St. Paul

Adjourn

***** The BWSR Wetlands Committee will meet after the Board Meeting.**

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
March 26, 2003**

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
March 26, 2003**



Dispute Resolution Report

March 13, 2003

by Jim Haertel

There are presently eight appeals pending. All of the appeals involve WCA. There has been one new appeal filed since the last report of February 13.

There is an appeal of a no-loss decision in Douglas County. A decision on accepting the appeal has not been made yet.

There is an appeal of a restoration order in Douglas County. A WCA rules amendment in 2002 allowed appeals of restoration orders. This is the first appeal of this type. The Executive Director will make a decision on the appeal within 60 days.

There are two appeals of a replacement plan decision made by the Shingle Creek WMO in Brooklyn Center. These two appeals were previously heard by the DRC and remanded. The WMO conducted a new public hearing, made the same decision as before, and the same appellants have filed new appeals. The appeals have been accepted and a pre-hearing conference has been scheduled for April 11.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

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

Another appeal is of a replacement plan denial in Stearn's County. The appeal involves a single family dwelling site near the Mississippi River. The appeal has been accepted, a pre-hearing was held and the appeal is in abeyance pending the results of a lawsuit between the landowner and the county.

Another appeal involves a wetland banking site in Chisago County. The appeal has been accepted and was being held in abeyance to see how the site develops. Most of the site has now been accepted into the bank so the appeal should be withdrawn soon.

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

March 2003 BWSR Board Meeting

**OVERVIEW -- BELTRAMI COUNTY
THIRD GENERATION COMPREHENSIVE LOCAL WATER PLAN**

Background (Second Generation)

The Board of Water and Soil Resources (BWSR) approved the second generation Comprehensive Local Water Plan (Plan) for Beltrami County on April 28, 1996. The second generation Plan was in effect until August 28, 2001.

Plan Update (Third Generation)

On May 1, 2001, Beltrami County passed a resolution to update their Plan. A second resolution was passed at the same time requesting an extension until December 31, 2001 in order to take advantage of the data gathering and planning activities associated with developing a Beltrami County Comprehensive land use plan. On August 23, 2000, the BWSR approved the extension. Water planning activities within Beltrami County are delegated to the Beltrami SWCD. The SWCD contracted with the Headwaters Regional Development Commission (HRDC) to manage the plan update process. These organizations had also developed the first and second generation water plans. After conducting the public information meeting and a number of taskforce meetings, Beltrami County completed the draft third generation Plan and began the preliminary sixty-day review on June 4, 2002. The public hearing was conducted on November 11, 2002. Beltrami County submitted its third generation Plan to BWSR on January 13, 2003 to initiate the required ninety-day final state agency review.

County Description

Beltrami County is located in the north central part of Minnesota bordering Canada. The Mississippi River flows through the southern portion of the County and the Northernmost point of that river lies within the Beltrami County. The County Seat of Bemidji lies approximately 225 miles north of Minneapolis-St. Paul. Other small communities within the County include Blackduck, Wilton, Solway and Washkish. Beltrami County contains approximately 1,900,000 acres. The major categories of land cover within the county are forested (46%), non-forested wetland (21%), open water (18%), and cultivated (7%). The southern half of the County contains many lakes in relatively close proximity to Bemidji. Urbanizing shoreland is most prevalent in this area. Upper and Lower Red Lakes are located in the northern portion of the county and make up the bulk of the open water area within the county. This portion of the county contains a large portion of bog and patterned peatlands with sparse human population. Wild rice paddies are located in this portion of the county. The northwestern part of the County is predominantly a mixture of forestland and agricultural fields. Extensive efforts to provide drainage

adequate for agricultural production were employed early in the 20th century throughout the northern portion of the county. The most successful implementation occurred in the northwestern portion of the county. Approximately 60 % of the land in Beltrami County is in public ownership with 30% of the total land mass owned by the State of Minnesota. The Chippewa National Forest, Leech Lake Reservation and Red Lake Reservation manage parts of the land area contained within the County borders. Beltrami County's population in 2000 was 39,650. The population of Bemidji in 2000 was 11,917

U.S. Highway 71 is the major north - south corridor connecting Bemidji with other parts of Minnesota. U.S. Highway 2 is the major east - west corridor connecting Grand Forks North Dakota and Duluth.. The main watersheds within the County are: Upper Mississippi River, Leech Lake, Clearwater River, Upper and Lower Red Lake, Red Lake River, Thief River, Roseau River and Rapid River. The economy is a diverse mix of tourism, retail and commercial activity, agriculture and forestry activities.

Plan Update Review

The third generation Plan reflects current conditions and trends within Beltrami County. Shoreland urbanization pressures are most intense in the area surrounding Bemidji. Much of the lakeshore property available for residential housing is marginal with environmental limitations including wetlands and bluffs. Economic considerations have increased lakeshore property values to the point that shoreland associated with rivers, streams and wetlands are being converted to residential housing. Population growth within the County is primarily in the southern half of the county.

The water plan identifies the major watersheds within the County and emphasizes water plan implementation in larger watersheds within the county where human influences have the greatest potential to affect water quality and quantity. These include the Upper Mississippi River, Clearwater River, Upper and Lower Red Lake and the Thief River. To address these issues, Beltrami County has developed a focused, five-year implementation Plan to address the identified issues.

The Water Plan Advisory Committee adopted the following principles to help guide the annual work plans:

- Public education-Incorporate public education activities within all strategies, wherever possible.
- Coordination-Involve and coordinate activities with other agencies when working with a particular waterbody or watershed.
- Future Opportunities-Design strategies to be flexible and to deal with unforeseen challenges or opportunities.
- Measureable Results-Identify measurable and tangible results that will clearly gauge the effectiveness of any particular project.

Priority issues include data management and analysis, stormwater, vegetation removal and erosion control management activities associated with shoreland

urbanization, high water levels associated with sustained high precipitation levels and their effect on infrastructure and the environment, stream and ditch bank erosion, nutrient loading and groundwater protection.

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

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

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Beltrami County Board of Commissioners adopted a Comprehensive Water Plan (Plan) on May 15, 1996 under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on August 28, 1996 pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Beltrami County Board of Commissioners submitted a Comprehensive Water Plan Update (Plan Update) to the Board on January 10, 2003, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On May 1, 2001, Beltrami County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. On May 1, 2001, Beltrami County passed a resolution requesting an extension of the existing Comprehensive Water Plan.
4. On August 9, 2001, the Board received from Beltrami County a resolution requesting an extension of their existing Comprehensive Water Plan.
5. On August 23, 2001, the Board approved the extension of the existing Beltrami County Comprehensive Plan until June 20, 2002 (The Board has authorization to grant extensions pursuant to Minn. Session Law 1995, Chapter 184 Section 24.)
6. Beltrami County held a public information meeting on July 11, 2001, for purposes of gaining public input into the Plan Update.

6. On June 4, 2002, Beltrami County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
7. On June 4, 2002, Beltrami County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Minnesota Pollution Control Agency, Minnesota Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On November 11, 2002, Beltrami County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On January 13, 2003, Beltrami County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On January 13, 2003, the Board distributed notification of the official 90-day state review and a copy of the Beltrami County Plan Update to the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Environmental Quality Board, and Minnesota Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On January 13, 2003, brief information regarding the Beltrami County Plan Update was provided to the Board for their review.
12. **Individual Comments:** No individual comments were received.
13. **County Response to Individual Comments:** Not Applicable
14. **Local Government Unit (LGU) Comments:** No written comments were received, although there were representatives from local communities on the Water Plan Task Force and their input was incorporated into the plan.
15. **County Response to LGU Comments:** LGU input was incorporated into the plan.
16. **Minnesota Department of Agriculture (MDA) Review:** No written comments were received
17. **Minnesota Department of Health (MDH) Review:** A letter dated 9/24/02 was received from MDH staff during the final review period. Some information on wellhead protection plans and public water suppliers within the county was provided.
18. **Minnesota Department of Natural Resources (DNR) Review:** No written comments regarding plan content were submitted, however DNR staff were associated with the development of the plan update.
19. **Minnesota Pollution Control Agency (MPCA) Review:** No written comments regarding plan content were submitted, however MPCA staff attended several Task Force meetings and provided input at that time. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:** No written comments were received.
20. **Minnesota Geological Survey (MGS) Review:** No written comments were received.
21. **Minnesota Board of Water and Soil Resources (BWSR):** BWSR staff provided comments to Beltrami SWCD and Headwaters Regional Development Commission (HRDC) staff at Task Force meetings and at several informal work sessions
22. **County Response to State Agency Comments:** Comments received during task force meetings, and in individual meetings were incorporated as the document was developed. **Board Water Plan Review Committee Meeting:**

23. On March 14, 2003, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Beltrami County January 1, 2003-December 31, 2007 Comprehensive Local Water Plan Update.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Plan Update as the Comprehensive Local Water Plan of Beltrami County. Dated at St. Paul, Minnesota, this 26th day of March, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland Coe, Chair



State of Minnesota
Department of Finance

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March 12, 2003

TO: Senator John Hottinger
Senator Richard Cohen
Senator Lawrence Pogemiller
Representative Steve Sviggum
Representative Jim Knoblach
Representative Ron Abrams

FROM: Dan McElroy *Dan McElroy*
Commissioner

SUBJECT: Supplemental Budget Update #1

The purpose of this letter is to officially transmit revisions to the Governor's FY 2004-05 Proposed Budget that was released on February 18, 2003.

The information updates the original submission for the impact of the February forecast. It contains changes and updates to the Governor's recommendations for FY 2003-05 to bring the Governor's proposed budget into balance based on the impact of the new forecast. Additionally, this formal amendment to the Governor's budget incorporates revisions and technical corrections to the biennial budget documents.

As we had highlighted at the February forecast release, the impact of February forecast changes on the Governor's proposed budget is summarized below:

(\$ in millions)	<u>Original Budget</u>	<u>Forecast Changes</u>	<u>Updated Budget</u>
Balance from FY 2003	\$186	\$(11)	\$175
Revenues	28,438	(150)	28,288
Spending	28,120	(32)	28,088
Reserves	500	0	500
Ending Balance	\$4	\$(129)	\$(125)

The budget revisions eliminate the shortfall in the Governor's budget, increase the recommended budget reserve by \$30 million to \$530 million and leave a budget balance of \$6.8 million. The impact of these changes is summarized below.

Governor's Budget Shortfall (\$ in millions)	(\$125.3)
(Based on Feb. Forecast)	
Decision Items	148.5
Other Revisions, Forecast Changes (net)	13.6
Available Balance	36.8
Increase Reserve to \$530M	(30.0)
Ending Balance	\$6.8

The attachments to this letter identify general fund revisions to the Governor's recommendations by legislative omnibus bill. The information identifies items and amounts, provides a brief description, and shows fiscal impact for the FY 2004-05 biennium.

We are providing this summary listing so you will be able to begin to consider the specific items being recommended. Additional detailed information updating the numbers provided in the original budget documents, new and revised changes pages, and supplemental fund balance materials will be provided to committee staffs later this week.

Individual agency staffs, along with Finance executive budget officers, are prepared to answer questions you may have on the changes. Amendments to the Governor's budget bills will also be prepared to reflect this updated financial information. As has been past practice, please consider only changes that are submitted under my signature as valid revisions to the Governor's budget recommendations.

Attachments

cc: Finance and Appropriation Chairs
Mark Misukanis
Bill Marx

Governor's Supplemental Budget
Decision Items / Recommendations
(\$ in Millions)

	FY 04-05
	<u>Savings</u>
Revenue / Tax Policy	83.9
Correct state property tax levy	12.1
Eliminate State Fair sales tax dedication	1.6
June accelerated sales tax - delay & expansion	44.3
Capital equipment refund - interest delay	5.2
Expand non-tax debt collection power	2.6
Accelerate county transfer of mortgage & deed taxes	16.1
Fee for paper returns by preparers	2.0
State Government	31.9
Arts Board - additional reduction	5.0
Contingent Account - reduce one-half	5.0
Campaign finance check-off	2.4
Political contribution refunds	5.9
Reduce facility repair & replacement funding	6.6
Public Broadcasting - additional reduction	0.4
Planning Agency - additional reduction	1.0
Pension Uniformity - Legislators, Constitutional Officers	5.7
Education and Early Childhood	5.6
Eliminate At Home Infant Care Program	4.0
Reduce Youthworks	1.6
Transportation	5.0
Rail Service Improvement transfer	5.0
Human Services	22.2
Managed Care rate reduction	6.2
Managed Care compliance	0.3
Shift MFIP support services payment	14.0
DHS internal reallocations	1.7
Total - Decision Items	\$148.5

Governor's Supplemental Budget Recommendations

Summary of General Fund Impacts

Item	FY 04-05 Savings (\$ Millions)	Brief Description
Revenue/Tax Policy		
Correct Statewide Property Tax levy	12.1	Revises statute to allow Revenue to collect the total amount of statewide property tax in current law. Initial levy rates were based on an estimate of properties in the tax base and could not be adjusted for corrections to the data.
Eliminate State Fair sales tax dedication	1.6	Eliminates the dedication of state sales tax paid on tickets to the State Fair. This portion of the sales tax is collected but proceeds are currently dedicated to the fairgrounds, not the general fund.
June Accelerated Sales Tax Delay & Expansion	44.3	Requires an additional 10% of sales tax collections to be submitted to the state in June 2004. Also eliminates sunset of accelerated payments.
Capital Equipment Refund Interest Delay	5.2	Delays start of interest accrual by 90 days.
Expand Non-tax Debt Collection Powers	2.6	Expands powers for the state to collect non-tax debt (to make consistent with tax debt collection powers). Figures shown reflect amounts deposited to the general fund.
Accelerate County Transfer of Mortgage & Deed Taxes	16.1	Advances county payments of mortgage and deed tax receipts by one month.
Fee for paper returns by preparers	2.0	Assesses a \$5 fee for each paper copy of individual income tax returns filed by a professional tax preparer. There is no fee if the return is filed electronically.
State Government		
Reduce Arts Board funding	5.0	Reduces funding for the Arts Board by an additional \$5 million, leaving general funds of \$15.186 million for FY 04-05. This is a 40% reduction from the Board's forecast base.
Eliminate General Contingent Account Funds in FY 05	5.0	The Governor previously recommended \$5 million a year for unforeseen emergencies in FY 04-05. That recommendation is now revised to \$5 million in FY 04 only.
Campaign finance check-off	2.4	Eliminates the state's contribution associated with the tax check-off for public subsidies to campaigns, which is estimated will reduce the subsidies paid to parties and candidates by one-half. Also converts campaign finance tax check-off from diversion of revenue to taxpayer donation (raises new revenue)
Political contribution refunds	5.9	Reduces state refund of political contributions by one-half, allowing a \$25 refund of an individual's \$50 contribution.
Reduce facility repair and replacement funding (Admin)	6.6	Reduces by one-half expenditures from the Facility Repair & Replacement (FR&R) Account and transfers the funding to the General Fund. The funds are generated as part of rent paid to the Department of Administration by state agencies and are used to repair, maintain and improve state-owned and Admin-managed buildings. (net savings will transfer to GF)
Public broadcasting- additional reduction (Admin)	0.4	Further reduces state support for Public Broadcasting, from an original overall reduction of 24% to a revised reduction of 30%. Funding for public broadcasting is now recommended at \$4.48 million in FY 04-05.
MN Planning- additional reduction	1.0	Increases the reduction in funding for programs currently under Planning from a 15% to a 26% reduction.
Pension Uniformity: Legislative and	5.7	Standardizes pension payments for pre-1997 legislators and constitutional officers to provide payments on a pay-as-you-go basis.

Constitutional Officer Plans (MSRS)		
Education and Early Childhood		
Eliminate At Home Infant Care Program (MDE)	4.0	Eliminates the At-Home Infant Care Program. This program provides a subsidy for up to twelve months while a parent stays home to care for an infant. Consistent with a proposal to change the work requirement exemption for MFIP participants with infants.
Reduce Youthworks funding (MDE)	1.6	Reduces pass-through grant to nonprofit ServeMinnesota. \$1.0M/yr remains.
Transportation		
Rail Service Improvement balance (DOT)	5.0	Transfers \$2.5M/yr for FY2004-05 from Rail Service Improvement Program account to the Debt Service Fund, freeing up similar amount of general funds. Rail loans are repaid to this account under current statute. (transfer reduces GF debt service spending)
Human Services		
MinnesotaCare Managed Care Rate Reduction (DHS)	6.2 HCAF	Reduces payments to MinnesotaCare managed care organizations by one percent beginning October 1, 2003. (net savings will transfer to GF)
Managed Care Compliance (DHS)	0.3 GF	Reduces an administrative funding request for activities designed to bring Minnesota in compliance with Federal managed care regulations. This reduction is consistent with proposed administrative reductions elsewhere in DHS' budget.
Shift MFIP Support Services Payment (DHS)	14.0 GF	Delays a payment of the new MFIP Support Services Grant within the initial 18-month allocation period.
DHS Internal Reallocations:		
Managed Care Withhold (DHS)	20.6 HCAF	Increases the amount withheld from MinnesotaCare managed care organizations for performance incentives from .5% to 5% (net savings will transfer to GF)
GAMC/MnCare consolidation (DHS)	(+8.1) GF (+9.8) HCAF (+17.9) Total	Increases spending to "buy back" two components of the GAMC/MinnesotaCare consolidation proposal: the \$10,000 inpatient hospital cap, and the 10% inpatient hospital copayment. Also proposes a 2/1/04 effective date for the Employer Subsidized Insurance (ESI) definition change.
Disability Council	(+1.0) GF	Continues funding for this activity, which now sunsets June 30, 2003. No funding was contained in the initial budget recommendation.
Environment & Natural Resources (minimal net change)		
Board of Animal Health	(+0.4) (0.4) GF rev	Chronic Wasting Disease (CWD) initiative totals \$600K/yr funded by a new inspection fee at Animal Health (\$200K/yr special revenue), and a GF appropriation of (\$400K/yr). The general fund cost is offset by increasing the general fund share of Lottery In-Lieu.
DNR Budget Revision	(+.073)	Reallocation of 15% GF reduction and various non-general fund initiatives within and among programs leaves a \$50,000 annual cost to a general fund open appropriation for Indian Treaty payments.

3/17/03

2003 Legislative Session

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
Budget: Environmental, natural resources, and agricultural funding – BWSR appropriations	<u>H. F. 0752</u>	<u>S.F. No. 750</u>	House: Harder, Ozment, Swenson, Hackbarth 3/06/03 first reading, referred to Agriculture & Rural Development Finance Senate: Dille 3/10/03 first reading, referred to Finance	Tammy McGlone and John Jaschke	This is the Budget bill with the Governor's recommendations for the agencies, including BWSR for 04-05.
Budget: Environment and natural resources funding provided, money appropriated - BWSR	<u>H. F. 0779</u>		House: Ozment 3/10/03 first reading, referred to Environment & Natural Resources Finance	Tammy McGlone and John Jaschke	Second copy of Governor's budget bill so could have more authors.
Budget: LCMR environment and natural resources projects appropriations to BWSR: Local Water Planning Matching Challenge Grants and Updating Outmoded Soil Surveys	<u>H. F. 0383</u>	<u>S.F. No. 359</u>	House: Ozment, Erhardt, Tingelstad, Swenson, I.Anderson, Hackbarth 2/13/03 first reading, referred to Environment & Natural Resources Finance Senate: Vickerman, Frederickson, Metzen, Sams, Anderson 2/13/03 first reading, referred to Finance	Doug Thomas	
Budget: GENERAL FUND - Minnesota River Basin: projects for floodplain management, grant appropriation for Area II	<u>H. F. 0783</u>	<u>S.F. No. 728</u>	House: Magnus, Peterson, Seifert, Harder, Koenen 3/10/03 first reading, referred to Environment & Natural Resources Finance Senate: Fredreickson, Vickerman, Kubly 3/10/03 first reading, referred to Finance	Steve Woods	
Budget: GENERAL FUND - Red River Basin: appropriating money for water management in the Red River Basin	<u>H. F. 0568</u>	<u>S.F. No. 531</u>	House: Lanning, Marquart 2/24/03 first reading, referred to Environment & Natural Resources Finance Senate: Langseth, Skoe, Stumpf 2/24/03 first reading, referred to Finance	Ron Harnack	
Budget: BONDING - LQP-25/Lazarus Creek: floodwater retention project bonds issued and money appropriated	<u>H. F. 0358</u>	<u>S.F. No. 622</u>	House: Peterson, Seifert, Magnus, Harder, Koenen 2/10/03 House first reading, referred to Environment & Natural Resources Finance Senate: Kubly, Frederickson,	Jeff Nielsen	The DNR has extended the Waters permit on this project. They take a neutral position on this project. Some individuals and groups question the cost - benefits of the project. This may come up in hearings. This project has tried to

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			Vickerman, Sams, DE Johnson 3/3/03 Senate first reading, referred to Finance		get funding for many years. Good project, but not a bonding year.
Budget: BONDING - <i>Middle St. Croix River WMO</i> : Bayport sewer system project completion bond issue and appropriation	<u>H. F. 0262</u>	<u>S.F. No. 326</u>	House: Lipman 2/3/03 first reading, referred to Jobs & Economic Development Finance Senate: LeClair 2/10/03 first reading, referred to Finance	Steve Woods Tammy McGlone	Bonding for Bayport storm sewer pond on the prison grounds vetoed last session.
Budget: BONDING - <i>RIM</i> : easement payment bond issue and appropriation	<u>H. F. 0397</u>	<u>S.F. No. 372</u>	House: Davids, Hoppe, Urdahl, J.Anderson, Hausman, Ozment, Cornish, Kelliher, Harder, Marquardt, Abeler, Lieder, Nornes 2/13/03 first reading, referred to Environment & Natural Resources Finance Senate: Dille, Frederickson, Kierlin, Sams, Sparks 2/13/03 first reading, referred to Finance	Kevin Lines	
Budget: BONDING – appropriation to BWSR for Brown's Creek in Stillwater to provide environmental protection, capital improvements		<u>S.F. No. 746</u>	Senate: Bachmann, Day, Marty 3/10/03 first reading, referred to Finance	Steve Woods	
Feedlots: animal feedlot permit rules pastures exemption		<u>S.F. No. 297</u>	Senate: Dille, Sams, Skoe, Murphy, Koering 2/6/03 first reading, referred to Environment & Natural Resources	Al Kean	Existing feedlot definition in rule exempts pastures and associated temporary feeding and watering facilities. This bill puts pasture exemption in statute and expands exemption to include corrals and chutes used for animal husbandry and pasture access lanes. SWCDs haven't raised this an issue. NEUTRAL
Local Government: providing for local governments to opt out of certain state mandates	<u>H. F. 0473</u>	<u>S.F. No. 700</u>	House: M.Olson, Adolphson, Sykora, Abeler, Borrell, Severson, Lindner, B.Anderson, Klinzing 2/17/03 first reading, referred to Local Government & Metropolitan Affairs Senate: Limmer 3/06/03 first reading, referred to State and Local Government Operations	John Jaschke	
Revisor's bill: correcting erroneous, ambiguous, and omitted text and obsolete references (BWSR 103B)	<u>H. F. 0273</u>	<u>S.F. No. 195</u>	House: DeLaForest 2/13/03 Consent Calendar 2/13/03 – second reading 2/20/03 – third reading 2/20/03 – Bill was passed Senate: Betzold	Tammy McGlone	Corrects references in 103B and 103G that refer to statutes repealed in 2002 budget balancing bill. BWSR missed those references in their repealers. SUPPORT

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
			1/30/03 first reading, referred to Judiciary		
Sales Tax to Natural Resources: Dedicating 3/16 of one percent sales tax to natural resources; heritage enhancement fund	<u>H. F. 0556</u>	<u>S.F. No. 621</u>	House: Hackbarth, Abeler 2/27/03 first reading, referred to Environment & Natural Resources Policy Senate: Lourey, Vickerman, Kleis, Rosen, Nienow 3/3/03 first reading, referred to Environment & Natural Resources	Kevin Lines	
Sales Tax to Natural Resources: Dedicating 1/8 of one percent on taxable sales for game and fish purposes; heritage enhancement fund and council created, and constitutional amendment proposed	<u>H. F. 0557</u>	<u>S.F. No. 571</u>	House: Hackbarth 2/20/03 first reading, referred to Environment & Natural Resources Policy Senate: Pariseau, Koering, Gaither, Wergin, Ruud 2/27/03 first reading, referred to Environment & Natural Resources	Kevin Lines	
SWCDs: district law updates	<u>H. F. 0414</u>	<u>S.F. No. 392</u>	House: Cox, Hackbarth, Otremba, Ozment, Rhodes, Tingelstad, Hoppe, Cornish, Kelliher, Nelson, Finstad, Peterson, Harder, Magnus, Swenson 3/03/03 re-referred to Gov. Operations & Veterans Affairs Policy Senate: Murphy, Frederickson, Higgins, Dille, Vickerman 2/17/03 first reading, referred to Environment & Natural Resources	Doug Thomas	
Watershed Districts: BWSR and WD authority to require permits or approval for highway construction projects restricted	<u>H. F. 0488</u>		House: Kuisle, Penas 2/20/03 first reading, referred to Environment & Natural Resources Policy	Doug Thomas Comments by Steve Woods	Conclusion – BWSR should oppose the bill (subject to any subsequent Executive Branch opinion) and support continued permitting of MnDOT by WDs. WDs provide key localized hydrologic expertise that can prevent inadvertent damages to infrastructure and the environment resulting from less-than-comprehensive design. Loss of permit authority would contradict previous legislative action and the recent directive to streamline without weakening. The streamlining report recommended numerous strategies that would accomplish streamlining in the permitting process without weakening it. These should be pursued. OPPOSE

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
Watershed Districts: Clearwater River Watershed District authorized to charge facilities for disposing sewage, and other waste	<u>H. F. 0837</u>		Senate: Olson, Stang, Urdahl 3/13/03 first reading, referred to Environment and Natural Resources Policy	Doug Thomas	Bill relates to the Clearwater River Watershed District (CWRWD) and there desire to collect charges for the operation and maintenance of individual sewage treatment systems alone or in a group that have been constructed as part of a district project or otherwise. Assessment: The WD in its attempt to deal with polluting and/or non-conforming septic systems in the non-incorporated parts of the district has engaged in projects and a program to construct and or operate and maintain these individual systems. The current process in law only allows the WD to do an annual assessment against the properties and do so in the year prior to the maintenance and or operation on the systems. The main problem that this has caused in that properties that come under the jurisdiction of the WD during the year cannot be charged until the following years assessment. The change being proposed, which is only applicable to the CWRWD, is to allow them to charge properties for their costs to operate and maintain these systems. It also allows the district to take under their control systems that have not been constructed under a district project as well. Required Action: Support bill
Wetlands: BWSR to remove an unauthorized wetland exemption rule	<u>H. F. 0337</u>	<u>S.F. No. 312</u> <u>S.F. No. 323</u> <u>S.F. No. 739</u>	House: Howes, Westerberg, Vandever 2/06/03 first reading, referred to Environment & Natural Resources Policy Senate: Jungbauer, DJ Johnson, Pariseau, Olson, Betzold, Bachmann 2/07/03 first reading, referred to Environment & Natural Resources	John Jaschke	Short Summary: If enacted these bills would exempt from WCA everything exempted from the Federal Clean Water Act, thereby removing the first of the WCA's primary purposes - to partially fill the federal protection void (now greatly expanded since 1991 when WCA was passed) of unmitigated wetland losses. The second purpose of WCA was to provide improved, integrated and timely land use decision-making at the local level. These bills emanate from an attempt by a landowner to undo a State Appeals Court decision on Anoka County Ditch 53-

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
					62 (managed by the Rice Creek Watershed District). OPPOSE
Wetlands: transportation projects wetland replacement requirements moratorium		<u>S.F. No. 365</u>	Senate: Dille, Stumpf 2/13/03 first reading, referred to Environment & Natural Resources	John Jaschke	
Wetlands: public transportation projects wetlands replacement ratio	<u>H. F. 0846</u>	<u>S.F. No. 656</u>	Senate: Ortman, Ourada, Reiter, Hann, Kierlin 3/06/03 first reading, referred to Environment & Natural Resources House: Adolphson, Kuisle, Juhnke, Kohls, Lieder 3/13/03 first reading, referred to Environment & Natural Resources Policy	John Jaschke	
Wetlands: replacement rule change		<u>S.F. No. 739</u>	Senate: Bachmann 3/10/03 first reading, referred to Environment & Natural Resources		
Wetlands: Drainage - ditch maintenance and repair of Judicial Ditch #2 in Washington County – Rice Creek WD must complete by 7/01/04	<u>H. F. 0712</u>	<u>S.F. No. 738</u>	House: Vandever, Hackbarth 3/06/03 first reading, referred to Environment & Natural Resources Policy Senate: Bachmann 3/10/03 first reading, referred to Environment & Natural Resources	John Jaschke	
OTHER LEGISLATION					
Budget: Omnibus state departments and education budget reconciliation bill	<u>H. F. 0074</u>	<u>S.F. No. 79</u>	1/29/03 Conference Committee House: Knobloch, Bradley, Kuisle, Ozment, Lenczewski Senate: Cohen, Sams, Berglin, Ranum, Frederickson	Tammy McGlone	Conference committee failed to come to an agreement, Governor unallotted, bill action has been suspended.
Budget: BONDING - capitol improvements bill authorizing spending to acquire better public land and buildings, issue bonds, appropriate money	<u>H. F. 0100</u>	<u>S.F. No. 2</u>	House: Hausman, Marquart, Kelliher, Lieder, Entenza 1/21/03 referred to Higher Education Finance – motion prevailed Senate: Langseth, Hottinger, Higgins, Larson, Pappas 1/23/03 referred to Capital Investment	Ron Harnack	This is a bonding bill that would address the veto from last year. BWSR's \$'s are \$8,250,000 including \$ 2,000,000 for RIM; \$750,000 for shoreland easements; \$2,700,000 for wetland road replacement; \$1,500,000 for Laz Creek; and \$1,300,000 for Brown's Creek. This is not a bonding year and the only emphasis for bonding this year that has been mentioned is roads. My priorities if asked at this point would be RIM Reserve, wetland road replacement and Laz Creek in order of priority.
Comprehensive land use planning: comprehensive local control reestablished,	<u>H. F. 0030</u>	<u>S.F. No. 250</u>	House: Lipman, Adolphson, Severson, Holberg, Buesgens	Doug Thomas	

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
metropolitan council review of local plans repealed, conforming changes provided			1/13/03 first reading, referred to Local Gov't. and Metropolitan Affairs Senate: LeClair, Day, McGinn, Reiter, Ortman 2/04/03 first reading, referred to State & Local Government Operations		
Counties: authorizing counties to require the dedication of land for public parks, preserved for conservation purposes, wetlands.	<u>H. F. 0657</u>	<u>S.F. No. 484</u>	House: P.Nelson, Urdahl, Opatz, Otremba, Severson, Soderstrom, Cox 2/27/03 first reading, referred to Local Government & Metro Affairs Senate: Wergin, Sams, Nienow, Fischbach, DE Johnson 2/24/03 first reading, referred to State and Local Government Operations	John Jaschke	
Employment: instituting a freeze on salaries and wage rates for state and public employees		<u>S.F. No. 214</u>	Senate: Neuville, Kleis, Fischbach, Hann, Olson 1/30/03 first reading, referred to State & Local Gov't. Operations	Tammy McGlone	Wage freeze on all increases, cost of living and progression, until 6/30/05. Does not include promotions or transfers.
Employment: state and public employees salary and wage rates freeze		<u>S.F. No. 237</u> <u>S.F. No. 402</u>	Senate: Day, Larson, Gaither, Jungbauer, Knutson, Michel, Reiter, Kierlin 2/17/03 first reading, referred to State & Local Gov't. Operations	Tammy McGlone	
Employment: four percent salary decrease for legislators and constitutional officers until 6/30/05	<u>H. F. 0487</u>	<u>S.F. No. 220</u>	House: Severson 2/20/03 first reading, referred to Gov't. Operations & Veterans Affairs Policy Senate: Kleis, Fischbach 1/30/03 first reading, referred to State & Local Gov't. Operations	Tammy McGlone	Wages would be cut for these individuals by 4% across the board.
Employment: state employee labor agreements and compensation plans ratified with certain exceptions	<u>H. F. 0330</u>	<u>S.F. No. 293</u>	House: Sviggum, Eastlund, Howes, Carlson, Anderson, Nelson, Harder, Abeler 2/27/03 referred to Ways and Means Senate: Hottinger, Kierlin, Frederickson, Rest, Scheid 3/03/03 amended to pass, referred to Finance – second reading	Tammy McGlone	Ratifies all contracts and agreements in the event that domestic partner benefits are not included.
Employment: state and public employees salary and wage rates freeze	<u>H. F. 0793</u>	<u>S.F. No. 773</u>	House: Gerlach 3/10/03 first reading, referred to Governmental Operations & Vets Affairs Policy Senate: Nueville, Day, Michel, Olson, Ourada 3/10/03 first reading, referred to State and Local Government Operations	Tammy McGlone	Freezes all public employee wages for 04-05 biennium. No COLA no step increases.

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
Employment: state employees early retirement incentives and voluntary unpaid leave options		<u>S.F. No. 858</u>	Senate: Pogemiller 3/13/03 first reading, referred to State and Local Government Operations	Tammy McGlone	
Lake Improvement Districts: changing the percent of property owners to petition for creation and termination of a district	<u>H. F. 0582</u>	<u>S.F. No. 857</u>	House: Olson, Marquart, Howes, Hackbarth, Tingelstad, Walz, Fuller 2/24/03 first reading, referred to Local Government & Metropolitan Affairs	Doug Thomas	
Lake Improvement Districts: board of directors election procedure provided and certain notices required	<u>H. F. 0736</u>		House: Marquart, Olson 3/06/03 first reading, referred to Local Government & Metropolitan Affairs	Doug Thomas	Review: It appears that the bill is trying to accomplish an election process for officers of lake improvement districts by changing: 1) The notice requirement for when a notice needs to be sent to all individuals in the assessed area. Previously the threshold was if a project was being proposed that would cost over \$5000. The proposed change would also require a notice if there was going to be an election of officers at the annual meeting. 2) Current language only instructs the LID to provide for a method to allow those not present at the annual meeting to participate in the annual election. 3) The propped bill would establish a distinct process in statute for the election of officers including notice and absentee balloting. 4) Election judge would be required at the annual meeting to conduct the vote and certify the results. All costs would be paid by the lake improvement district. Assessment: All together the bill is attempting to include as many owners of property in the lake improvement district in the election of officers as possible. It would appear that by including a specific process in statute it would avoid the problem of each LID making up its own process for including absentee landowners in the election of officers. Short of having the officers appointed by the county it seems that the change being proposed is a positive one. Action required: Most likely none but if asked we would support the concept.

Subject	House File	Senate File	Authors/Status	Staff Assigned	Comments
Local Government: state and local government units undeveloped land ownership transfer or use change public notice and hearing requirements		<u>S.F. No. 671</u>	Senate: Rest, Vickerman, Dibble, Frederickson, Wiger 3/06/03 first reading, referred to State and Local Government Operations	John Jaschke	Impact to WCA???
Reorganization: state environmental and natural resources functions and services reorganization		<u>S.F. No. 246</u>	Senate: Pogemiller 2/03/03 first reading, referred to State & Local Gov't. Operations	Ron Harnack	

FOR YOUR INFORMATION

March 26, 2003

- BWSR "Update"
- Letter to Jim Straskowski, District Manager, and Chuck Fick, Chairman, Wabasha SWCD, regarding administration of the Feedlot Water Quality Management (FWQM) Grant Program.
- Memo from Marybeth Block regarding updates to Comprehensive Local Water Plans for the following counties:
 - Big Stone County
 - Chippewa County
 - Lac Qui Parle County
 - Lyon County
 - Nobles County
 - Pope County
 - Swift County
- Minnesota Statutes 2002, Chapter 103B – Water Planning and Project Implementation
- Minnesota Statutes 2002, Chapter 103C – Soil & Water Conservation Districts
- Minnesota Statutes 2002, Chapter 103D – Watershed Districts



Board of Water and Soil Resources

U•P•D•A•T•E

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LAND & WATER

Federal deregulation of isolated wetlands: What it might mean for Minnesota

Background. The 2001 Supreme Court decision in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*—also known as SWANCC—deregulated most isolated wetlands. The decision was followed by a long period of regulatory uncertainty as the U.S. Army Corps of Engineers (Corps) and Environmental Protection Agency (EPA) struggled to develop guidance that could incorporate key issues ruled on by the court into guidance for a nationwide regulatory program. In January 2003, the EPA and the Corps issued the long-awaited guidance on isolated wetlands, which summarizes the court cases decided in the SWANCC aftermath and discusses key factors that should and should not be relied upon when deciding whether a lake or wetland is isolated and thereby not regulated.

The guidance was issued in the company of an Advanced Notice of Preliminary Rule Making (ANPRM), which proposed not only to look at a formal rule to codify the new isolated wetlands guidance, but also possible changes to other parts of the existing Clean Water Act regulation. Among the modifications the ANPRM asked states to consider included removing some currently protected waters from Federal jurisdiction, such as intermittent streams. Also up for comment was how the Corps should decide which wetlands are “adjacent” to regulated watercourses, and thereby regulated by the Clean Water Act.

BWSR’s study. BWSR had already started to use geographic information systems and the existing National Wetland Inventory maps for Minnesota to analyze the implications of deregulating isolated wetlands. Upon hearing about the additional issues raised with the ANPRM, BWSR expanded that analysis to evaluate the additional issues of adjacent connectivity and deregulation of intermittent streams (and thereby their associated wetlands).

Because Minnesota is so large and diverse, we parceled out our random sample of wetlands and subsequent analysis by ecoregions within the state. We analyzed wetlands mapped in 31 of the U.S. Geological Survey (USGS) topographic map quadrangles plus the Department of Natural Resources (DNR) electronic maps of streams and ditches for those areas.

To examine potential effects of deregulating isolated wetlands, we looked for wetlands that were isolated by distance from streams that ultimately flowed into larger navigable rivers. The question we asked using the GIS was “what mapped wetlands have a surface water connection to mapped streams and ditches?”

We then looked at just how close or connected a wetland has to be to a stream or ditch to be regulated as “adjacent.” Although the Corps often uses surface water connection, ditches, and soil types to determine whether a wetland is connected enough to be considered “adjacent,” we were limited to using distance (proximity) for this analysis. After making a correction for an inherent inaccuracy in the maps we used, we looked for wetlands directly connected to the streams mapped by USGS and DNR, calling this scenario our 0-meter buffer. We chose progressively greater distances (with benchmarks of 25 meters, 50 meters, and 100 meters) from the closest directly connected wetland edge to simulate increasingly more liberal interpretations of what is connected enough to be considered “adjacent.” The area of wetland inside the various buffers drawn around mapped streams was the area we considered to be regulated by the Corps—that number was compared to the total area of all mapped wetlands inside the quads for the state or each ecoregion to yield the percentages in the table on the next page. Although not discussed further here, it’s worth mentioning that changes in amount of federally regulated wetland we saw due to increased buffer size were not as pronounced as the effects of deregulating isolated wetlands or the effects of deregulating smaller, drier streams.

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The third issue we examined was the possibility that while today a wetland need only have a connection to any stream or ditch for the Corps to regulate that wetland, the ANPRM raises the possibility that a federally regulated wetland might someday have to be connected to certain streams or ditches that are more predictably wet (perennial) or have a much larger water flow (navigable). We limited the scope of our analysis to looking at the implications of deregulating the drier, intermittent streams. In other words our question was "what percent of wetlands would be federally regulated if they have to be close (adjacent) to a perennial stream or ditch?" Our "best-case" scenario in the table looks at connections to perennial and intermittent streams and ditches; the "worst-case" scenario looks at connections to only perennial streams and ditches.

What did we find? The table shows the two most extreme scenarios we looked at for each ecoregion and statewide. The "best-case" column looks at our assessment of the Corps' regulatory authority over wetlands that are not isolated, with a liberal interpretation of how close (100-meter buffers) a wetland should be to be considered "adjacent" to any stream. The "worst-case" column shows what we think might still be federally regulated if they don't regulate intermittent streams and ditches, with a very conservative adjacent connection requirement (0 meters, directly connected).

In the northeast (northern lakes and forests ecoregion), north central (northern Minnesota peatlands), and extreme southeast (driftless area ecoregion), we expect many of the mapped wetlands will continue to be federally regulated under the "best-case" scenario with the deregulation of isolated wetlands and a loose requirement for wetland connection to streams. If the worst-case scenario were to be played out in these same

ecoregions, with very close connection to streams required and deregulation of intermittent streams, the potential for deregulation in the northeast is greater. It's worth noting that even though the percentages deregulated in the northeast and north central are small, these are percentages of a large number of wetland acres.

In the western (northern glaciated plains and Red River valley ecoregions), central (north central hardwood forest ecoregion), and southern (western cornbelt plains ecoregion) parts of the state, we expect that anywhere from 32 to 46 percent of the wetlands mapped in our study area may no longer be regulated under the "best-case scenario." Under the worst-case scenarios where a wetland would have to be very close to a perennial stream, anywhere from 60 percent to 92 percent of the wetland we looked at would no longer be regulated by the Corps.

The U.S. Fish and Wildlife Service and Ducks Unlimited did similar analyses and estimated that even larger percentages of wetlands were isolated and therefore deregulated in the areas that they examined. These two studies did not extend their analyses to assess the impacts of deregulating intermittent streams, but in the drier parts of Minnesota and the Dakotas that they studied, the few wetlands they saw connected to streams were typically connected to intermittent streams.

What will this all mean to Minnesota? Wetland regulation and protection will continue to be a burden shared by the federal, state, and local regulators. However, the extent of overlap between federal and state programs will decrease, and more of the wetland regulatory and enforcement workloads will likely shift onto state and local governments. There is also some unknown portion of the smaller drier type 1 and type 2 wetlands in south, west, and central agricultural areas that may have limited or no regulatory protection due to the fallout from the SWANCC decision and exemptions built into the Wetland Conservation Act. These wetland areas are still protected by the current federal farm bill, which expires in five years. For now, BWSR, DNR, and the Pollution Control Agency, in consultation with the Department of Agriculture are offering joint comments on the issues raised in the ANPRM. As the federal rule-making process grinds ahead, Minnesota will continue to assess new proposals and issues as the need arises.

—Submitted by Tom Mings

	Best-case*	Worst-case*
Driftless Area	-3%	-7%
Red River Valley	-32%	-60%
Northern Glaciated Plains	-39%	-92%
Northern Minnesota Peatlands	-2%	-4%
North Central Hardwood Forest	-32%	-63%
Western Cornbelt Plains	-46%	-72%
Northern Lakes and Forest	-8%	-15%
Totals	-12%	-23%

*Numbers are percent of wetland acres mapped that would not be regulated under post-SWANCC guidance.

SOUTH

More than 20 outreach conservation technicians have been hired to help local soil and water conservation districts (SWCDs) market a variety of state and federal long-term conservation programs.

Like the Conservation Reserve Enhancement Program (CREP), the programs are aimed at maintaining production in the best farmland while protecting environmentally sensitive areas.

The pilot program was created through a partnership with the Board of Water and Soil Resources, the Department of Natural Resources, and Pheasants Forever. Funding from the three groups provides grants to SWCDs, which will hire full-time staff positions. It is expected that the positions will last eight months. Local SWCD offices and Pheasants Forever chapters will provide additional support.

With the assistance of outreach technicians, officials expect to be able to enroll an additional 20,000 acres in the following programs:

- Small farmable wetland program;
- Grass filter strips; and
- Riparian buffer strips.

The positions will also be used to market current conservation programs that take continuous sign-up and be ready to take advantage of the full breadth of new opportunities once federal dollars have been released under the 2002 farm bill.

Working in collaboration with local, state, and federal agencies, the outreach technicians will provide coordination and technical assistance to landowners who are interested in state and federal conservation programs. Their emphasis will be one-on-one marketing.

The following SWCDs already have or will soon have technicians through the program: Blue Earth, Chisago, Cottonwood, Faribault, Grant, Jackson, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, Mower, Pipestone, Pope, Redwood, Renville, Stearns, Steele, Traverse, Waseca, Wilkin, and Yellow Medicine.



BWSR's Southern Region Comprehensive Local Water Plan Ad Hoc Committee affirmed its support on March

5 for the third generation Nobles County Comprehensive Local Water Plan. What makes the Nobles County plan different from all others is the fact that it includes additional plans from three other local government units—the Kanaranzi-Little Rock Watershed District, the Okabena-Ocheda Watershed District, and Nobles SWCD.

First- and second-generation Nobles County water plans were approved by BWSR in May 1990 and July 1998, respectively. Both plans met the appropriate standard 103B statute requirements, but the Nobles folks wanted their second plan to do more. This motivation developed into an intergovernmental discussion of common interests and more efficient use of time and resources. After the appropriate meetings, hearings, and notices, the LGUs agreed to the completed plan.

This new plan was not a simple feat by any means, since the Environmental Office implements the water plan, the SWCD coordinates their conservation programs, and three watershed districts implement other water management initiatives within the county. Nonetheless, individual chapters of the comprehensive local water plan were devoted to the goals and objectives of the Okabena-Ocheda and the Kanaranzi-Little Rock watershed districts. The third watershed district in Nobles County, Heron Lake, chose not to be included in the plan since its district encompasses three other counties as well. Another chapter of the comprehensive local water plan includes the 103C requirements for the Nobles SWCD plan.

In 2002, after four successful years of implementation, the Nobles County Board of Commissioners, the Nobles SWCD supervisors, and the pertinent watershed district managers all re-affirmed their support for developing a new integrated third-generation comprehensive local water plan. After another round of hearings and meetings, the Nobles staff completed another document, built on prior achievements, and developed pertinent new data information for resource assessments and sustained a high level of priorities for the years ahead.

The working relationship that continues to develop in Nobles County amongst agencies and local government units is noteworthy. The third-generation plan has taken important strides forward in getting down to the essential elements of water management, led by county staff,

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commissioners, supervisors, managers, the comprehensive local water planning task force, and county residents.

—Submitted by Tom Kresko

ENGINEERING

The interorganization Feedlot and Manure Education Coordination Committee met on Feb.

26 to review the results of the statewide, web-based survey done late last fall regarding feedlot and manure education needs. David Schmidt, UMES, has been leading these efforts. The survey indicated priority education needs in a number of areas, including feedlot rules (advanced), manure management, Comprehensive Nutrient Management Plans, phosphorus management, Open Lot Agreement implementation, and milkhouse waste management. Although tight budgets are expected to limit the time devoted to education in the near future, the committee intends to use EPA 319 and other federal sources to the extent possible to continue education efforts. Coordination is important to increase participation and maximize effectiveness. The MPCA is considering a "Feedlot Academy" concept for providing a wide range of feedlot training, with a definitive curriculum and some type of certification.

On March 13, Al Kean, Gene Clark, and Mark Nelson met with key MPCA and DNR staff in the Lake Superior region to advance an agreement for BWSR to assist with response to NOAA and EPA conditional approval of Minnesota's Lake Superior Coastal Program. The NOAA/EPA findings reportedly will soon be published in the Federal Register, starting the clock on a two-year response period. There are five conditions placed on the program that involve providing NOAA and EPA better assurance that Minnesota's Coastal Program will ensure effective implementation of various coastal management measures for new and existing development to protect the water quality of Lake Superior. We expect to begin work under this interagency agreement by the beginning of FY 04. The agreement is expected to fund 1 FTE worth of BWSR assistance for 2 years, involving Gene, Al, and Mark.

It appears that the Coastal Council (appointed by the Governor to help oversee the Minnesota Coastal Program) will approve a grant to BWSR for 30 percent of Gene's time in FY 04. The council wants to keep Gene's coastal engineering expertise working on various Coastal

Program projects and initiatives. This is a modification of a grant application submitted by Al and Gene in December that will now be coordinated with the interagency agreement between BWSR and MPCA discussed above.

Gene has worked in some time recently to assist South St. Louis SWCD with a shoreline stabilization project funded primarily by the Great Lakes Commission at the Glensheen Mansion property in Duluth, which is operated by the University of Minnesota. He's developing a combination armor stone and reinforced turf design to demonstrate a lower-cost design.

The BWSR/SWCD Technical Assistance Ad Hoc Committee, which has been meeting since last October, is getting close to final recommendations for SWCD Technical Service Centers to share technical expertise. This involves an evolution of the Nonpoint Engineering Assistance Program that will be able to accommodate sharing of various types of technical expertise. The concept to date is to align the administrative structure with MASWCD areas to clarify the identity, streamline administration, increase the flexibility for shared staffing, and improve the marketing of shared SWCD technical assistance. Recommendations for modifying the boundaries of the MASWCD/NRCS areas are also being considered. The concept involves host SWCDs for staff, and area level and state level conservation technical assistance committees to steer the SWCD technical centers and provide advice to BWSR for granting of state funds. Recommendations are due to the BWSR Cost-Share Committee and MASWCD by mid April. At least a one-year transition plan is envisioned. We still need more refinement of committee recommendations and coordination with NRCS.

The federal Technical Service Provider (TSP) program is slowly taking shape. Self-certification is now available via the "TechReg" database on the national NRCS web site. A table of certification options is available for different practices defining education, experience, and knowledge of NRCS standards and policies to help individuals know who should be certified. Amendments to the Interim Final Rules were made available on the national NRCS web site during the week of March 10, but have not yet been published in the Federal Register. A draft Policy document and Handbook were also made available, with comments being taken until April 21. Al,

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Greg Larson, and Doug Thomas are taking the lead to determine how best to get BWSR and SWCDs certified and to pursue TSP agreements with NRCS when the time is right. The current draft rules involve a not-to-exceed payment rate system for different conservation practices. However, payment rates have not yet been defined. The Minnesota NRCS has put out "Sources Sought Requests" to solicit *interest* in providing technical assistance for feedlot engineering, grazing land management, forest land management, and the Wetland Reserve Program (WRP). Federal allocation of funding for TSP has not yet been defined. Private TSPs remain an NRCS priority, ahead of state and local government.

BWSR submitted comments on the new NRCS Environmental Quality Incentives Program (EQIP) rules on March 12. A key concern is the expressed intent of NRCS to limit cost-share on structural practices to 50 percent. Although the program maximum remains at 75 percent, it's not clear what flexibility will (or won't) be given to

State Conservationists, with input from their state and local partners, to establish cost-share rates up to 75 percent for structural practices. Another comment promoted allocation of part of EQIP funding through SWCDs and Local Work Groups and part through a statewide competitive process like "Special Projects," as an effective way to address local, state, and federal priorities across the state. We also recommended that environmental measures include sediment and phosphorus reduction and allow use of existing performance measurement systems that meet, or exceed, NRCS requirements.

—Submitted by Al Kean

*Deadline for next edition:
April 16*



March 12, 2003

Jim Straskowski, District Manager
Wabasha Soil and Water Conservation District
611 Broadway Ave., Suite 10
Wabasha, MN 55981-1600

Chuck Fick, Chairman
Wabasha Soil and Water Conservation District
Rt. 2, Box 79
Plainview, MN 55964

Dear Mr. Straskowski and Mr. Fick:

The review of the Wabasha Soil and Water Conservation District Quality Management (FWQM) Grant Program is complete.

The ten-page report, previously provided to you, summarizes numerous misapplications of rule, policy, and procedure by Wabasha SWCD. These misapplications range from unintentional and intentional minor infractions of procedure, to serious rule violations that could result in funds being returned to the State of Minnesota.

The review has found that projects being planned, under construction, or completed, would or will meet engineering requirements sufficiently, so that a professional engineer or engineering joint powers board staff will sign the voucher certification form verifying that design requirements have been met. Additionally, the review, to date, has found no indication that there was a misapplication of funds for projects that would result in an applicant receiving more than the allowed cost share percentage or dollar limits.

The circumstances identified in the review and report warrant implementation of sanctions that appropriately address the infractions, as well as ensure quality administration of the Cost Share Program by the SWCD. Many of these misapplications violate Cost Share Rules as well as other State of Minnesota administrative procedures and have the potential to invalidate contracts between the landowner and the SWCD. Sanctioning the SWCD to the fullest extent possible would unfairly burden the citizens of Wabasha County who have been responsive to conservation efforts in the past. However, not sanctioning the Wabasha SWCD would be unfair to districts that follow procedures of proper administration.

The Board of Water and Soil Resources (BWSR) allows for technical/administrative (T/A) funds of up to 10 percent of total funds awarded from FWQM Grants to offset the district costs of providing technical service to applicants and for program administration on behalf of the State of Minnesota. Since the SWCD provided these services in an unacceptable manner, the following sanctions are assessed by the Board and shall be effective within sixty (60) days:

Bemidji	Brainerd	Duluth	Fergus Falls	Marshall	New Ulm	Rochester	Saint Paul
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



March 12, 2003

Jim Straskowski, District Manager
Wabasha Soil and Water Conservation District
611 Broadway Ave., Suite 10
Wabasha, MN 55981-1600

Chuck Fick, Chairman
Wabasha Soil and Water Conservation District
Rt. 2, Box 79
Plainview, MN 55964

Dear Mr. Straskowski and Mr. Fick:

The review of the Wabasha Soil and Water Conservation District (SWCD) administration of the Feedlot Water Quality Management (FWQM) Grant Program is complete.

The ten-page report, previously provided to you, summarizes numerous misapplications of rule, policy, and procedure by Wabasha SWCD. These misapplications range from unintentional and intentional minor infractions of procedure, to serious rule violations that could result in funds being returned to the State of Minnesota.

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Jim Straskowski, District Manager
Chuck Fick, Chairman
March 12, 2003
Page Two

- 1) The amount of \$32,269 for FWQMG T/A funds received for fiscal years 1999, 2001 and 2002 shall be paid directly to the SE SWCD Technical Assistance Support JPB instead of returning the district funds to BWSR.
- 2) The FY03 FWQMG T/A funds of \$18,300 will be allocated by BWSR directly to the SE SWCD Technical Assistance Support JPB.
- 3) A one-year moratorium on Wabasha SWCD applications for FY04 FWQM grants. A one-year moratorium is intended to allow the SWCD to complete the current thirteen (13) feedlot projects that need to be constructed using FY99 through FY03 grants.

BWSR staff will continue administrative review of the Cost Share Program in Wabasha SWCD through 2003. When the BWSR staff conclude that the SWCD is administering the program in accordance with established Cost Share Program Rules, Policies and Guidelines, then the SWCD will resume full responsibility for administering the Cost Share Program on their own.

If the BWSR staff concludes that Wabasha SWCD has not greatly improved administration of the Cost Share Program, further corrective action will be taken, including a possible moratorium on all Cost Share funds to the Wabasha SWCD.

Wabasha SWCD shall submit a written statement concurring with the sanctions outlined above within sixty (60) days from the date of this letter. Upon receipt of your concurrence statement, BWSR will release the adjusted FY03 state funds. Adjustments are the result of cancelled FWQM projects and cost changes due to changed technical specifications.

FY-03 Adjusted Allocation

C-S Base grant	\$ 28,775	
General Services grant	\$ 23,947	
RIM Services grant	\$ 4,250	
FWQM grant	\$183,600	No T/A funds allowed, 5 feedlot projects approved.

Sincerely,



John Jaschke
Land and Water Section Administrator

cc: Dwain Otte, Cost Share Committee Chair
Ronald D. Harnack, Executive Director
Wayne Zellmer, BWSR/St. Paul
Jeff Nielsen, New Ulm
Mary Kells, BWSR/Rochester

H:WFWQMGV



**Minnesota
Board of
Water & Soil
Resources**

From: Marybeth Block, BWSR Water Plan Coordinator

c: ~~Tom Kresko~~, file
David Gill

CHAPTER ONE: COUNTY PROFILE AND EXECUTIVE SUMMARY



Chapter One Contains...

Chapter One provides an introduction to Big Stone County and its Comprehensive Local Water Plan. This Chapter includes the following information:

- ✓ The Role of the County Board, Water Planning Committee and Citizen Participation
- ✓ Big Stone County's Population and Location
- ✓ Previous Big Stone County Water Plan Accomplishments
- ✓ Clean Water Partnerships/Watershed Projects
- ✓ Watershed Districts

The Role of the County Board, Water Planning Committee and Citizen Participation

In January 2002, the Minnesota River Headwaters Joint Powers Board (consisting of Big Stone, Chippewa, Lac qui Parle, Pope and Swift Counties) cooperatively agreed to update the member counties' Comprehensive Local Water Plans. After reviewing a number of proposals, the Joint Powers Board entered into a contract with the local Regional Development Commission, the Upper Minnesota Valley Regional Development Commission (UMVRDC), to coordinate the development of the five individual water plans. The UMVRDC thereafter subcontracted with Midwest Community Planning, LLC, to assist with the planning, facilitation and writing portion of the contract (the UMVRDC remaining responsibilities included mapping and various data collection). Midwest Community Planning, LLC, then assisted the individual counties with developing the specific contents of this Water Plan.

The water planning process for Big Stone County started with a Public Informational Meeting, held on April 2, 2002. The primary purpose of the meeting was to invite the public, local governmental units and various governmental agencies to identify and discuss local water planning issues. The issues identified were then discussed during regular meetings with a Local Water Plan Committee (created by the Big Stone County Board of Commissioners). The Committee included the following participants:

Water Plan Committee Members:

To be completed...

<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>

The first draft of the Comprehensive Local Water Plan went out for public review on September 20, 2002. This review process included the general public, local governmental units (i.e., cities and townships) and governmental agencies. A public hearing was held with the County Board on November 19, 2002, to solicit public comment and to discuss all of the written comments received during the public review period. The Water Planning Committee then met one more time to incorporate the public and governmental comments into the final draft water plan. On January 10, 2003, the final draft was submitted to the Board of Water and Soil Resources for final state agency 90-day review. The final Big Stone Comprehensive Local Water Plan was approved on April 2, 2003.

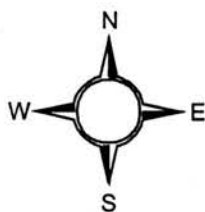
Big Stone County's Population and Location

According to the 2000 Census, Big Stone County had 5,820 residents living in 2,377 households. The City of Ortonville is the County's largest City, with approximately 2,158 residents (Appendix A contains Big Stone County's complete demographic profiles, including the following: General Demographic Profile, Selected Social Characteristics Profile, Selected Economic Characteristics Profile and Selected Housing Characteristics Profile). The County is located in West Central Minnesota along the South Dakota Border, approximately 170 miles west of the Minneapolis-St. Paul metropolitan area and 100 miles south of Fargo-Moorhead. Map 1A shows the location of Chippewa County's cities and townships, along with the County's location in the State. The County is characterized by the Minnesota River and Big Stone Lake, which forms the County's western and southern borders. The County also shares borders with Traverse County to the north, Stevens County to the north and east, Swift County to the east, Lac Qui Parle County to the south, and the South Dakota Border to the west. The County is characterized by rolling hills, vast agricultural land and Big Stone Lake, the headwaters of the Minnesota River.

Map 1A: Big Stone County's Cities and Townships

Legend

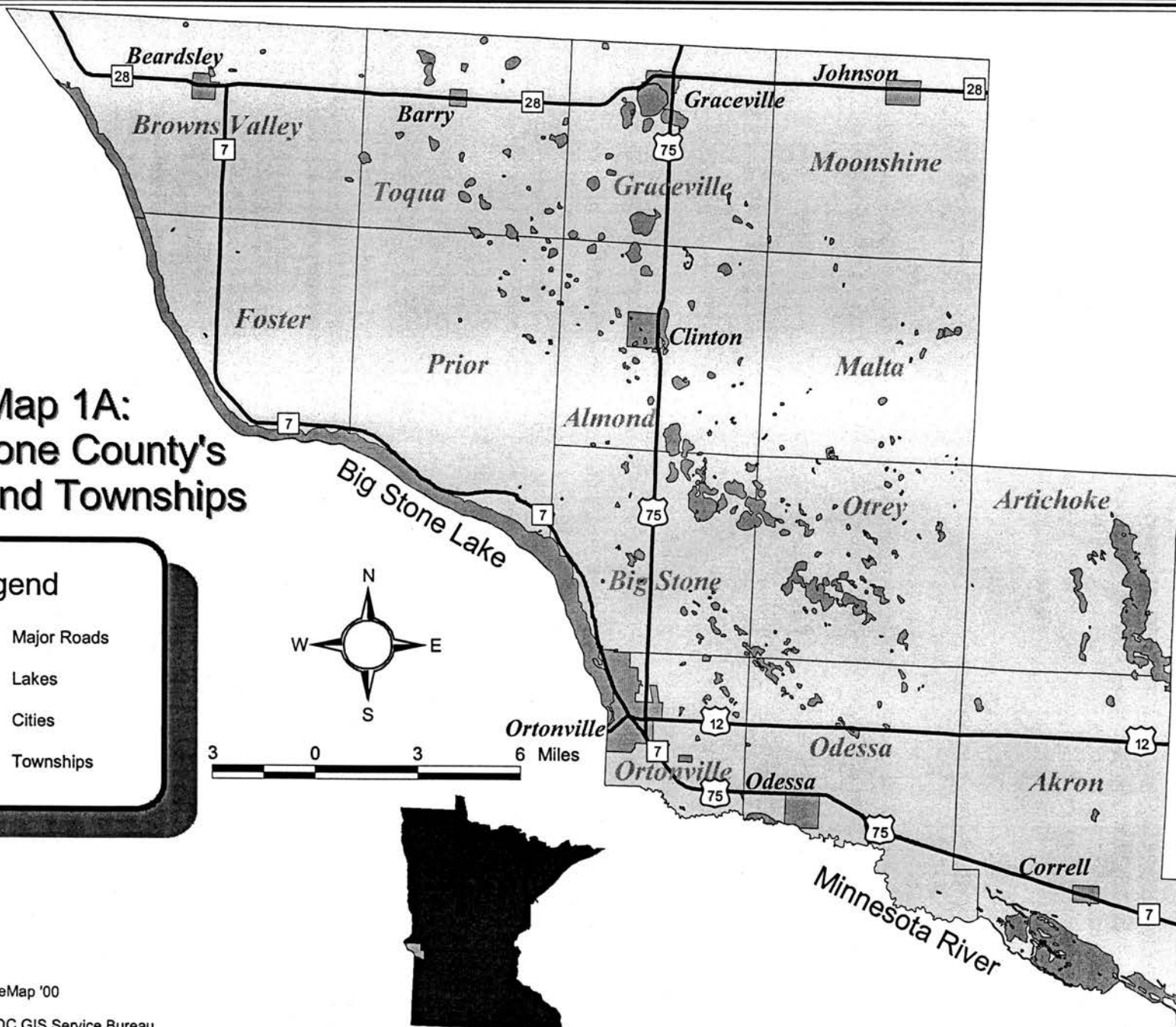
-  Major Roads
-  Lakes
-  Cities
-  Townships



3 0 3 6 Miles



Source: MNDOT BaseMap '00
Date: 12/20/02
Produced By: UMRDC GIS Service Bureau



Previous Big Stone County Water Planning Accomplishments

The original Big Stone County Water Plan was approved in 1991 and updated in 1995. As a result, this Plan is considered Big Stone County's third generation Comprehensive Local Water Plan (CLWP). The entire Plan will cover a ten-year period (2003–2013), with the action steps (or implementation steps) covering a five-year period (2003–2008). In 2008, the action steps will need to be updated by simply crossing out the County's accomplishments and adding new action steps to be implemented between 2008 and 2013.

The CLWP is reviewed annually when the Natural Resource Block Grant reports are due. The Water Plan Advisory Committee makes recommendations on projects to be funded. A two-year work plan is then written based on the Committee's input and recommendations, with the County Board of Commissioners ultimately deciding where money will be spent.

Implementation progress is communicated to the public through the Environmental Newsletter, which typically goes out three times a year. It is also reviewed at the Water Plan Committee's meetings, which are held three to four times a year. At least one County Commissioner is usually present, who then reports back to the full County Board.

During this revision, the Water Plan Advisory Committee met regularly to review issues and priorities that should be addressed throughout the next ten years. A public informational meeting was held on April 2, 2002 where citizens discussed issues that should be addressed in the Plan. The following list contains a summary of some of Big Stone County's main water planning accomplishments during both its first and second generation Water Plans:

First Generation Accomplishments, 1991-1995

Education and Information

- ✓ Realtor/Contractor Seminars
- ✓ Undesirable Vegetation Signs Established at Public Accesses
- ✓ Lakeshore Owners Educational Campaigns on Sewage Treatment
- ✓ Public Service Announcements on Water Quality/Proper Solid Waste Management
- ✓ Tree Planting Promotions

Monitoring and Data Collection

- ✓ Citizen Lake Monitoring/Secchi Disk Programs Initiated
- ✓ Random Individual Septic Treatment System Inspection on Big Stone Lake (33%)
- ✓ Wetland Restoration Benefits Study

Inventory and Mapping

- ✓ Road Salt Storage Inventory

Land and Water Treatment

- ✓ Well Sealing Cost Share Program
- ✓ Pesticide Collections

Regulation, Ordinances and Planning

- ✓ Shoreland Management Ordinance
- ✓ Land and Related Resources Management Ordinance
- ✓ Floodplain Management Ordinance
- ✓ Feedlot Task Force Established
- ✓ Delegated Feedlot County

Technical Staff

- ✓ Feasibility Study of Sewage Treatment Options along Big Stone Lake
- ✓ County Wide Cleanup Coordination

Plan Coordination and Administration

- ✓ Established Full Time Environmental Services Office to Implement Water Planning
- ✓ Created Water Plan Advisory Committee

Miscellaneous

- ✓ Member of the five county Minnesota River Headwaters Joint Powers Board
- ✓ Member of the thirty-seven county Minnesota River Basin Joint Powers Board

Second Generation Accomplishments, 1995-2001

Education and Information

- ✓ Transportation for students to the Regional Environmental Fair (Annually)
- ✓ Matching Funds to Fourth Grade Class for Wetland Restoration Projects (Annually)
- ✓ Streambank Erosion Model Constructed
- ✓ *Environmental Newsletter* to County Residents (three to four times per year)
- ✓ Supporting Funds for the Bonanza Education Center
- ✓ Fair Booths on Feedlot Management, Solid Waste Management and Water Quality

Inventory and Mapping

- ✓ Level I Feedlot Inventory
- ✓ Gravel Pit Inventory

Monitoring and Data Collection

- ✓ Annual Rural Well Testing Program for Nitrates and Coliform Bacteria (4 Townships per year with Spring and Fall Rotation)

Land and Water Treatment

- ✓ Annual Household Hazardous Waste Collections (Annually)
- ✓ Matching Funds for Mound Systems in Correll to replace City Sewer Discharging to MN River
- ✓ Wetland Restorations the USF&W and Upper MN River Watershed District
- ✓ Manure Management Planning Program (Annually)
- ✓ Willow Posting for Severe Erosion Sites on Several County Lakes
- ✓ Environmental Trust Fund Grants for Voluntary Sewer or Feedlot Upgrades (Annually)
- ✓ Well Sealing Cost Share Program (Annually)

Regulation, Ordinances and Planning

- ✓ Feedlot Management Ordinance
- ✓ Aggregate Mining Ordinance

Plan Coordination and Administration

- ✓ Registered Employees for ISTS Inspection
- ✓ Certified in Demolition Landfill Operations
- ✓ Certified in Feedlot Management

MDA State Revolving Loan

Since 1995, the Minnesota Department of Agriculture has allocated \$336,876 in Agriculture Best Management Practice Loans for Big Stone County. The County, in turn, has spent \$342,217 on the following revolving loans:

- ✓ 11 for Conservation Tillage
- ✓ 39 for Septic Systems

Big Stone County Clean Water Partnerships/Watershed Projects

The Clean Water Partnership (CWP) Program was created in 1987 to address pollution problems associated with runoff from agricultural and urban areas. The program is funded by the Minnesota Pollution Control Agency (MPCA) and provides local governments with resources to protect and improve lakes, streams and groundwater.

CWP projects begin with a desire by a local government to improve a water resource that has been polluted by land-use-related activities. Local leadership and expertise, combined with technical and financial resources from the State, create an effective program for controlling pollution and restoring water quality.

Funding for CWPs is awarded in two phases. In the first, or resource investigation phase, a diagnostic study and implementation plan are completed. As part of the diagnostic study, local sponsors work with the MPCA to collect data and information on the water resource and its watershed. This information is used to identify pollution problems and their causes and define water quality goals and objectives. The final step of the resource investigation phase is the development of an implementation plan that identifies the combination of education, management practices and other activities needed to protect or restore water quality.

The second phase of a CWP, called project implementation, involves the implementation of Best Management Practices (BMPs) identified in the first phase. BMPs may include sedimentation ponds, manure management, conservation tillage, terraces, new ordinances, wetland restoration, fertilizer management, education or other methods designed to reduce nonpoint-source pollution.

Projects may be completed either partially or completely through the CWP program. To be eligible for CWP funding, the entire project must meet program requirements. This means that if the project sponsor intends to seek CWP funding for later phases, the MPCA must first approve a diagnostic study and an implementation plan.

The financial assistance available through the program falls into two categories: grants and low-interest loans. Grants are available for up to 50 percent of project costs. Loans can only be used for the project implementation phase and can cover the entire cost of implementation or supplement a grant. Local governments can also use loans to set up their own programs to provide pass-through loans to private parties. Local governments with the authority to generate cash revenues and adopt and enforce official controls are eligible to sponsor CWP projects and receive grant funding. To be eligible for a loan, a local government must also be able to secure the loan with a general obligation promissory note. In addition, the water of concern must be addressed in an approved local water plan.

According to the MPCA, the following two CWP projects have been funded in Big Stone County:

- ***Beardsley Groundwater Project.*** Phase I CWP of shallow drift aquifers in the Minnesota River Headwaters Watershed. The Project has been closed out. For more information, contact the MPCA project manager, Dave Well, at (651) 296-1251.

- **Big Stone Lake Restoration Project.** Phase II CWP of Big Stone Lake. The Project has been closed out. For more information, contact the MPCA project manager, Mark Tomasek, at (651) 296-7260.

Watershed Districts

Upper Minnesota River Watershed District

342 NW 2nd Street
Ortonville, MN 56278
(320) 839-3411

The Upper Minnesota River Watershed District was formed on September 7, 1967. The District is located primarily in Big Stone County, with smaller areas in Lac qui Parle, Stevens, Swift and Traverse Counties. The mission of District is to "serve its residents by wisely and judiciously managing water, in a manner that sustains and enhances the social, economic and natural resources of the District. The District prefers the use of innovative water management methods, which recognize the unique agricultural, community, lake and stream and natural resources within the District. These innovative approaches as reflected by the policies of the District should be oriented toward ensuring the economic viability of the District's agriculture community."

Each of the Counties located within the Upper Minnesota River Watershed District plays a vital role in the District's activities. The Big Stone County Board of Commissioners appoints three of the District's Board Managers, while the County Board of Commissioners for Swift and Traverse Counties each appoint one Board Manager. Each appointed Board Manager must be a resident of the District and is prohibited from being a public official of the County, State or Federal government. Each Manager serves a three-year term, which is renewable by approval of the County Board of Commissioners.

To enforce its adopted rules and regulations, the Upper Minnesota River Watershed District utilizes a permit system. Permits are required for a wide variety of construction activities that affect the water resources of the District. Any individual landowner, public entity, or governmental unit that contemplates a project impacting the water resources of the District, must secure a permit. Permit applications are considered at the regular monthly meeting of the Board of Managers. Board members and office staff are available to assist applicants in the permitting process. In addition to "in house" assistance, staff regularly assist applicants in field investigations to obtain recommendations on construction techniques and use of best management practices.

Bois De Sioux Watershed District

1002 Broadway
Wheaton, MN 56296
(320) 563-4185

recreated from: <http://www.mnwatershed.org/bois.htm>

The District is located in west central Minnesota and includes the entire drainage basin of the Bois de Sioux River located in Minnesota. The Counties included in this area are Traverse, Grant, Wilkin, Stevens, Big Stone, and Otter Tail. The total area is about 1,412 square miles. The Bois de Sioux River and its source, Lake Traverse, form the boundary between Minnesota and South and North Dakota. The river flows north from Lake Traverse to Breckenridge, where it joins with the Otter Tail River to form the Red River of the North. The major tributaries in Minnesota are the Mustinka River and the Rabbit River. Tributaries in North and South Dakota contribute drainage from an additional 549 square miles.

The Bois de Sioux Watershed District was established on March 11, 1988, by order of the Minnesota Board of Water and Soil Resources under the provisions of Minnesota Statutes, Chapter 103D, otherwise referred to as "The Minnesota Watershed Act." The original mission of the District was: "To provide coordinated water resource management over the entire hydrologic basin of the Bois de Sioux River lying within the State of Minnesota." This mission has not changed to date.

The Bois de Sioux Watershed District was established and is operated for the following purposes:

- I. To provide coordinated water resource management over the entire hydrologic basin of the Bois de Sioux River lying within the State of Minnesota.
- II. For all the purposes provided for in Minnesota Statutes 103D as they may apply now and in the future, as follows:
 - A. Control or lessen damage by floodwaters.
 - B. Improve stream channels for drainage, navigation, and any other public purpose.
 - C. Reclaim or fill wet and overflowed lands.
 - D. Provide water supply for irrigation.
 - E. Regulate the flow of streams and conserve their waters.
 - F. Divert or change watercourses in whole or part.
 - G. Provide and conserve water supply for domestic, industrial, recreational, agricultural, or other public use.
 - H. Provide for sanitation and public health and regulate the use of streams, ditches, or watercourses for disposal of waste.

- I. Repair, improve, relocate, modify, consolidate and abandon, in whole or part, drainage systems within a watershed district.
- J. Impose preventative or remedial measures to control or reduce land and soil erosion and siltation of watercourses or bodies of water affected by erosion.
- K. Regulate improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise to preserve them for beneficial use.
- L. Provide for the generation of hydroelectric power.
- M. Protect or enhance the quality of water in watercourses or bodies of water.
- N. Protect groundwater and regulate its use to preserve it for beneficial use.

The District has adopted rules and policies to meet its goals and objectives and has a successful history of implementing projects and completing permit reviews that have positively impacted draining and flooding issues within the District. A key to future success will hinge on the efforts of the District to follow the principles of the Mediation Agreement and to work within the guidelines of the Red River Flood Damage Reduction Work Group when developing projects. The purpose of the Mediation Agreement process was to reach agreements on long-term solutions for reducing flood damage and for protection and enhancement of natural resources. The focus of the agreements is to balance economic, environmental and social considerations when developing and pursuing flood damage reduction and natural resource enhancement projects. The District has developed a Water Plan by inviting all of the members of the Flood Damage Reduction Work Group, local, state and federal agencies, environmental organizations and citizens to be "at the table" in an effort to follow the spirit and intent of the Mediation Process. The actions and projects proposed in the plan reflect consensus of this diverse working group and the Bois de Sioux Watershed District Board of Managers.

Lake Associations

A lake association is an organized group of people who have come together because of their common interest in a specific lake. Lake associations serve as an organized voice of their members to township and county government and are often a watchdog for enforcement of local ordinances. An association may monitor the condition of a lake, develop a lake management plan, educate shoreland property owners about individual and collective actions to protect a lake and provide volunteers to assist in lake and watershed projects. They may also work with the Department of Natural Resources (DNR) to improve fish habitat or fish stocking, get permits for aquatic plant removal, or maintain a lake access. Listed below is the lone lake association in Big Stone County that is a member of the Minnesota Lakes Association. A contact person for the association has been provided for additional information.

Citizens for Big Stone Lake
Wilfred Hansen, 324 Park Avenue
Ortonville, MN 56278
(320) 839-3027

1 2 - M a r - 0 3



To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Chippewa County has completed updating their comprehensive local water plan. The final 90-day review period began on January 22, 2003, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.



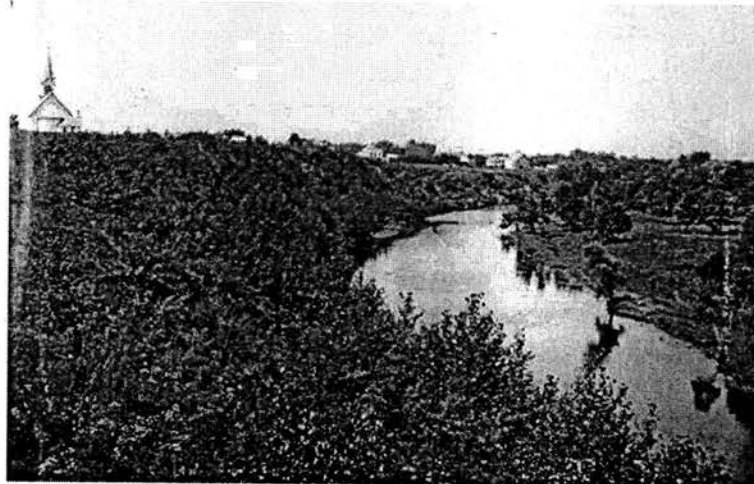
Chippewa County
County seat: Montevideo

Board Conservationist: David Sill, Marshall

Duration of the proposed plan: Ten year plan, five year implementation schedule

c: David Sill, file

CHAPTER ONE: COUNTY PROFILE AND EXECUTIVE SUMMARY



Chippewa River, 1900

Chapter One Contains...

Chapter One provides an introduction to Chippewa County and its Comprehensive Local Water Plan. This Chapter includes the following information:

- ✓ Role of the County Board, Water Planning Committee and Citizen Participation
- ✓ Chippewa County's Population and Location
- ✓ Previous Chippewa County Water Plan Accomplishments
- ✓ Clean Water Partnerships/Watershed Projects
- ✓ Watershed Districts

Role of the County Board, Water Planning Committee and Citizen Participation

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The water planning process for Chippewa County started with a Public Informational Meeting, held on March 25, 2002. The primary purpose of the meeting was to invite the public, local governmental units and various governmental agencies to identify and discuss local water planning issues. The issues identified were then discussed during regular meetings (an average of one per month) with a Local Water Plan Committee, created by the Chippewa County Board of Commissioners. The Committee included the following participants:

Water Plan Committee Members:

Voting Members:

Audrey Arner, Ag. Landowner & Land Stewardship
Ronald Ochsendorf, Landowner & Agri-Business
Ron Stevens, Ag. Landowner
Kyle Petersen, Ag. Landowner
Dennis Gibson, Ag. Landowner
Mike "Elvin" Berends, Ag. Landowner
Steve Sunderland, Ag. Landowner and SWCD
Kenneth Koenen, Ag. Landowner and County Board
Jeffrey Lopez, Ag. Landowner and County Board

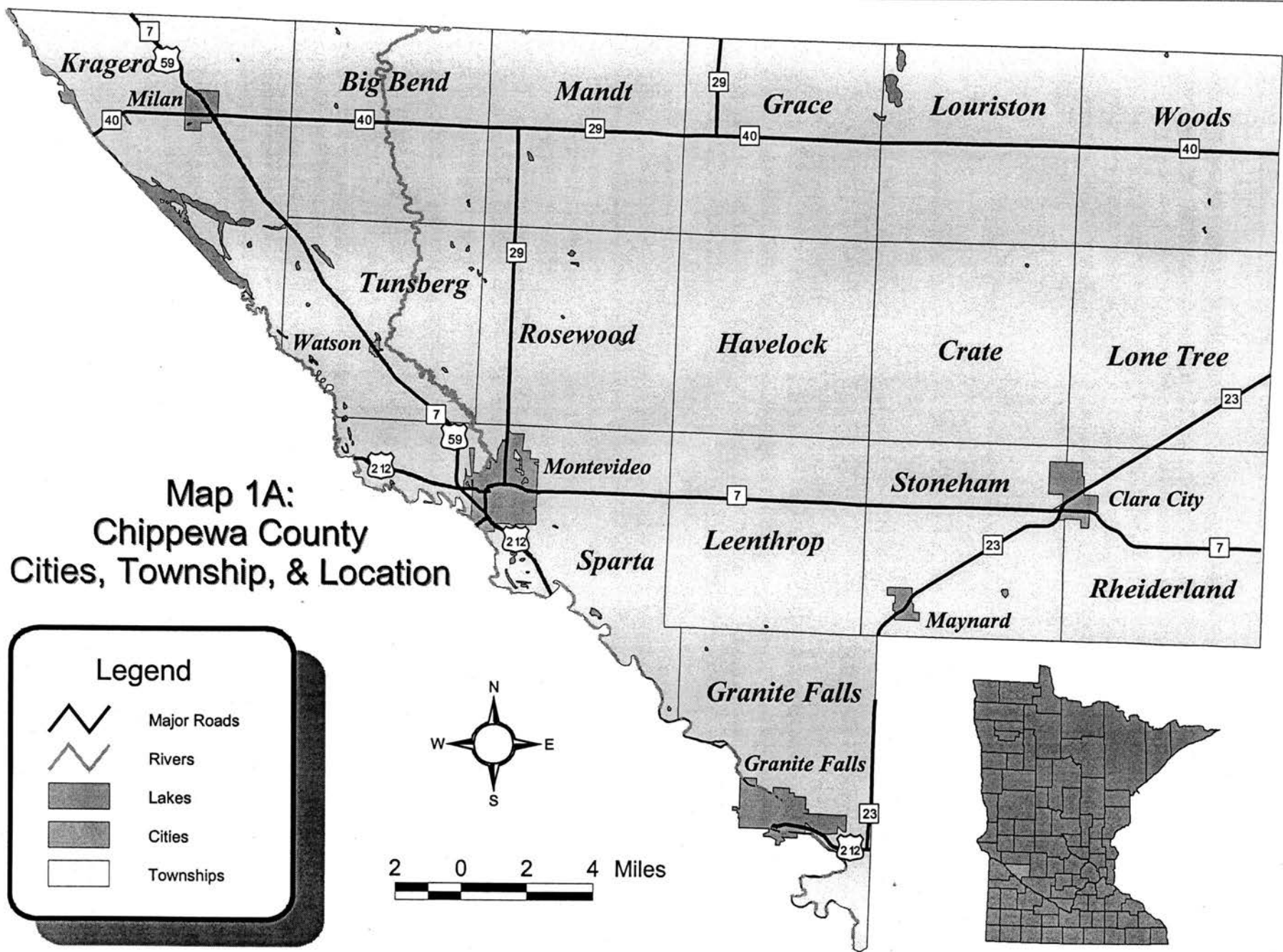
Non-Voting Members:

Jean Diggins, SWCD District Manager
Joe Keller, NRCS
Jim Ridler, NRCS
Kenny Nash, County Ditch Inspector
Steve Jones, Montevideo City Manager
Jeff Miller, DNR Wildlife
David Sill, BWSR Board Conservationist
Scott Williams, Land & Resource Management
JoAnn Blomme, Environmental Technician

The first draft of the Comprehensive Local Water Plan went out for public review on September 20, 2002. This review process included the general public, local governmental units (i.e., cities and townships) and governmental agencies. A public hearing was held with the County Board on December 3, 2002, to solicit public comment and to discuss all of the written comments received during the public review period. The Water Planning Committee then met one more time to incorporate the public and governmental comments into the final draft water plan. On January 10, 2003, the final draft was submitted to the Board of Water and Soil Resources for final state agency 90-day review. The final Chippewa Comprehensive Local Water Plan was approved on April 2, 2003.

Chippewa County's Population and Location

According to the 2000 Census, Chippewa County had approximately 13,088 residents living in 5,361 households. The City of Montevideo is the County's largest City, with approximately 5,346 residents (Appendix A contains Chippewa County's complete demographic profiles, including the following: General Demographic Profile, Selected Social Characteristics Profile, Selected Economic Characteristics Profile and Selected Housing Characteristics Profile). The County is located in West Central Minnesota, approximately 120 miles west of the Minneapolis-St. Paul metropolitan area and 40 miles southwest of the City of Willmar. Map 1A shows the location of Chippewa County's cities and townships, along with the County's location in the State. The Minnesota River helps to form the County's southwestern border. In addition, the County shares borders with Swift County to the north, Kandiyohi County to the east, Renville County to the southeast, Yellow Medicine County to the southwest and Lac qui Parle County to the west.



Previous Chippewa County Water Planning Accomplishments

"With Minnesota's residents using an estimated 700 million gallons of groundwater per day, knowing more about this rich resource is well worth the efforts that we put into this Plan"

~JoAnn Blomme, Chippewa County Water Planner~

The history of the Chippewa County Comprehensive Local Water Plan has addressed many water quality and quantity issues. The goals and actions reflect the current and future years to come. As actions were identified, grants were applied for and goals were met. It always has been the County's policy that if goals were met, the County would accomplish it by operating on a voluntary basis. This has worked exceedingly well. The County will continue to operate this way, prioritizing incentives and educational efforts to keep achieving our goals.

Over the past ten years, many things have progressed, making goal setting more effective and easier to quantify. Through the GIS evolvement and the tracking capability of past practices, the County has a better understanding of what is happening on the land. Another big change has been the addition of the Chippewa River Watershed Project and the Hawk Creek Watershed Project. Through the Clean Water Partnership Grants for each of these projects, a Phase I Diagnostic Study has been completed and both projects are now in the Phase II Implementation Phase. They continue to do monitoring as a way to track accomplishments and to better understand what is happening with the County's surface water quality and quantity. The Water Plan Committee will use these results to continue to address future issues. A few of our past grants, such as the Conservation Credit Initiative (CCI) program and the Spring Creek Watershed grant, have targeted a watershed to cover a variety of existing water quality issues using monitoring tools. In addition, many best management practices were cost-shared through the Water Plan, such as fencing for rotational grazing practices, tree planting incentives, manure management plans, buffers, reduced tillage incentives, construction crop loss, pipe structures into county ditches, septic system upgrades, water testing and abandoned well sealing.

The Water Plan has reached the landowners and residents in Chippewa County through many adult and youth educational events and through local advertising. The Water Plan will continue to seek the involvement of its citizens and build stronger relationships to work together as a whole to reach the ultimate goal of improved water quality and quantity throughout Chippewa County.

Water Planning 1992 – 2002: First and Second Generation Accomplishments

Education and Information

- ▶ Water Plan Newsletters were mailed out quarterly for 4 years.
- ▶ Many newspaper articles and radio ads were run. Topics highlighted the water plan actions.

- ▶ Groundwater contamination booklets were sent or delivered to all residents in 16 townships.
- ▶ A water plan topic was targeted annually and displayed at the Chippewa County Fair.
- ▶ A water plan topic was targeted biannually and displayed at the Health and Wellness Fair.
- ▶ Participated in the 5th Grade Environmental Field Days annually.
- ▶ Did several elementary education projects at the schools such as: “edible landfill” – where does your garbage go and how are landfills built; recycling projects such as making their own gift bags and gift boxes, old light bulb snowmen ornaments, and cardboard picture frames.
- ▶ Completed a storm sewer marking project in Clara City in 2001 which included delivering door knocker information to every resident and business on best management practices for urban areas, how to handle household hazardous waste and business waste, and watershed information. Project completed in cooperation with the Hawk Creek Watershed Project.
- ▶ A public demonstration day/tour was held supporting no-till practices.
- ▶ Participated in an annual MN River Headwaters Joint Powers Board Annual Conference. Completed a “Conservation Partnerships” tour with 4 other agencies highlighting a wetland restoration, septic installation, riparian buffer strips, watershed monitoring and watershed projects.
- ▶ Participated in SWCD tour days.
- ▶ Worked with four other counties (Big Stone, LQP, Swift and Pope) on writing a grant and developing educational tools to help teach students and adults about water quality. The group still meets periodically to exchange educational ideas.
- ▶ Developed and distributed household hazardous waste magnets countywide.
- ▶ Worked with Chippewa River Watershed, Hawk Creek Watershed and CROW River Watershed Projects and their partners in holding a winter seminar on the new farm bill and nutrient management.
- ▶ Septic system models were purchased and four classes were held on septic operation and maintenance and alternative septic systems. A septic display was developed and used for adult education and youth education.
- ▶ Scholarship opportunities were offered to the area schools. Two projects received funding for youth education. One was for the 6th grade field trip to Deep Portage Environmental Education Camp and the other for the High School Minnesota River Research Expedition.
- ▶ Conducted a survey with residence in the Spring Creek Watershed.

Monitoring and Data Collection

- ▶ A cost-share program to test for the presence of nitrates, bacteria and pesticide was offered twice resulting in 85 water samples tested.
- ▶ Provided funding to the Chippewa River Watershed Project and the Hawk Creek Watershed Project to begin the Phase I Diagnostic Study and the Phase II Implementation Phase.
- ▶ Additional funding was given to the Chippewa River Watershed Project to monitor a new lateral in Ditch 22 that was installed. A pre-survey was completed before the lateral was complete. Funding was also given to the Hawk Creek Watershed Project to monitor the storm sewers in Clara City.
- ▶ Conducted transect survey's bi-annually.

Inventory and Mapping

- ▶ A Geographic Information System (GIS) was researched and purchased. We currently use the ArcView program.
- ▶ Completed Phase II Feedlot Inventory.
- ▶ Inventoried past Septic Systems and continue to inventory new systems installed.
- ▶ Did countywide voluntary inventory of septic systems, active and abandoned wells and underground storage tanks. Data was entered into the county AS-400 data base.
- ▶ Established a County Data Base through the GIS and AS-400 data base.
- ▶ Have GIS Parcel Based Mapping and are currently working on digitizing the county ditches.

Land and Water Treatment

- ▶ The Conservation Credit Initiative Program targeted a corridor along the Chippewa River. Conservation plans were written with 37 landowners and showed treatment on 11,750 acres. Our main goals through the CCI program were to reduce soil loss to "T", reduce nutrient runoff into the surface water, manage the application of manure fertilizers to reduce phosphorous loading and nitrogen leaching within the soil and "long-term maintenance" of all implemented practices.
- ▶ Spring Creek Challenge Grant Project.

- ▶ Funded the Manure Management Program run through the University of Minnesota Extension. Manure Management Plans were developed, and educational classes were held.
- ▶ 8 landowners installed 33,272 feet of fencing through a rotational grazing incentive program.
- ▶ 21 landowners installed 68.26 acres of grass/tree buffers.
- ▶ 94,221 feet of tree fabric was installed through a cost-share program for tree maintenance.
- ▶ Two landowners received cost-share for using conservation tillage equipment on 66 acres leaving 30% - 40% residue after the tillage pass on corn and close to 20% after soybeans.
- ▶ Six landowners received cost-share to repair erosion in ditches. The different practices consisted of sloping and adding rip-rap and installing drop pipe structures.
- ▶ Ten landowners upgraded their septic systems through an added incentive cost-share program.
- ▶ One landowner completed a cover-crop practice on 12 acres of land.
- ▶ Two landowners received construction crop loss payments on 19.6 acres to install terraces during growing season.
- ▶ 57 landowners certified that a no till planter or system was used for the first time and left 30% residue on the surface after planting. 1331.6 acres were enrolled in the no-till soybean cost-share program.
- ▶ Sealed 326 wells through the Abandoned Well Sealing Cost-Share Program.
- ▶ Held 5 household hazardous waste collections throughout the county and support and promote the use of the Regional Facility in Kandiyohi County, which can be used by Chippewa County residence year round.
- ▶ Held empty pesticide container collections annually and did educational articles.
- ▶ Participated with the MN Department of Agriculture on the biannual pesticide collection.

Regulations, Ordinances and Planning

- ▶ Shoreland Ordinance was amended.
- ▶ Feedlot Ordinance was amended.
- ▶ Individual Sewage Treatment System Ordinance was amended.

Technical Staff Service

- ▶ Several interns were hired throughout the past 10 years. We have hired assistance to help with the following:
 - Imputing GIS / AS-400 inventory data
 - Completing a Phase I and Phase II Feedlot Inventory
 - Septic Inventory
 - Septic Inspections
 - Best Management Practices
 - Bonanza Education Center for environmental education
 - Technical Assistance to administer a challenge grant
- ▶ To administer the water plan, we receive technical assistance from many state and federal agencies. We stress partnerships in our water plan and continue to grow off the solid foundation we have built.

Plan Coordination

- ▶ The Water Plan is coordinated through the Chippewa County Land and Resource Management Office. The County seeks outside involvement and have maintained a very strong water plan committee. Currently, the County has nine voting members and nine ex-officio members on the Committee. Throughout the past ten years, the committee has had a variety of people, including the following: landowners and farmers, agricultural business representatives, city representatives, county commissioners, SWCD and NRCS representatives, drainage inspector, township officers, DNR, County Extension Service, Lac qui Parle Lake Association, Countryside Public Health, Sportsman Club, Consulting Engineer, non-profit organizations and a BWSR representative.
- ▶ The County has held 62 meetings over the past ten years and established a set of Committee Guidelines in 1995. The County stresses strong participation from our voting members. They continue to meet quarterly for general business. The Executive Committee (made up of five members of the larger Committee) meet annually to set the draft budgets for the following year.
- ▶ The water plans goals and objectives will become the basis for the SWCD Annual Comp Plan, the Watershed Projects, MN River Headwater Joint Powers Board, and the Minnesota River Basin Plan.

Other

- ▶ Chippewa County participates in the Minnesota Department of Agriculture's State Revolving Low Interest Loan Program. Since 1995, Chippewa County has used \$435,001 of these funds in the following areas (spending a total of \$737,422):

- ✓ 7 agriculture waste systems were upgraded
 - ✓ 2 erosion control structures
 - ✓ 81 septic systems were upgraded
 - ✓ 15 pieces of conservation tillage equipment were purchased
 - ✓ 5 BMP practices were installed
- Equipment was purchased to support the implementation of best management practices, help with education tools and assist with work. The following pieces of equipment were purchased:
- ✓ 2 display boards
 - ✓ laminator
 - ✓ Finn Crimper
 - ✓ bale chopping/mulching machine with seed sowing attachments
 - ✓ computer for interns
 - ✓ digital camera for septic inspections

SUCCESS!

The success of our water plan is based on achievement of goals and objectives and building partners so we can continue to grow and be unified in our ultimate goals of improved water quality. Our success has been accomplished on a volunteer basis and the list of accomplishments above shows our cooperative efforts and landowner involvement, to help achieve the goals and objections, is quite successful. Water Planning has brought a large amount of funds into Chippewa County. Without the funds, we would have faced limitations in reaching our goals and objectives to improve water quality and quantity issues in Chippewa County.



Chippewa County Local Water Plan...locally driven to work for you!

Summary of Accomplishments 1992 – 2002

Funds brought into Chippewa County through Water Planning efforts:

Project/Grant Name	Amount Funded
NRBG 1992 – 2002 Local Water Planning	\$ 372,796.00
NRBG 1994 – 2002 Wetland Conservation Act	\$ 132,500.00
NRBG 1994 – 2002 Shoreland Administrative	\$ 27,113.67
NRBG 1999 – 2002 ISTS	\$ 4,432.00
DNR Shoreland Ordinance	\$ 8,500.00
1995 Feedlot Challenge Grant	\$ 5,000.00
1997 Feedlot Challenge Grant	\$ 3,000.00
2001 Spring Creek Challenge Grant	\$ 25,000.00
1993 Living Snow Fence Challenge Grant	\$ 6,000.00
1995 Conservation Credit Initiative Challenge Grant	\$ 40,000.00
Well Sealing Challenge Grants	\$ 40,000.00
1995 – 2001 Septic Revolving Loan and ISTS Ag BMP	\$ 453,327.08
1998 Flood Recovery Challenge Grant	\$ 15,000.00
Total Funds Received 1992 – 2002:	\$1,132,668.75

County's contributions from 1992 – 2002:

Cash contributions	\$ 115,704.00
In-kind contributions	\$ 124,113.67
Total Funds Contributed 1992 – 2002:	\$ 239,817.67

Funds Returned:

1997 Feedlot Challenge Grant	\$ 1,500.00
(the goals of the grant were met, but all the funds were not used).	

Grants submitted and not funded:

1998 Feedlot Water Quality Management Grant: Ag Waste projects
1999 Water Plan Challenge Grant: purchasing a set of learning models
1999 Challenge Grant: Enhanced Conservation Credit Initiative Program

Chippewa County Clean Water Partnerships/Watershed Projects

(see Data Item 6 in Chapter Two for a profile of Chippewa County's watersheds)

The Clean Water Partnership (CWP) Program was created in 1987 to address pollution problems associated with runoff from agricultural and urban areas. The program is funded by the Minnesota Pollution Control Agency (MPCA) and provides local governments with resources to protect and improve lakes, streams and groundwater. CWP projects begin with a desire by a local government to improve a water resource that has been polluted by land-use-related activities. Local leadership and expertise, combined with technical and financial resources from the State, create an effective program for controlling pollution and restoring water quality.

Funding for CWPs is awarded in two phases. In the first, or resource investigation phase, a diagnostic study and implementation plan are completed. As part of the diagnostic study, local sponsors work with the MPCA to collect data and information on the water resource and its watershed. This information is used to identify pollution problems and their causes and define water quality goals and objectives. The final step of the resource investigation phase is the development of an implementation plan that identifies the combination of education, management practices and other activities needed to protect or restore water quality. The second phase of a CWP, called project implementation, involves the implementation of best management practices (BMPs) identified in the first phase. BMPs may include sedimentation ponds, manure management, conservation tillage, terraces, new ordinances, wetland restoration, fertilizer management, education or other methods designed to reduce nonpoint-source pollution. Projects may be completed either partially or completely through the CWP program, however, if the project sponsor intends to seek CWP funding for later phases, the MPCA must first approve a diagnostic study and an implementation plan.

The financial assistance available through the program falls into two categories: grants and low-interest loans. Grants are available for up to 50 percent of project costs. Loans can only be used for the project implementation phase and can cover the entire cost of implementation or supplement a grant. Local governments can also use loans to set up their own programs to provide pass-through loans to private parties. Local governments with the authority to generate cash revenues and adopt and enforce official controls are eligible to sponsor CWP projects and receive grant funding. To be eligible for a loan, a local government must also be able to secure the loan with a general obligation promissory note. In addition, the water of concern must be addressed in an approved local water plan.

According to the MPCA, there have been two CWP funded projects in Chippewa County. The following provides a brief description of each of the projects.

- Hawk Creek Watershed Project. Funding for this project is provided through a 319 implementation grant. Start date: October 18, 2001. End date: September 30, 2004. Grant amount: \$233,439. MPCA project manager: Wade Gillingham, Phone # (507) 537-7163.
- Chippewa River Watershed Project. Phase II CWP. Start date: February 13, 2001. End date: February 13, 2004. Grant amount: \$469,372. MPCA project manager: Wade Gillingham, Phone # (507) 537-7163.

Chippewa River Watershed Project

629 North 11th Street

Montevideo, MN 56265

(320) 269-2139 extension 116

The Chippewa River Watershed Project (CRWP) is a cooperative effort of over 25 organizations, from County, State and Federal agencies, to non-profit organizations, lake associations, citizens and landowners throughout the 1.3 million acre watershed. Counties involved in the project include parts of Kandiyohi, Chippewa, Douglas, Grant, Ottertail, Pope, Stevens and Swift. The CRWP began in March 1998, when the Minnesota Pollution Control Agency (MPCA) awarded the project a Clean Water Partnership grant to conduct a three-year Phase I Diagnostic Study of the watershed. Extensive water quality monitoring and land use assessment was conducted from 1998 through 2001 (contact the Chippewa River Watershed Project for the full report). The data collected was used in the development of an Implementation Plan for the watershed. The project received funding in the spring of 2001 for the first three years of implementation through the MPCA's Clean Water Partnership grant program.

Through the Diagnostic Study, it was found that the Chippewa River carries high levels of sediment, nutrient (phosphorus and nitrogen) and bacteria pollutants, derived from rainfall-driven polluted runoff that occurs throughout most of the watershed. The usefulness and aesthetic qualities of the river are impaired and conditions are unlikely to improve unless changes are made in land use and water management practices within the watershed. Change can be accomplished through an implementation plan that reflects real problems occurring on the landscape and clearly identified solutions to those problems, while developing and organizing sufficient resources to attain meaningful and effective solutions.

In setting goals and objectives, consideration is given to four important watershed characteristics. First, agriculture is the predominant land use in the watershed and improvements to water quality will require changes in agricultural practices, which requires education and presenting solutions that are economically viable to the agricultural community. Second, pollutant transport in the watershed is primarily affected by uncontrolled runoff through the many hydrologic pathways present (i.e. the extensive drainage system). Third, the Chippewa River holds enormous potential for being a recreational resource, but past and present conditions prevent it from being used to its full potential. And fourth, watershed residents, through their involvement and actions, hold the key to protecting and enhancing the Chippewa River. To achieve each of these goals, continued and increased education of urban and rural watershed residents is needed. The ten-year goals of the CRWP are:

1. To achieve the highest water quality attainable for ecoregion streams;
2. To increase the number of watershed residents taking an active role in enhancing and protecting the Chippewa River;
3. To continue to have the watershed community of agencies and organizations bonded together (across county boundaries) as a group working toward the common goal of improved water quality in the Chippewa River Watershed; and
4. To develop the Chippewa River as a major recreational resource within the Minnesota River Basin.

The long-term goal of the CRWP is to improve the water quality and flooding problems in the watershed, while also promoting a healthy agricultural, industrial and recreation-based economy for the region. The best management practices (BMPs) to be utilized include nutrient management, residue management, wetland restoration, buffer strips, water and sediment control basins, livestock waste management, individual sewage treatment systems, grassed waterways, streambank restoration, terraces, contour farming, grade control structures, pasture management, alternative tile inlets, RIM, CRP and shoreline naturalization. Urban practices to be promoted include recycling, directing downspouts to lawns, phosphorus free fertilizer for lawn care, construction site erosion control and storm water management. Implementation of these practices on the landscape will be accomplished through the work of the cooperating partners and through grant applications for funds targeted for specific sub-basins of the watershed.

Because the Chippewa River is so large, it is necessary to prioritize sub-basins for the development of the Implementation Plan. The major tributaries of the Chippewa River create natural sub-basins making this delineation possible. Water quality monitoring data, watershed assessments and judgments about reasonable expectations for rivers and streams in this area of the State were used in ranking the sub-basins. Due to the high levels of nutrients (phosphorus and nitrogen), sediment and fecal coliform bacteria, the Shakopee Creek Headwaters (SCH) area has been ranked as the Chippewa River Watershed's first priority sub-basin (see below).

Chippewa River Watershed Sub-Basin Implementation Schedule

	<u>Target Year</u>
1. Shakopee Creek and Shakopee Headwaters	2001-04
2. East Branch Chippewa River	2002-05
3. Lower Main Stem	2003-06
4. Little Chippewa River	2004-07
5. Dry Weather Creek, Spring Creek, Lines Creek and Cottonwood Creek	2005-08
6. Upper Main Stem Chippewa River	2006-09

The monitoring program established in the watershed during the Diagnostic Study will continue throughout the Implementation Phase. Water quality monitoring plays a key role in identifying priority areas and documenting changes, as well as gaining a greater understanding of the complexities of a watershed. In addition, a bio-monitoring program has been developed to engage high school students throughout the watershed.

The outreach and education program of the CRWP is based on the concept of "connecting people through their river". The Citizen Monitoring Network of the CRWP engages landowners in watershed activities. Other education efforts include a newsletter, annual meeting, monthly meetings, bus tours, seminars, workshops and creating new partnerships. Education efforts revolve around urban and rural BMPs to enhance water quality and water quantity issues, hydrology, watershed concepts and the connection of land use to the river.

Hawk Creek Watershed Project

Renville County Courthouse, Lower Level
500 East DePue Avenue
Olivia, MN 56277
(320) 523-3672

The Hawk Creek Watershed Project began in the summer of 1998, when a phase I Clean Water Partnership grant was allocated from the Minnesota Pollution Control Agency (MPCA). A diagnostic study was conducted to determine the health of the watershed. Water quality samples were collected from area streams and ditches during the summers of 1999 and 2000. A Tailored Integrated Stream Watershed Assessment (TISWA) was also conducted during this study to determine the areas of the watershed with the highest pollution potential.

Six primary locations within the Hawk Creek Watershed were sampled and monitored during the diagnostic study. Samples collected were tested for total suspended solids, total phosphorus, orthophosphate, nitrate-nitrite, ammonia, total Kjeldahl nitrogen and fecal coliform bacteria. High levels of nutrients and sediment were found throughout the watershed. Nitrogen was found to be high in Chetomba and Beaver Creeks. Elevated levels of phosphorus were found in Hawk Creek, especially in the upper portion of the watershed. Bacteria counts were found to be high across the watershed, with the highest levels found in the Beaver Creek sub-watershed. Major issues to be addressed, as identified through the diagnostic study, include erosion and runoff from agricultural and developed areas, as well as failing septic systems.

In the spring of 2001, the Hawk Creek Watershed Project was awarded further funding from the MPCA for a phase II study. This second phase focuses on the implementation of best management practices (BMPs) to help reduce pollutant loadings. The project will also focus its efforts on education and awareness activities, including the understanding of storm drain systems, septic systems, urban and agricultural runoff and the watershed concept.

Watershed Districts

There are no watershed districts located within Chippewa County.

Lake Associations

A lake association is an organized group of people who have come together because of their common interest in a specific lake. Lake associations serve as an organized voice of their members to township and county government and are often a watchdog for enforcement of local ordinances. Currently, the Lac qui Parle Lake/Watershed Project Association is the only lake association in Chippewa County. The Association can be contacted in the following location:

Lac qui Parle Lake/Watershed Project Association
1114 South 1st Street West; P.O. Box 66; Montevideo, MN 56265
(320) 269-5624 or www.lqpvlake.org

1 2 - M a r - 0 3



To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Lac qui Parle County has completed updating their comprehensive local water plan. The final 90-day review period began on January 22, 2003, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.



Lac qui Parle County
County seat: Madison

Board Conservationist: David Sill, Marshall

Duration of the proposed plan: Ten year plan, five year implementation schedule

c: David Sill, file

CHAPTER ONE: COUNTY PROFILE AND EXECUTIVE SUMMARY



Lac qui Parle Lake

Chapter One Contains...

Chapter One provides an introduction to Lac qui Parle County and its Comprehensive Local Water Plan. This Chapter includes the following information:

- ✓ The role of the County Board, Water Planning Committee and Citizen Participation
- ✓ Lac qui Parle County's Population and Location
- ✓ Previous Lac qui Parle County Water Plan Accomplishments
- ✓ Clean Water Partnerships/Watershed Projects
- ✓ Watershed Districts

The role of the County Board, Resource Commission and Citizen Participation

In January 2002, the Minnesota River Headwaters Joint Powers Board (consisting of Big Stone, Chippewa, Lac qui Parle, Pope and Swift Counties) cooperatively agreed to update the member counties' Comprehensive Local Water Plans. After reviewing a number of proposals, the Joint Powers Board entered into a contract with the local Regional Development Commission, the Upper Minnesota Valley Regional Development Commission (UMVRDC), to coordinate the development of the five individual water plans. The UMVRDC thereafter subcontracted with Midwest Community Planning, LLC, to assist with the planning, facilitation and writing portion of the contract (the UMVRDC remaining responsibilities included mapping and various data collection). Midwest Community Planning, LLC, then assisted the individual counties with developing the specific contents of this Water Plan.

The water planning process for Lac qui Parle County started with a Public Informational Meeting, held on March 25, 2002. The primary purpose of the meeting was to invite the public, local governmental units and various governmental agencies to identify and discuss local water planning issues. The issues identified were then discussed during regular meetings (an average of one per month) with the local Resource Commission, created by the Lac qui Parle County Board of Commissioners. The Resource Commission included the following participants:

Resource Commission Members:

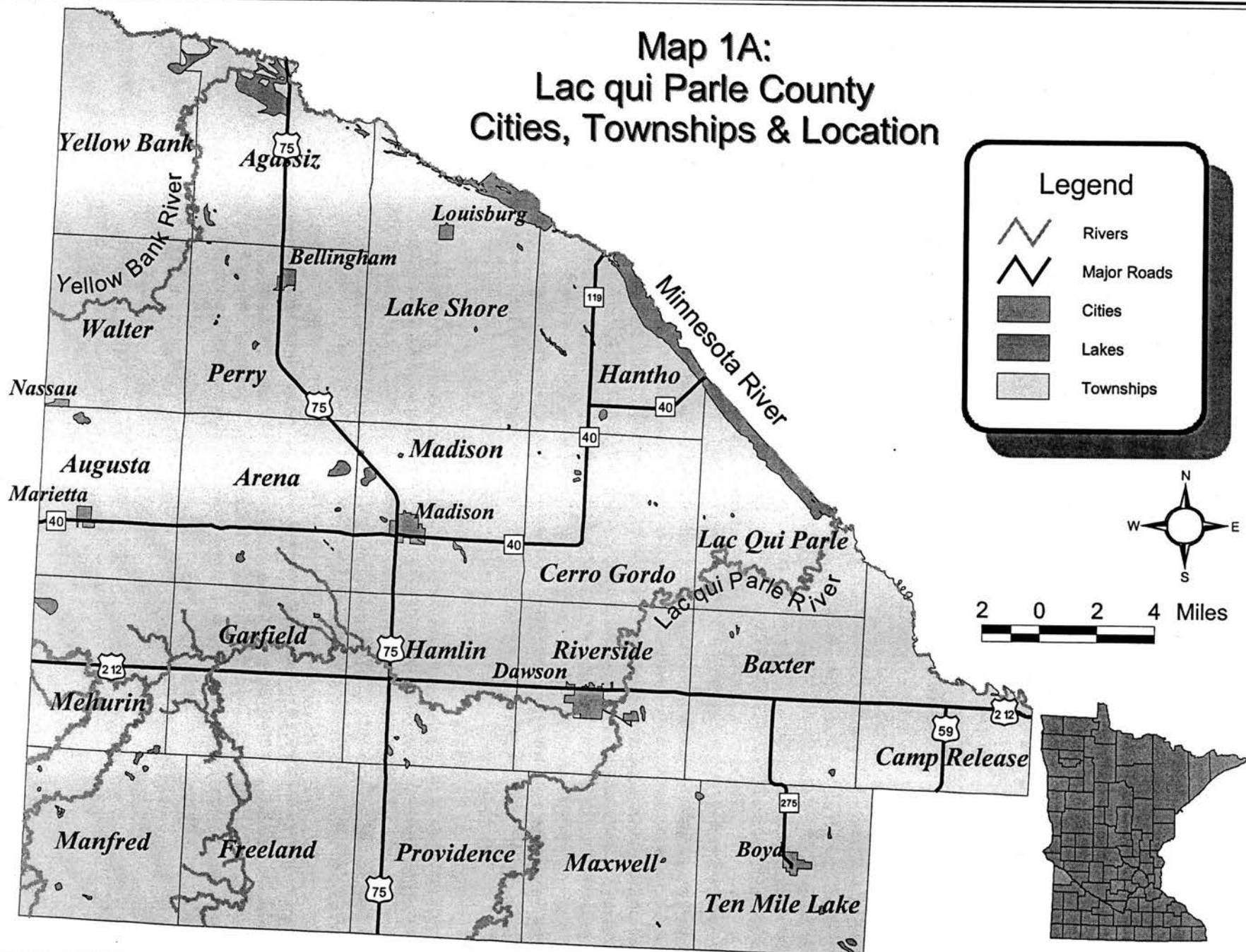
Morris Hjelm	Planning & Zoning	John Rebehn	Local Water Planner
Donald Stolpmann	LqP-YB Watershed	Brad Olson	DNR
Jeff Johnson	Resident	Arvid Gollnick	County Commissioner
Tom Graham	Planning & Zoning	Burt Hendrickson	NRCS
Wendel Gubrud	Planning & Zoning	Albert Hoffman	County Commissioner
Sonja Farmer	SWCD	Nancy Breberg	Resident
LeRoy Anderson	Highway Engineer	Mary Homan	LqP-YB Watershed
David Craigmile	Planning & Zoning	Trudy Hastad	Environmental Services
Ed Radermacher	Resident	Darryl Ellefson	Zoning Administrator

The first draft of the Comprehensive Local Water Plan went out for public review on September 20, 2002. This review process included the general public, local governmental units (i.e., cities and townships) and governmental agencies. A public hearing was held with the County Board on November 2, 2002, to solicit public comment and to discuss all of the written comments received during the public review period. The Water Planning Committee then met one more time to incorporate the public and governmental comments into the final draft water plan. On January 10, 2002, the final draft was submitted to the Board of Water and Soil Resources for final state agency 90-day review. The final Lac qui Parle Comprehensive Local Water Plan was approved on April 2, 2003.

Lac qui Parle County's Population and Location

According to the 2000 Census, Lac qui Parle County had approximately 8,067 residents living in 3,316 households. The City of Madison is the County's largest City, with approximately 1,768 residents (Appendix A contains Lac qui Parle County's complete demographic profiles, including the following: General Demographic Profile, Selected Social Characteristics Profile, Selected Economic Characteristics Profile and Selected Housing Characteristics Profile). The County is located in West Central Minnesota, approximately 150 miles west of the Minneapolis-St. Paul metropolitan area along the South Dakota border. Map 1A shows the location of Lac qui Parle County's cities and townships, along with the County's location in the State. The Minnesota River helps to form the County's northeastern border. In addition, the County shares borders with Swift and Chippewa Counties to the northeast; Yellow Medicine County to the south; Deuel and Grant Counties to the west in South Dakota; and Big Stone County to the north.

Map 1A: Lac qui Parle County Cities, Townships & Location



Previous Lac qui Parle County Water Planning Accomplishments: 1991 – 2001

This Comprehensive Local Water Plan (CLWP) is the second revision and the third generation of the Water Plan. The third generation will become effective April 2003. The CLWP is reviewed annually when the annual work plan is prepared for the Natural Resources Block Grant (NRBG) application to the State of Minnesota's Board of Water and Soil Resources (BWSR). Priorities are reviewed as they are approved for the annual work plan as issues may have changed since the revised CLWP was adopted. The annual work plan is worked on by the coordinator with assistance from the Lac qui Parle County Resource Commission (LqPRC). The LqPRC may amend the plan as issues and priorities change.

Progress of the plan is reported to the LqPRC and the Lac qui Parle County Board of Commissioners as well as news articles throughout the year. The LqPRC meets monthly or bi-monthly and is open to the public.

The third generation places emphasis on a watershed approach and shows that issues have shifted since 1991.

Water Planning 1991 - 1996 First Generation Accomplishments

EDUCATION and INFORMATION

- News articles and presentations on water quality, programs and projects
- Challenge Grant 1993
 - ✓ Radio spots
 - ✓ Water trunk – educational tools
- Challenge Grant 1995
 - ✓ Radio spots
 - ✓ PBS TV Channel 10 – 7 week run on "Prairie Sportsman" program
- Brochure on nitrates in drinking water
- Annual Fair Booth

MONITORING and DATA COLLECTION

- Nitrate testing clinics – 2 conducted
- Water quality in County Ditch 3 and County Ditch 13

INVENTORY and MAPPING

- Building sites no longer in use or existence for well locations
- Feedlot locations – 441 identified

LAND and WATER TREATMENT

- Well sealing cost-share program – 283 wells sealed
- Chemical container collections
- Household hazardous waste collection

REGULATIONS, ORDINANCES and PLANNING

- Worked with Resource Commission to make sound environmental decisions

PLAN COORDINATION

- Creation of a Water Plan Coordinator Position and Resource Commission
- Participant in the 5 county Minnesota River Headwaters Joint Powers Board
- Participate in the 37 county Minnesota River Basin Joint Powers Board

The first plan was approved by BWSR in 1991 and adopted by the Lac qui Parle County Board of Commissioners on December 3, 1991.

Water Planning 1997 - 2001 Second Generation Accomplishments

EDUCATION and INFORMATION

- Annual Fair Booth
- Provided financial assistance to the 6th grade Environmental Fair annually
- Purchased Enviroscape to be used in local schools
- Radio spots – aired daily on KLQP
- Supported and contributed to quarterly SWCD newsletter with articles and postage
- Supported the Extension Service Manure Management Program
- Heron Lake Environmental Bus to Dawson-Boyd and Lac qui Parle Valley High Schools

LAND and WATER TREATMENT

- Abandoned well sealing cost-share program – 299 wells sealed during this period
- Chemical container and household hazardous waste collections
- Worked with SWCD on the Ag Best Management Practices Program through MDA. Spent a total of \$316,518 on the following 51 loans:
 - ✓ 1 Agriculture Waste Management System
 - ✓ 16 Erosion Control Structures
 - ✓ 4 Conservation Tillage
 - ✓ 30 Septic System
- Assisted and promoted the RIM, CRP, CREP, WRP, Living Snowfence programs

REGULATION and PLANNING

- Lac qui Parle-YellowBank Clean Water Partnership
- Feedlot Ordinance
- Community Based Comprehensive Plan

MONITORING and DATA COLLECTION

- Assisted LqP Valley Biology Club to acquire water monitoring equipment, along with the Lac qui Parle Lake Association
- Water Plan and its coordinator were key players in assembling the Lac qui Parle-Yellow Bank Clean Water Partnership with the Watershed District, SWCD, Environmental Office, NRCS, RC&D, and MPCA

PLAN COORDINATION

- Lac qui Parle Resource Commission
- Participant in the 5 county Minnesota River Headwaters Joint Powers Borad
- Participate in the 37 county Minnesota River Basin Joint Powers Board

The second generation CLWP was approved on April 25, 1996, by BWSR and adopted by the Lac qui Parle County Board of Commissioners on June 4, 1996. The success of the Water Plan is based on achievement of goals and objectives. This is shown above by the list of accomplishments that have occurred with water planning. Limitations to the ability in achieving goals and objectives include lack of appropriate funding, thus creating a lack of staff time to accomplish these goals.

Funds Brought into Lac qui Parle County Through the Water Plan:

<u>Project/Grant Name</u>	<u>Amount Funded</u>
NRBG 1990-2001 CLWP	\$365,674
NRBG 1995-2001 WCA	60,000
NRBG 1994-2001 Shoreland	24,142
NRBG 1996-1999 Feedlot	17,820
NRBG 1999-2001 ISTS	3,444
NRBG subtotal	\$471,080
Well Sealing Grants 1992, 1995, 1999	23,165
Challenge Grants 1993 & 1995	19,900
Challenge Grant 1997 Feedlot	27,500
Grant subtotal	\$70,565
Total Nonlocal Funds	\$541,645
Local dollars into Water Planning	
Required levy	\$26,931
Additional levy	22,457
Total Local Funds	\$49,388
Total Water Planning Funds 1990 – 2001	\$591,033

Lac qui Parle County Clean Water Partnerships/Watershed Projects
(see Data Item 6 in Chapter Two for a profile of Lac qui Parle County's watersheds)

The Clean Water Partnership (CWP) Program was created in 1987 to address pollution problems associated with runoff from agricultural and urban areas. The program is funded by the Minnesota Pollution Control Agency (MPCA) and provides local governments with resources to protect and improve lakes, streams and groundwater.

CWP projects begin with a desire by a local government to improve a water resource that has been polluted by land-use-related activities. Local leadership and expertise, combined with technical and financial resources from the State, create an effective program for controlling pollution and restoring water quality.

Funding for CWPs is awarded in two phases. In the first, or resource investigation phase, a diagnostic study and implementation plan are completed. As part of the diagnostic study, local sponsors work with the MPCA to collect data and information on the water resource and its watershed. This information is used to identify pollution problems and their causes and define water quality goals and objectives. The final step of the resource investigation phase is the development of an implementation plan that identifies the combination of education, management practices and other activities needed to protect or restore water quality.

The second phase of a CWP, called project implementation, involves the implementation of best management practices (BMPs) identified in the first phase. BMPs may include sedimentation ponds, manure management, conservation tillage, terraces, new ordinances, wetland restoration, fertilizer management, education or other methods designed to reduce nonpoint-source pollution.

Projects may be completed either partially or completely through the CWP program. To be eligible for CWP funding, the entire project must meet program requirements. This means that if the project sponsor intends to seek CWP funding for later phases, the MPCA must first approve a diagnostic study and an implementation plan.

The financial assistance available through the program falls into two categories: grants and low-interest loans. Grants are available for up to 50 percent of project costs. Loans can only be used for the project implementation phase and can cover the entire cost of implementation or supplement a grant. Local governments can also use loans to set up their own programs to provide pass-through loans to private parties. Local governments with the authority to generate cash revenues and adopt and enforce official controls are eligible to sponsor CWP projects and receive grant funding. To be eligible for a loan, a local government must also be able to secure the loan with a general obligation promissory note. In addition, the water of concern must be addressed in an approved local water plan.

According to the MPCA, there has been one CWP funded project in Lac qui Parle County. The following provides a brief description of that project:

- Lac qui Parle/Yellow Bank Watershed Project. Phase I CWP. Start date: February 13, 2001. End date: February 13, 2004. Grant amount: \$262,510. MPCA project manager: Wade Gillingham, Phone # (507) 537-7163.

Lac qui Parle-Yellow Bank Watershed Project

600 6th Street
Madison, MN 56256
(320) 598-3319

The Lac qui Parle-Yellow Bank Clean Water Partnership is conducting an intensive, three-year, diagnostic study of the Lac qui Parle Yellow Bank watersheds. The watersheds have their origin along the Coteau des Prairies in eastern South Dakota. Almost one-third of the watershed is located within South Dakota. The Lac qui Parle River begins at Lake Hendricks in Lincoln County. The South Fork Yellow Bank River starts at Lake Alice near Tunerville, South Dakota, while the North Fork starts at Punished Women Lake by South Shore, South Dakota. An important land feature to note is that there is a 1,070 foot drop in elevation in the first 60 miles of drainage and a 930 foot drop in elevation over the next 1,000 miles of drainage.

The project has begun its second year of water quality monitoring. Water samples are taken twice a month, as well as after rain events, at 13 locations throughout the watershed. The project started water sampling in May 2001 and will continue through 2003. Water samples are sent to a state-certified laboratory and tested for nutrient, sediment and fecal coliform bacteria levels.

A watershed assessment, including a land use inventory, is another component of the study. CWP staff have aerielly videotaped watercourses within the watershed. The video will aid in determining where buffer or filter strips are needed, viewing floodplains, livestock operations and possible wetland restoration areas. Global positioning satellite will be used for locating areas easily in the future.

Citizen monitors are an important part of the CWP project. Monitors record precipitation amounts, stream height and read turbidity tubes. Turbidity tubes provide a measure of light penetration into the water. The information gathered by monitors will provide insight for possible implementation projects in the future. Presently, 35 sites are being monitored by citizen monitors throughout the watershed.

In February 2002, CWP personnel held informational meetings in four communities in the watershed to share initial results of the 2001 water quality sampling. Based upon data collected in the first year of monitoring, phosphorus levels within the watershed are noticeably higher than in neighboring watersheds. To further educate citizens, CWP staff attend numerous area organizational meetings and events to give presentations and demonstrations.

Watershed Districts

Lac qui Parle-Yellow Bank Watershed District

600 6th Street
Madison, MN 56256
(320) 598-3117

At the time of this draft, information from the Lac qui Parle-Yellow Bank Watershed District had not yet been received.

Upper Minnesota River Watershed District

342 NW 2nd Street
Ortonville, MN 56278
(320) 839-3411

The Upper Minnesota River Watershed District was formed on September 7, 1967. The District is located primarily in Big Stone County, with smaller areas in Lac qui Parle, Stevens, Swift and Traverse Counties. The mission of District is to "serve its residents by wisely and judiciously managing water, in a manner that sustains and enhances the social, economic and natural resources of the District. The District prefers the use of innovative water management methods, which recognize the unique agricultural, community, lake and stream and natural resources within the District. These innovative approaches as reflected by the policies of the District should be oriented toward ensuring the economic viability of the District's agrarian community."

Each of the Counties located within the Upper Minnesota River Watershed District plays a vital role in the District's activities. The Big Stone County Board of Commissioners appoints three of the District's Board Managers, while the County Board of Commissioners for Swift and Traverse Counties each appoint one Board Manager. Each appointed Board Manager must be a resident of the District and is prohibited from being a public official of the County, State or Federal government. Each Manager serves a three-year term, which is renewable by approval of the County Board of Commissioners.

To enforce its adopted rules and regulations, the Upper Minnesota River Watershed District utilizes a permit system. Permits are required for a wide variety of construction activities that affect the water resources of the District. Any individual landowner, public entity, or governmental unit that contemplates a project impacting the water resources of the District, must secure a permit. Permit applications are considered at the regular monthly meeting of the Board of Managers. Board members and office staff are available to assist applicants in the permitting process. In addition to "in house" assistance, staff regularly assist applicants in field investigations to obtain recommendations on construction techniques and use of best management practices.

Lake Associations

A lake association is an organized group of people who have come together because of their common interest in a specific lake. Lake associations serve as an organized voice of their members to township and county government and are often a watchdog for enforcement of local ordinances. An association may monitor the condition of a lake, develop a lake management plan, educate shoreland property owners about individual and collective actions to protect a lake and provide volunteers to assist in lake and watershed projects. They may also work with the Department of Natural Resources (DNR) to improve fish habitat or fish stocking, get permits for aquatic plant removal, or maintain a lake access.

Listed below is the lone lake association in Lac qui Parle County that is a member of the Minnesota Lakes Association. Contact information has been provided for the association for additional information.

Lac qui Parle Lake Association
114 South 1st Street West
Montevideo, MN 56265

1 2 - M a r - 0 3



To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Lyon County has completed updating their comprehensive local water plan. The final 90-day review period began on December 4, 2002, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.



Lyon County
County seat: Marshall

Board Conservationist: Tom Kresko, Marshall

Duration of the proposed plan: Five years

c: Tom Kresko, file

Water.

Human beings have a strong connection to water. Not surprising when you consider that the human brain is about 75 percent water. We are drawn to it for play, relaxation, and to sustain our lives. To enjoy peaceful moments along a languid river or a cold refreshing glass on a hot day. Children splash in puddles after a warm rain, while adults attempt to reveal hidden secrets beneath the surface with a rod and reel. Floating in aimless relaxation in the summer heat. The ultimate elixir. Water.



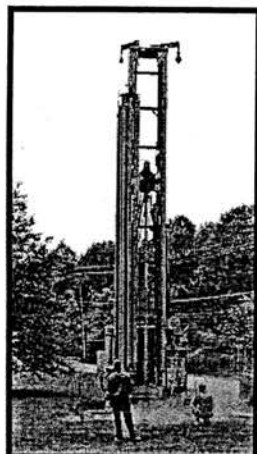
Water maintains natural ecosystems, which sustain biodiversity, help to regulate the hydrological cycle and bring value to people in the form of goods and service derived from activities in these ecosystems. Use of groundwater for industrial processes has skyrocketed in this area, improving our diversifying local economy. It supplies our booming agricultural area with timely rains for crops, and supplies animals with a necessary component for growth. Water comes into our homes for cleaning and consuming, and passes through a wastewater plant or septic system to return to river or ground. If too much water comes too fast, it is tiled and ditched away, or pooled in basins for a gradual release. Water takes care of us, and provides for us, and sometimes temporarily defeats us. Cooling. Drinking. Exploring. Mixing. Growing. Processing. Irrigating. Treating. Supplying. Carrying. Water.

This resource once thought to be so vast that it could accommodate an unlimited amount of untreated waste, or consumed without recycling, or drained away to provide for a better way of life is becoming the source of conflict all over the world. To be sure, most areas of the world are in greater conflict than Lyon County, Minnesota, yet Lyon County has its share of water resource issues. Some, such as municipalities that require a large supply of quality water, are increasing in intensity and importance.

Groundwater Protection

Groundwater is becoming an increasingly important management issue because of the relative ease and flexibility with which it can be tapped; making it far more attractive to many groups of users to the point where water quality deterioration is beginning to be experienced. In addition, industrial facilities and animal feedlots that need large quantities of high quality water to meet their needs are searching for new resources, while some cities expect residents to limit water use during summer months to avoid

experiencing water shortage problems. Section VIII details concerns related to observed groundwater use trends.



Wellhead protection is evolving into a priority concern for area residents, and an important management tool for communities to ensure future safe drinking water supplies. Limiting land surface storage of potential pollutants, and land use practices that lead to excessive nutrient inputs in wellhead protection zones will play an important role in limiting groundwater contamination potential of municipal wells. As of April 2001, two communities have initiated wellhead protection processes for their community wells; Marshall, and Balaton. Support via Water Task Force participation in wellhead protection (WHP) processes, and funding of WHP efforts will assist Lyon County communities to accomplish necessary WHP tasks.

Unused wells that have not been properly sealed can also be a source of groundwater contamination, potentially affecting nearby drinking water supplies. They may threaten the quality of the water in both municipal and private wells. Providing cost share dollars for the sealing of abandon or unused wells has been a successful program of the water plan. Success has come taking a first come, first serve approach to promotion of this concept, with minimal outside promotion except for occasional news articles in newsletters or newspapers. That in mind, the Lyon County Environmental Office will target critical areas (such as WHP zones) for well sealing cost share promotion, and will explore the idea of a sliding scale for sealing depending on the necessity of sealing a well based on environmental factors.

Regarding groundwater quality, the Lyon County Groundwater Monitoring Program has been an exceptional project, providing a wealth of information that have been useful to understanding the groundwater resources in this area. Additional, more focussed efforts will undoubtedly be necessary, especially in the areas of pesticide screening and monitoring, and work conducted in groundwater recharge zones, and efforts to better understand connections between ground and surface water systems. Based on previous water well analysis results, LLMP Public Health will conduct pesticide screening on existing County groundwater monitoring wells, and will pursue funding sources for both Arsenic and Radon water testing on susceptible wells. PHS will to provide groundwater education on important issues, focussing on water conservation practices for city residents.

Erosion and Receiving Waters

Water is the carrier of potential pollutants, while land use and our human actions are the source. These pollutants can attach themselves to sediments that are transported by erosion, or dissolve into water that may ultimately reach groundwater aquifers. Tillage, residue management, timely fertilization, and crop or lawn management techniques that prevent erosion are examples of techniques that keep sediments and surface borne pollutants from entering precious water resources. This has been a primary focus of the local Watershed Districts, and major successes have been made in the area of sedimentation reduction. Even so, this is still an area of concern, as the acceleration of erosion by human activity continues. In the past decade of watershed management of the Redwood River watershed, a decline in the annual load of total suspended solids has been observed despite equal or average amount of precipitation. Since a connection between Phosphorus and Total Suspended Solids is well established, phosphorus levels have also declined over the same time period, giving hope that further reductions are possible. Water Plan Partners such as Lyon SWCD, RCRCA, and YMRWD will continue to aggressively promote erosion control BMPs, buffer strips, grass waterways, and the installation of blind field tile inlets.



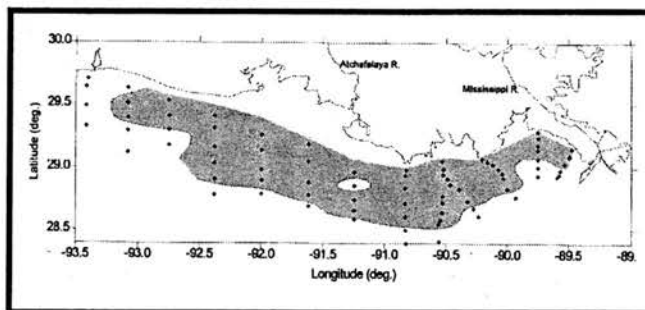
Surface Water Quality

During spring and summer especially, water quality in area rivers can be severely impacted by pathogens, sediment, phosphorus, and nitrogen that can create water borne health hazards, and can negatively affect recreational use, wildlife and fisheries, and even drinking water quality during flood conditions. Concerted efforts are needed by city residents, farmers, municipalities, and industries to reduce nutrient inputs to surface waters. Best Management Practices (BMPs) for land use (especially

near areas with poor surface water quality) are essential to preventing any further degradation of these waters. Feedlot, agricultural land use, and shoreland BMPs can significantly reduce the effects of non-point source pollution; an area of great concern with respect to surface water pollution. Focussed efforts in local watersheds have significantly helped BMP implementation - especially regarding fertilizer use in cities, and various farming practices.

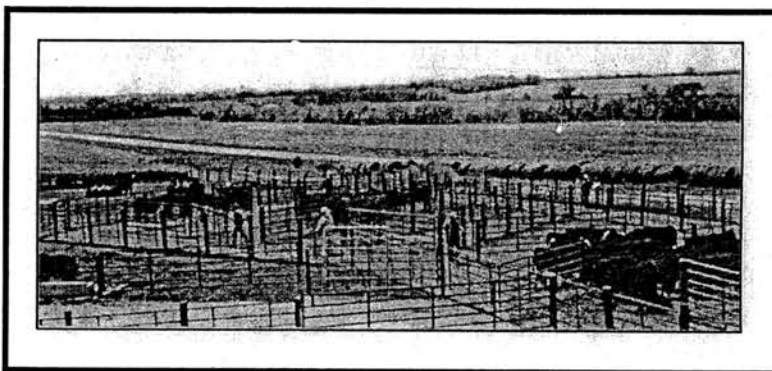
Feedlot Best Management Practices and Nutrient Management

Degraded water quality in area rivers has a significant impact locally, as well as regionally and nationally. Hypoxia is an emerging concern in the Gulf of Mexico that refers to dissolved oxygen concentrations less than 2 milligrams per liter (mg/L). Hypoxia can cause stress or death in bottom-dwelling organisms that can not leave the zone, such as crabs and clams. Nitrogen from the Mississippi River Basin has been implicated as one of the principal causes for the expanding hypoxic zone that develops each spring and summer on the Louisiana-Texas shelf of the Gulf of Mexico. The midsummer extent of the hypoxic zone has more than doubled since it was first systematically mapped in 1985. The largest hypoxic zone measured to date occurred in the summer of 1999, when its size was reported to be 20,000 km² (square kilometers), or about the size of the State of New Jersey.¹ Unfortunately, Minnesota contributes its share of nutrients to Gulf of Mexico, an estimated 7 % of the oxygen depleting nutrients arrive via the Mississippi River from Minnesota.



Management of animal manure and wastewater is an integral part of a total farm management plan. Nutrient or manure management is a primary concern; especially with respect to operators in sensitive surface water areas, and wellhead protection zones. Land application of animal manure is an efficient use, however, over-application can easily occur in situations where no effort is taken to determine the amount of manure needed, or when chemical fertilizers are used in addition to manure. Over-application is a major concern, especially if the excess nutrients have the potential of reaching surface water, or groundwater sources. The Water Task Force will develop a cost share program for developing nutrient management plans, and will seek additional funding sources as they become available. In addition, partners will fully utilize and implement the Conservation Security Program of the 2002 Farm Bill if that provision is successfully passed by the United States Congress.

Feedlots have been high profile news during the past five years since the last update of this water plan, during which time a lot of negative press has been seen locally with manure spills, and the increased focus on the link between feedlot management and non-point source pollution. Since groups such as RCRCA have acquired data to suggest that improperly managed feedlots can pose an



¹ Rabalais, et. al., *Characterization of Hypoxia*, National Oceanic and Atmospheric Association (NOAA). 1999

environmental risk to both surface water and groundwater, and since feedlots are still the recipient of much attention, the current time period seems ideal to push for feedlot best management practices. Little action has been taken toward completing a feedlot inventory in Lyon County. The Yellow Medicine River Watershed has stepped forward to conduct a Level II inventory in the Yellow Medicine watershed, but that only includes five townships. Lyon County Public Works fully supports the completion of a feedlot inventory, and feels that the most appropriate entity to conduct the inventory is the regional Pollution Control Agency since that agency is the local feedlot authority. Data derived from a Level III inventory would benefit watershed management efforts, and priority should be given to its completion. Water Plan Partners will rely on Watershed Districts to provide critical areas of concern and opportunity for feedlot BMP implementation, and will coordinate a Stormwater Management Workshop for feedlot owners/operators in addition to providing educational materials.

Individual Sewage Treatment Systems

Another potential source of hypoxia contributing nutrients comes from non-conforming individual sewage treatment systems (ISTS). The MPCA estimates that between 50% - 60% of all septic systems in the county do not conform to current technical standards. Coliform Bacteria, Phosphorus and Nitrate-Nitrogen are the primary components that can have a potential adverse affect on public health and the environment by exposing people and animals to unsanitary conditions, polluting receiving surface water with excessive nutrients, or contaminating groundwater sources close to the failing system. Currently, Lyon County ordinance requires that septic systems be in compliance with current standards when a parcel of land changes ownership. However, more must be done to assure voluntary compliance. Planning and Zoning will utilize all septic loan program funding before the expiration date, and will achieve 90% compliance of county septic systems by 2007. This aggressive goal is dependent on cooperation between watershed districts, and funding for this initiative.

Stormwater Management

The recognition of non-point source pollution as today's primary spoiler of surface waters is propelling another water management strategy - stormwater pollution prevention - to the forefront of environmental planning. Surface waters are a key indicator of ecological health, and stormwater management is a key factor in attempting to limit the amount of sediment and accompanying pollutants from reaching surface waters. In urban areas such as the City of Marshall, impervious surfaces such as rooftops, roads, parking lots, and driveways no longer allow rainfall to soak into the ground. Consequently, most rainfall is converted directly to runoff. The increase in stormwater can occasionally be too much for the existing natural drainage system to handle. As a result, many natural drainage systems are often altered to rapidly collect runoff and quickly move it away. The stormwater runoff is subsequently discharged immediately to downstream waters such as streams, rivers, lakes or ditches. Water quality can then be impacted by the accumulation of motor oil, fertilizers and pesticides applied to lawns, sediment from bare or poorly vegetated ground. Lyon County has taken small steps toward minimizing deleterious stormwater impacts by requiring sedimentation basins in new developments, but more can be done to restructure existing stormwater pathways that empty directly into surface waters.

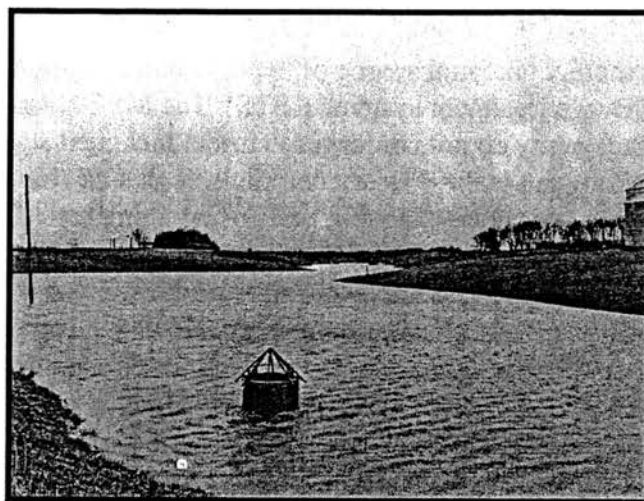
For rural areas on the other hand, heavy rain events and fast, or large quantity snowmelts are the main concern for significant stormwater impacts. The runoff from snowmelt can often be increased because of saturated or frozen soils present during the spring melt.² Understanding this hydrologic cycle is critical

² Westerstrom, G. *Stormwater for Cold Climates*. 1999.

when sizing stormwater management basins both for flooding and water quality because the most significant runoff event may be snowmelt rather than rainstorm events. Flows caused by rain-on-snow events can create extraordinary flooding. These rain events fall on relatively impervious soils because of frozen ground conditions, and warm rains can cause rapid melting of the snow pack. Another compounding problem can occur when many impediments, such as frozen ground for infiltration basins or frozen permanent pools and clogged outlets for pond systems, may be at their worst. Thus, the effectiveness of these tools is often compromised during this critical runoff event. These considerations are essential to producing an effective stormwater management system. Lyon County Public Works Department will hire a consultant to produce a stormwater management plan, which will outline opportunities for improved management. Water Plan Partners will then produce educational materials based on the recommendations in the stormwater management plan.

Flood Control

The Lyon County Board of Commissioners has allocated \$100,000 annually to the Environmental, Natural Resource and Flood Control fund, which has been accessed as matching funds by the Area II Engineers on flood control projects. The past practice of evaluating the potential for incorporating flood control benefits into road or bridge improvements is expected to continue. With cooperation between Area II, and the local watershed districts within Lyon County these projects can more readily be constructed. Lyon County looks to the watershed districts to provide priority sites, cooperates with Area II on design and engineering, and with adjoining counties on projects providing mutual benefits. In addition to the aforementioned stormwater management plan, Public Works will solicit the opinion of DNR or US FWS for recommendations to enhance wildlife opportunities on future impoundments. Lyon County will continue to actively pursue dialogue with adjoining counties to understand where mutually beneficial projects may be located.



A key expectation of this "Third Generation" water plan is to use prioritization tools. One area where this will prove helpful is in determining additional needs for flood control structures. To date, Lyon County has not conducted an evaluation of the combined beneficial effect of the existing flood control structures, and has not established a prioritized list of future sites, though the county can rely on watershed districts to assist in that area. Significant flood control structures have been implemented since the 1993 flooding. However, the questions 1) Are they enough? and 2) Where are more needed? cannot be precisely answered at this time due to the lack of knowledge. The past practice of waiting to be approached by those interested in flood control on their land rather than approaching specific land owners with the idea of using their land for flood control must be changed.

Flood Prone Lands

Also of concern with respect to flooding is the issue of frequently flooded land still in agricultural production. As outlined in the Lyon County Comprehensive Land Use Plan, Floodplain Districts are proposed with the intent of controlling development or use of areas prone to flooding in order to

minimize the losses associated with such disasters. The damage or loss of personal property or crops in many flood zones of the county could easily be avoided by eliminating the use of those areas for personal residence, future development, or agricultural uses. The Comprehensive Land Use Plan also identifies rivers and streams as primary areas for future Conservation Districts, especially when such land is typified by steep topography, or contains forested area. Flood prone lands that are not agriculturally productive more than once every 2 - 3 years may prove to be more useful as reclaimed wetland habitat, or public park areas. Lyon County Public Works will identify flood prone land deemed most useful for enrollment in conservation program, and will work toward establishing a Floodplain District conservation program.

Impaired Surface Waters

Because of the natural ecology of the region, local rivers have certainly had a long history of appearing to be not much more than flowing mud. Human settlement and poor land uses have created a situation where nutrient inputs now easily reach surface watercourses with accompany sediment from eroding lands during storm events. Nutrients such as Phosphorus and Nitrogen over-saturate the river system, and provide an environment by which algae, and aquatic plant life thrive. This can lead to deteriorating water quality caused by the rapid use of available oxygen when aquatic plant die off and decompose. Within Lyon County, several areas of severe concern exist.



Studies by various entities have listed several river and stream reaches on the United State Environmental Protection Agency (EPA) Section 303d list of the Clean Waters Act. Aquatic life, and swimming impairments exist on the South Branch of the Yellow Medicine River; caused by excessive turbidity, and fecal coliform bacteria. Aquatic life is impaired on the main stem of the Redwood River by several factors including ammonia, fecal coliform bacteria, and turbidity. The majority of Lyon County lakes are also impaired as a result of excessive nutrient inputs. The lack of sufficient water quality makes it difficult for area lakes to maintain a successful fishery without relying on the assistance continual fish stocking. Management reports for many lakes include continued stocking of game fish species, plus encouraging shoreland owners and lake watershed residents to incorporate best management practices (BMPs) such as filter/buffer strips, using no/low phosphorus lawn fertilizers, updating non-conforming septic systems, and incorporating conservation tillage. Water Plan Partners will prioritize impaired surface waters for aggressive BMP education and action, and will develop a publishing campaign for BMP promotion.

Game and Fish Habitat

Most Water Task Force partners would agree that the primary action needed to improve game and fish habitat in Lyon County lakes and rivers would be to improve water quality. The question, of course, is how do we best accomplish cleaning up our surface waters for the purpose of improving game and fish habitat. Although structural bottom cover solutions aimed at providing additional fry and spawning success may be helpful, water clarity, and removal of unwanted rough fish species are of primary concern. Many of the other objectives in this water plan are designed to address surface water quality improvement, which will certainly benefit game and fish habitat in lakes and rivers. Since most respondents to our informal Water Resources Survey indicated that they felt hunting opportunities were very good, while fishing resources were not good, Water Plan Partners will identify the fisheries with

the greatest potential for sustainability, and will promote the development of Lake Associations and voluntary lake monitoring programs. In addition, Planning and Zoning will review County ordinances to ensure protection or suitable, remaining shoreland vegetation in conservation districts. Efforts to reclaim wetland areas have resulted in the conversion of many marginal agricultural lands into useful wildlife habitats, however, without a suitable amount of nesting habitat in upland grassy areas, usefulness of these reclaimed wetland areas is limited. A long range planning goal of the Minnesota DNR is to be able to connect existing public wildlife lands via native wetland or grassland complexes so that contiguous habitat can be achieved. Restoring native upland acres benefits mammals, butterflies, and grassland nesting birds that rely on this type of habitat. Lyon County GIS will work with DNR and US FWS to identify wetland acres lacking adjacent, suitable upland acres, while Lyon SWCD, and NRCS will achieve a 10% increase in CRP enrollments each year, targeting identified wetland complex areas.

Wetland and Lakebed Reclamation

The most dramatic impact related to land use in the last 50 years is the draining of wetlands. It is estimated that 80% of the original wetlands in Lyon County have been drained; primarily for agricultural development. Historically, the choice was clear; drain the wetland to access highly productive soils in order to support the family. Currently, however, agricultural productivity is much higher than even a generation ago. Unfortunately, high operating costs and low crop prices leave many farmers with a feeling that every inch of land must be farmed in order to make ends meet. This mentality makes it difficult to promote BMPs that will benefit the environment unless strong economic benefits are delivered to the landowner. Even so, groups such as the RCRCA have shown great success in encouraging land owners to incorporate BMPs. Reviewing a map of former Lyon County lakebeds and wetlands it is clear to see that numerous reclamation opportunities exist. These habitats - if restored - could provide additional flood control, sediment reduction, and wildlife habitat. Lyon GIS will identify and prioritize sizeable reclamation opportunities so that Water Plan Partners can work toward securing commitments from landowners to reclaim three lakebed/wetland areas each year; hopefully utilizing the Lyon County Environmental, Natural Resource and Flood Control.

A point to consider in this effort is that much of the focus on wetland replacement is centered on waterfowl nesting production. This management strategy has unfortunately excluded a significant population of migratory birds generally referred to as shorebirds. These birds need shallow open wetlands, often with large areas of exposed mudflats to forage for food sources on their migration routes. The wetland types these species use were some of the most easily converted to agricultural uses. Very few suitable acres remain across southwestern Minnesota resulting in few concentrations of these species. Water Plan Partners will identify likely locations for a migratory bird refuge, and will seek additional funding sources once an area is sited.

We have made our choice to utilize water for prosperity in our lives. We have learned (and are still learning) of its value and importance toward sustaining our communities. Like most areas of the world, we realize that the problems caused from our human connection to water are ours alone to reconcile.

Summary Point List of Top Priority Action Areas

Each water plan partner was asked to identify the three priority action areas they wish to accomplish during this phase of the water plan. (Through 2007) The following list of points summarizes these Top Priority Action Areas for the identified entity. They are not listed in any particular order, so number does not represent any ranking system for this list.

1. Completion of Engineering Study for identifying and prioritizing flood control and water quality improvement projects. (Highway Department)
2. Support Area II at the legislature to obtain funding to continue constructing water retention projects for flood control and water quality improvements. (Highway Department)
3. Continue to utilize all funding sources available to construct projects that improve water quality and reduce flooding. (Highway Department)
4. Stabilize the Redwood River Bank adjacent to Skunk Hollow Road. (City of Marshall)
5. Stabilize the Redwood River Bank in the Downtown Park in Marshall. (City of Marshall)
6. Support development of a Wellhead Protection Program for MMU. (City of Marshall)
7. Prairie Reconstruction of upland areas in Camden State Park. (Camden State Park)
8. Wetland Restoration via field tile removal in Camden State Park. (Camden State Park)
9. Stream bank stabilization of the Redwood River in Camden State Park. (Camden State Park)
10. Aggressively pursue non-compliant ISTS in groundwater sensitive areas and shoreland (MPCA)
11. Target compliance efforts on worst case feedlot situations, those in groundwater sensitive areas, and along shorelands (MPCA)
12. Target TMDL cleanup efforts on areas that are causing the most environmental damage (MPCA)
13. Appropriately continue and expand the Lyon County Groundwater Monitoring Project. (PHS)
14. Continue to provide educational pamphlets and information to our Lyon County residents by inserting pertinent information along with water test results when samples are submitted. (PHS)
15. Provide area residents that submit water samples with information on Best Management Practices. (PHS)
16. Increase surface water storage through wetland restoration and reduction of development and agricultural uses in floodplain areas. (DMRW)
17. Reduce sediment and pollution reaching wetlands, lakes, and streams from ditch and tiling systems. (DMRW)
18. Address ground water supply and quality issues by promoting water conservation and supporting exploration and improvement of distribution systems. (DMRW)
19. Target BMP practices; especially with the opportunities through the Conservation Security Program (CSP) and funding that will be available through the new farm program. (SWCD)
20. Lyon SWCD has hired and will provide the training to an additional staff person to provide technical and planning assistance to landowners to achieve BMPs on the land that they own and/or operate.
21. Lyon SWCD has in the past participated in public awareness campaigns for storm water drains within urban areas. We are planning a more extensive informational campaign in 2003.
22. Clean trees out of rivers for flood control purposes. (YMRWD)
23. River bank erosion control. (YMRWD)
24. Reduce nutrient loading of river by 25% .(YMRWD)
25. Minimize downstream impacts. (Planning and Zoning)
26. Erosion Control (Planning and Zoning)
27. Ground Water Protection (Planning and Zoning)
28. Increase surface water storage through wetland restoration and reduction of development and agricultural uses in floodplain areas. (DNR)
29. Reduce sediment and pollution reaching wetlands, lakes, and streams from ditch and tiling systems. (DNR)
30. Address ground water supply and quality issues by promoting water conservation and supporting exploration and improvement of distribution systems. (DNR)

Calendar Year 2003 Summary Point List of Top Priority Action Areas

Each water plan partner was asked to identify one priority action area they wish to accomplish during the next year of the water plan. The following list of points summarizes the most important Top Priority Action Area for each listed entity. They are not listed in any particular order, so number does not represent any ranking system for this list.

1. Complete a Comprehensive Engineering Study that provides recommended flood reduction sites based on a cost/benefit analysis. (Highway Department)
2. Stabilize the Redwood River Bank adjacent to Skunk Hollow Road. (City of Marshall)
3. Removal of field tiles on newly purchased acreage and restoration of wetland basins (Camden State Park)
4. Nutrient management planning as it relates to the daily handling, storage, and field application in sensitive areas and agronomic rates of application (MPCA)
5. To provide an analysis on the results of the Lyon County Groundwater Monitoring Project and insert a report into the Water Task Force newsletter.
6. Clean trees out of rivers for flood control purposes. (YMRWD)
7. Minimize downstream impacts from ditches to dams. (Planning and Zoning)
8. Appropriately continue and expand the Lyon County Groundwater Monitoring Project. (PHS)
9. Target BMP practices; especially with the opportunities through the Conservation Security Program (CSP) and funding that will be available through the new farm program. (SWCD)
10. Establish a Nutrient Management Plan development cost-share program. (Environmental)
11. Increase surface water storage through wetland restoration and reduction of development and agricultural uses in floodplain areas. (DMRW)

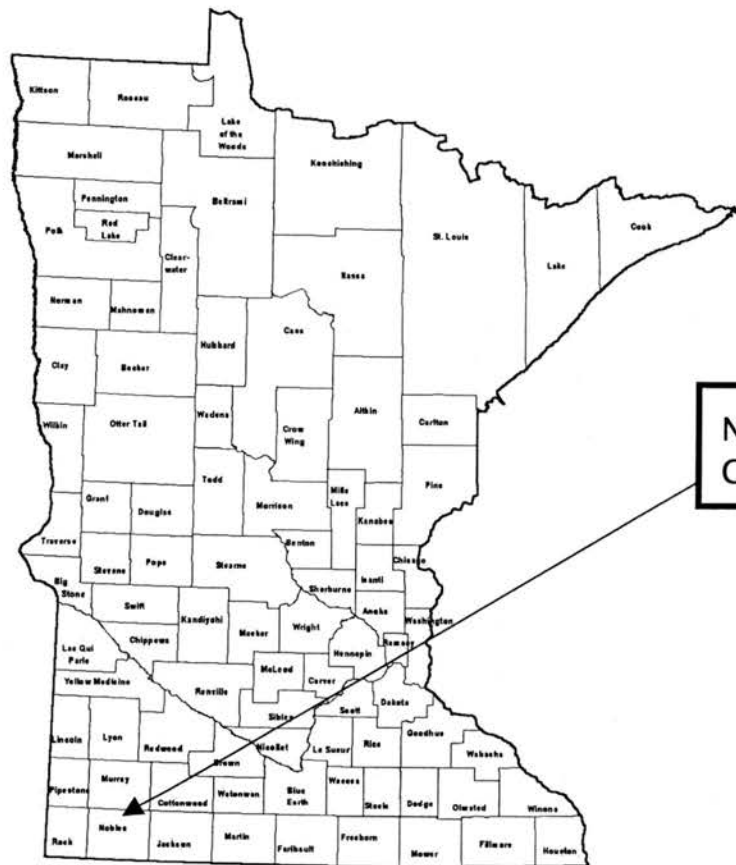
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To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Nobles County has completed updating their comprehensive local water plan. The final 90-day review period began on December 4, 2002, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.



Nobles County
County seat: Worthington

Board Conservationist: Tom Kresko, Marshall

Duration of the proposed plan: Five years

c: Tom Kresko, file

EXECUTIVE SUMMARY

Description of Planning Process

This plan is designed to meet the statutory requirements for the overall management plans for Okabena-Ocheda and Kanaranzi-Little Rock watershed districts, the comprehensive plan for Nobles County SWCD, and the comprehensive water management plan for Nobles County. The Kanaranzi-Little Rock Watershed District includes parts of southeastern Rock County and the Heron Lake Watershed District includes parts of Cottonwood, Jackson, and Murray counties. For this reason special attempts were made to ensure that this plan is consistent and complementary to neighboring county's plans.

Physical Environment and Land Use

Nobles County is located in extreme southwestern Minnesota, approximately 40 miles east of Sioux Falls, South Dakota and along the Minnesota - Iowa State border. The County is 720 square miles containing 20 rural townships and 14 villages or cities. The population of Nobles County was 20,832 in 2000. The City of Worthington accounts for more than half the county's population with a 2000 census of 11,283.

Approximately 99 percent of the land in the county is privately owned. Agriculture and its related services is the dominant land use and main economic activity within Nobles County. Corn, soybeans, hogs and cattle are the major commodities produced. According to the Minnesota Department of Agriculture, the average farm size is about 347 acres and there are about 1,199 farms. The City of Worthington is the only significantly developed area of the County. The County's industrial and commercial activities are also concentrated in Worthington.

Nobles County has dramatically changed since the period of its initial settlement. The tall grass prairie and prairie potholes have been replaced by intensive row crop production. In this process, many wetlands were drained or filled.

At present, development pressure on rural land is quite low. Countywide projections indicate a leveling-off or decline in rural populations and moderate population increases in Worthington. Agriculture will continue to be the County's primary economic activity. Eroding lands are of great concern in areas of intensive agriculture. The county will need to effectively implement long-term erosion control and water quality improvement.

There are no state designated recreation areas such as parks, forests, canoe routes, wild and scenic areas or trout streams located in Nobles County.

Watersheds

Nobles County is divided by the Bemis Moraine into two major watersheds: the Missouri River Basin and the Des Moines - Cedar Rivers Basin. The northern section of Worthington is split by these two drainage basins.

Within the Missouri River Basin, a portion of the Rock Watershed flows toward the southwest into Rock County. The Kanaranzi-Little Rock Watershed District includes the central and

southwest areas of the County. The Okabena-Ocheda Watershed District contains most of the City of Worthington, Okabena Lake, Ocheda Lake, and Lake Bella. The extreme southeastern corner of the County is within the Little Sioux watershed that also contains Indian Lake and the City of Round Lake.

Within the Des Moines River Basin, two separate watersheds are found in Nobles County. Almost the entire northeastern portion of the County is within the Heron Lake Watershed District. The northern section of Worthington is within this watershed. A small area of extreme northeast Nobles County is within the Des Moines Headwaters watershed.

Surface Water

Clean Water Partnership diagnostic and feasibility studies have increased the surface water information available for many of Nobles County's lakes and streams. The Okabena-Ocheda-Bella Clean Water Partnership study sampled surface water during 1989 and 1990 in the Okabena, Ocheda and Bella lakes watersheds to assess water quality and identify non-point pollution sources. The Middle Des Moines Watershed Restoration Clean Water Partnership study sampled surface water and measured flow in the Heron Lake watershed during 1992.

There are no major rivers that run through the County. This restricts irrigation and larger scale, surface water dependent industrial or commercial developments. There are no lakes or streams in Nobles County with state protected levels or flows, but ordinary high water marks are recognized for five surface water basins in the County. At present time game fisheries are maintained in East Graham, West Graham, Okabena, and Indian Lakes by the use of aerators in the winter. Without the utilization of the aerators it is doubtful that populations of game fish could be maintained. With the scarcity of larger surface water basins, water oriented recreation and shoreline development potential in the County is limited.

Surface water quality in Nobles County is generally in poor condition. Lakes within the County are all hypereutrophic and do not support a swimmable use. Streams that have been monitored generally do not meet Class 2C standard and in instances do not meet Class 7 standards.

Judicial Ditch 6, flowing between Lake Okabena and Lake Ocheda, is listed as impaired for aquatic life on the 2002 MPCA Clean Water Act 303d TMDL list. The primary pollutant for the ditch is turbidity from total suspended solids. Nobles County is part of the watershed for impaired stretches of the Rock and Upper Des Moines Rivers. The major surface water basins are located in the eastern half of the County. The western areas of the County contain many intermittent stream channels that most often run through croplands.

Nobles County has 72 miles of public drainage ditches, 46 miles of open ditches and 284 miles of county tiles. Both public and private ditches have contributed to the loss of wetlands originally present in Nobles County. Consequently, they are also partly the cause of a decline in available surface water, wildlife habitat area, and groundwater quantities. Ditching and tiling led to the degradation of natural stream courses and lake basins by forcing too much water to flow into them too fast.

High water levels have caused excessive shoreland erosion around Okabena and Ocheda

lakes and have hampered existing farm drainage systems. Surface water level fluctuations also impact the wildlife habitat areas of Ocheda Lake.

Feedlots and animal confinement facilities are common throughout Nobles County. The 2001 inventory identified 672 sites. The greatest potential for pollution from feedlots in Nobles County is not from feedlot runoff, but rather the improper application of manure on fields.

Water quality is impacted by many intensive agricultural practices throughout the County. Soil erosion, fertilizers, and manure are the primary sources of contaminants. These sediments and nutrients are readily transported to receiving waters through well-defined drainage patterns. Very few original wetlands remain which decreases the amount of nutrients or sediments that may be trapped in upstream areas.

Forty-one percent of County cropland is subject to excessive water erosion that ranges up to, or exceeds, 20 tons per acre per year. Steeper slopes and slow infiltration rates in western areas of the County contribute to the potential for water erosion.

Wind erosion causes serious soil deterioration in Nobles County. The absence of soil cover, moisture, and windbreaks increase the likelihood of excessive wind erosion that range up to, or exceed 12 tons per acre per year. Severe wind erosion potential occurs on five percent of the County's cropland while remaining cropland has slight to moderate potential for wind erosion.

Other significant sources of surface water contaminants may include urban runoff and unsewered communities and nonconforming septic systems.

Groundwater

Groundwater aquifers found in glacial drift materials are the most common source of water in Nobles County. Groundwater quantities are naturally limited by the capacities of these surficial formations. The flow direction of glacial drift aquifers in Nobles County is generally southward. However, shallower aquifers tend to flow toward the nearest or down gradient surface water body.

A decrease in groundwater quantity, combined with progressively increasing water demands and use, have made adequate potable water supplies a main concern of local agencies. The City of Worthington may be approaching its groundwater supply limit. The City is part of the Lewis and Clark Rural Water System that will bring water from the Missouri River. This water will supplement Worthington's existing supply.

There are 28 permitted community public water, or municipal wells in Nobles County that provide the public water supplies of nine communities. Farm water supplies are adequate over most of the area. Municipal and industrial water supplies have been, and will remain, a chronic problem.

Nobles County has contaminated groundwater that can be traced back to sources linked with the intensive agricultural land use of the County. The contaminants most prevalent are nitrates and coliform bacteria. Nitrates most commonly leach into groundwater from nitrogen

fertilizers applied in excessive amounts to overlying cropland.

Coliform bacteria may come from animal manure and on-site sewage treatment systems common in rural agricultural areas such as Nobles County. Agricultural land use is perhaps the single significant cause of existing groundwater quality problems in Nobles County. Unfortunately, because of the countywide extent of cropland agriculture, the nitrate and coliform bacteria contamination is not isolated to specific areas or areas of greater concentrations.

The moderate quantities of available groundwater in Nobles County increase the importance of preserving and maintaining adequate groundwater quality in this area. Actions must be taken to maintain and improve groundwater quality in the County. The widespread nature of agriculture and apparent widespread frequency of contamination may indicate future threats to existing populations if appropriate measures are not taken.

Accomplishments

The mission of the Nobles County Comprehensive Water Management Plan is: to provide education on all aspects of water and land related issues and on current rules and regulations and their consequences, to seek and dedicate resource funds for implementation of Best Management Practices through sound hydrological management and effective and efficient environmental management, and to constantly evaluate and identify existing and potential problems and opportunities in water and related land resources.

Past planning process have developed many programs that are in an ongoing long-term implementation process. Highlights include:

1. Development of the Kanaranzi-Little Rock PL566 project implementing 50,000 acres of conservation tillage, 6,500 acres of contour farming, 75 miles of terraces, 270 water and sediment control basins, and 1,000 acres of grassland waterways.
2. Formed the Okabena-Ocheda-Bella Clean Water Partnership Joint Powers Board between the City of Worthington and Okabena-Ocheda Watershed implementing filter strips, construction of the W-9 Water Quality Detention Basin on Okabena Creek, flow monitoring on Whisky Ditch and Sunset Bay inlets into Lake Okabena, water monitoring on Lake Okabena and the replication of a 1963 survey to measure sedimentation rates in Lake Okabena and Sunset Bay, purchasing land and restoring wetlands in partnership with Nobles County Pheasants Forever and the Olson Trust.
3. Funded and continued a MPCA Clean Water Partnership grant and loan program to improve water quality, improve wildlife habitat and reduce flooding throughout the Heron Lake Watershed.
4. Implemented watershed district permitting programs and policies to provide for the orderly management of water resources.
5. Established new identical impervious surface rules for Okabena-Ocheda and Heron Lake watershed districts.

6. Developed and continued Well Sealing Program funded by the county and watershed districts. The County pays 33% and the Okabena-Ocheda, Kanaranzi-Little Rock, or Heron Lake districts pay landowners an additional 15%.
7. Developed and implemented a special cost-share program to reduce the amount of sediment, nutrients, and chemicals running off farmland within Nobles and Rock counties. Two years later it was expanded to include Jackson County.
8. Developed special cost-share programs to fund a variety of practices that would demonstrate water quality benefits. Projects, including grassed waterways, critical area plantings, water control structures, vegetative filter strips, terraces, and water and sediment control basins, have been completed.
9. Organized, under the direction of the Water Plan Coordinator, a countywide Environmental Office. The office includes water planning coordination, land use planning and regulation, agricultural inspections, feedlots, solid waste activities and operation of a state certified lab as part of the Department of Health's Safe Drinking Water Program. The Environmental Office developed a countywide inventory of feedlots, produced a feedlot ordinance, and held workshops, tours, and demonstrations for producers.
10. Implemented surface water testing of Prairie View Golf Course ponds and Lake Okabena in partnership with Minnesota West Community and Technical College, Nobles County Environmental Services, City of Worthington, and Okabena-Ocheda Watershed District.

The Future

Nobles County, Nobles Soil and Water Conservation District and the Kanaranzi-Little Rock and Okabena-Ocheda watershed districts will continue to cooperate with other public and private organizations to improve the water quality in southwest Minnesota. Together they will work to continue to cost-share sealing of abandoned wells. The watershed districts will continue their permitting programs and policies to provide for the orderly management of water. The County will provide for the update of the soil survey, develop a GIS program, facilitate a water testing lab and give assistance to cities completing their wellhead protection plans. Nobles County will continue administration of this Comprehensive Water Management Plan and seek additional funding while Nobles SWCD implements the plan and continues its leadership role in promoting of agricultural BMP's, cost-share and environmental education programs.

Priority Goals

The Advisory Committee, responsible for overseeing this planning process, ranked this water plan's Management Strategies for the upcoming five years in October 2002. The results of the ranking are listed below. A detailed discussion of the Management Strategies can be found in Section VI and the ranking scheme is explained in Section XI.

High Priority Groundwater Quality Protection Management Strategies

- Identify and evaluate unpermitted sites suspected of illegal hazardous waste disposal or storage on a complaint basis.
- Continue the inspection program for commercial salvage yards.
- Continue to provide opportunities for the safe disposal of household hazardous waste and promote hazardous waste disposal opportunities for small businesses.
- Follow the County solid waste management plan and enforce the County solid waste ordinance to ensure compatibility with water management objectives and policies.
- Continue to require municipalities to have curbside pickup of garbage and recyclables.
- Continue the program to educate landowners on the proper application and disposal of agricultural and lawn chemicals, based on established standards, for use on noxious weeds.
- Continue to promote disposal of used chemical containers for agricultural products and provide information on the proper use and disposal for agricultural chemicals.
- Cooperate with the Minnesota Department of Health in the regulation of the construction of new wells according to State codes.
- Continue County abandoned well sealing cost-share program and when possible supplement state grants with local funds.
- Continue support of county water lab and the existing private well water testing program.
- Inspect all individual sewage systems installed by landowners and licensed contractors.
- Investigate all complaints of septic system sites believed to directly discharge into streams, tiles, or ditches.
- Work in an advisory capacity with the cities of Worthington, Adrian and Ellsworth to develop and implement wellhead protection plans.
- Identify areas where ground water is susceptible to pollution and develop plans to protect them.

High Priority Surface Water Quality Protection Management Strategies

- Increase levels of financial and technical assistance to local landowners for agricultural erosion and sediment control practices including waterways, terraces, critical area plantings, conservation tillage, alternative tile intakes, filterstrips, wetland restorations and windbreaks using the state-cost share program, local cost-share programs, state-revolving fund loans and other grants.

- Prohibit the draining or filling of wetlands or waterbodies without compensatory water quality treatment in the same direct subdrainage area.
- Promote the use of BWSR's Reinvest In Minnesota Reserve and the USDA Conservation Reserve Program for land areas contributing significant sediment or nutrient loads to surface waterbodies.
- Provide assistance to watershed districts or lake associations for identifying and procuring cost-share assistance for water quality improvement practices.
- Promote conservation tillage and no-till farming techniques for reduction of cropland erosion and sedimentation.
- Prohibit the encroachment of row crops in County and township road right-of-ways.

High Priority Flooding Prevention and Reduction Management Strategies

- Administer the Wetland Conservation Act (MN Rules Chapter 8420).
- Encourage the use of long-term easement programs or CRP contracts for the restoration of wetlands.

High Priority Public Ditch Maintenance Management Strategy

- Maintain all public ditches in accordance with State law.

High Priority GIS Management Strategies

- Construct a GIS base map.
- Support and seek local, state and federal funding to complete an updated soil survey that can be used by the public in an Internet format and is compatible with GIS software.

High Priority Fish, Wildlife and Recreation Management Strategy

- Provide financial incentives or assistance for wetland and upland habitat restorations.

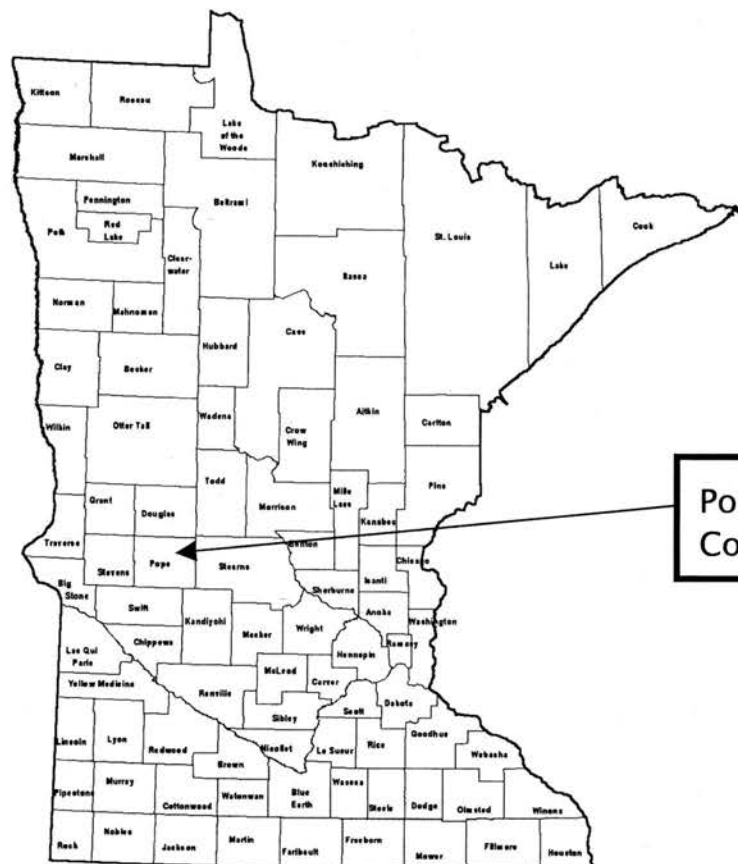
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To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Pope County has completed updating their comprehensive local water plan. The final 90-day review period began on January 22, 2003, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.



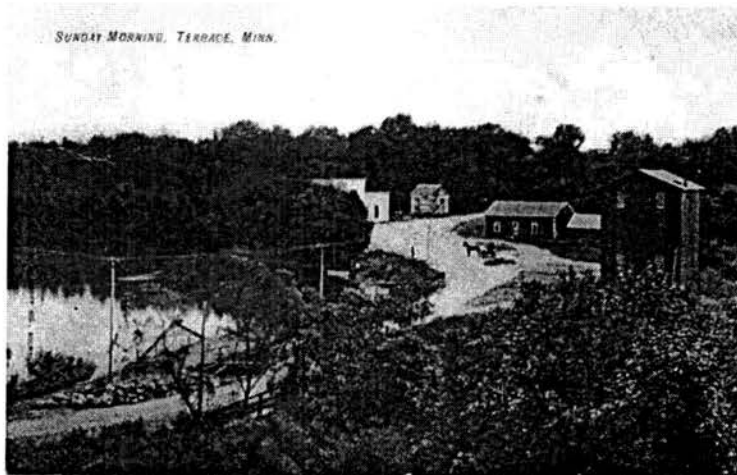
Pope County
County seat: Glenwood

Board Conservationist: David Sill, Marshall

Duration of the proposed plan: Ten year plan, five year implementation schedule

c: David Sill, file

CHAPTER ONE: COUNTY PROFILE AND EXECUTIVE SUMMARY



The Mill at Terrace, 1907

Chapter One Contains...

Chapter One provides an introduction to Pope County and its Comprehensive Local Water Plan. This Chapter includes the following information:

- ✓ The role of the County Board, Water Planning Committee and Citizen Participation
- ✓ Pope County's Population and Location
- ✓ Previous Pope County Water Plan Accomplishments
- ✓ Clean Water Partnerships/Watershed Projects
- ✓ Watershed Districts

The role of the County Board, Water Planning Committee and Citizen Participation

In January 2002, the Minnesota River Headwaters Joint Powers Board (consisting of Big Stone, Chippewa, Lac qui Parle, Pope and Swift Counties) cooperatively agreed to update the member counties' Comprehensive Local Water Plans. After reviewing a number of proposals, the Joint Powers Board entered into a contract with the local Regional Development Commission, the Upper Minnesota Valley Regional Development Commission (UMVRDC), to coordinate the development of the five individual water plans. The UMVRDC thereafter subcontracted with Midwest Community Planning, LLC, to assist with the planning, facilitation and writing portion of the contract (the UMVRDC remaining responsibilities included mapping and various data collection). Midwest Community Planning, LLC, then assisted the individual counties with developing the specific contents of this Water Plan.

The water planning process for Pope County started with a Public Informational Meeting, held on March 25, 2002. The primary purpose of the meeting was to invite the public, local governmental units and various governmental agencies to identify and discuss local water planning issues. The issues identified were then discussed during regular meetings (an average of one per month) with a Local Water Plan Committee, created by the Pope County Board of Commissioners. The Committee included the following participants:

Water Plan Committee Members:

David Strand, Township Representative
Dick Oeltjen, Lakeshore Representative
Jim White, Lakeshore Representative
Barry Bouwman, Ag. Representative
Sandy Nelson, Glenwood Representative
Dean Peterson, Lakeshore Representative
Bruce Brown, Pope County COLA
Ryan Kessler, DNR-Fisheries
Tim James, MPCA
Steve Lawrence, Environmental Services
Larry Kittelson, County Board

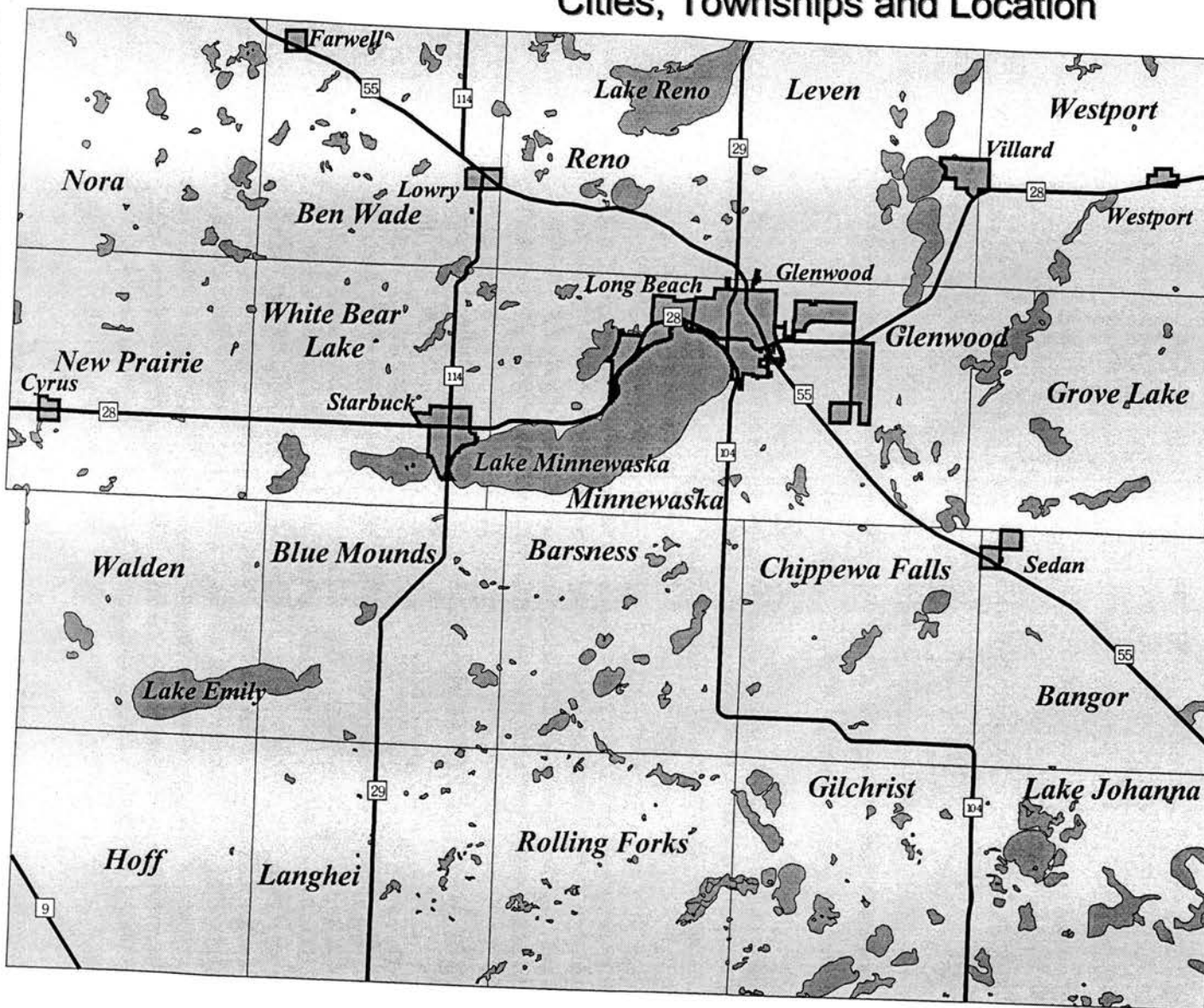
Bob Stommes, County Extension Office
Sharon Braaten, County Public Health
Todd Appel, Douglas/Pope Co. Health
Julie Aadland, DNR
Craig Bower, NRCS
Kim Krueger, SWCD
Allan Kuseske, N. Fork Crow R. Watershed
Brian Noetzelman, Highway Department
Dean Beck, DNR-Fisheries
Pete Waller, BWSR

The first draft of the Comprehensive Local Water Plan went out for public review on September 20, 2002. This review process included the general public, local governmental units (i.e., cities and townships) and governmental agencies. A public hearing was held with the County Board on November 7, 2002, to solicit public comment and to discuss all of the written comments received during the public review period. The Water Planning Committee then met one more time to incorporate the public and governmental comments into the final draft water plan. On January 10, 2002, the final draft was submitted to the Board of Water and Soil Resources for final state agency 90-day review. The final Pope Comprehensive Local Water Plan was approved on April 2, 2003.

Pope County's Population and Location

According to the 2000 Census, Pope County had approximately 11,236 residents living in 4,513 households. The City of Glenwood is the County's largest City, with approximately 2,594 residents (Appendix A contains Pope County's complete demographic profiles, including the following: General Demographic Profile, Selected Social Characteristics Profile, Selected Economic Characteristics Profile and Selected Housing Characteristics Profile). The County is located in West Central Minnesota, approximately 100 miles west of the Minneapolis-St. Paul metropolitan area and 40 miles west of the City of St. Cloud. Map 1A shows the location of Pope County's cities and townships, along with the County's location in the State. The County shares borders with Douglas County to the north, Stearns County to the east, Kandiyohi County to the southeast, Swift County to the south and Stevens County to the west.

Map 1A: Pope County's Cities, Townships and Location



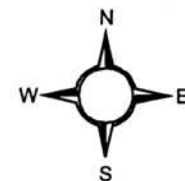
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Major Roads

Cities

Lakes

Townships



Previous Pope County Water Planning Accomplishments

General Water Planning Accomplishments

- To ensure that the provisions of the water plan are implemented and that new, beneficial programs are adopted, three positions were created: a half-time position for implementing water-planning activities; a full-time position to administer the state feedlot permit program and to assist with planning activities; and a summer intern position to assist with various water plan projects.
- Environmental Services facilitated the development of the Coalition Of Lakes Associations (COLA) from several individual lake associations. The Coalition assists with water monitoring, educating the community about water plan elements, and other water planning activities.
- The water plan coordinator served as a member of, or a consultant to, the following groups: MLA's Non-Point Pollution Committee, Water Plan Task Force, MRH Joint Powers Board, WRAP, Minnesota River Basin Technical Committee, Pope County COLA, Chippewa River Watershed Project, and Sauk River Watershed Project.
- Numerous provisions related to water quality preservation have been incorporated into the Pope County Land Use Controls Ordinance. These include restrictions on feedlots with respect to animal density in shoreland and general residential districts, on impervious surface cover, and salvage yards.. The ordinance also limits the application of pesticides and nutrients, and includes a stringent policy on the application of phosphorus within 100 feet of shoreline. Additionally, provisions regarding well head protection, waste disposal, construction site erosion control, aggregate mining, and storm water management are delineated in the Ordinance. Finally, the ordinance provides for the establishment of Special Environmental Protection Districts to protect fragile or vulnerable environments, species, etc. from inappropriate development.

Inventories, Monitoring and Research Accomplishments

- Environmental Services supported five Lake Assessment Project (LAP) studies of Lakes Pelican, Linka, Gilchrist, Emily and Minnewaska.
- Environmental Services facilitated the organization of COLA's Trophic State Index monitoring on Lakes Amelia, Emily, Gilchrist, Grove, Leven, Linka, Malmedahl, Maple, Minnewaska, Pelican, Reno, Scandinavian, Strandness, and Villard. Related to this ongoing study is the collection of Secchi depth and turbidity-tube data for the above-mentioned lakes.
- A diagnostic study was conducted for Trapper's Run Watershed. The study examined the physical, chemical and biological characteristics of the watershed. Additionally, as a part of this study, inventories were taken of septic systems, tiles and open ditches, feedlots, and restorable wetlands in the watershed. The study yielded an exhaustive report and ideas for rehabilitation and protection of the watershed. To expand upon this work and further the

understanding of the dynamics of Trapper's Run Watershed, a water-chemistry monitoring program has been established and will continue through 2010. To expedite the implementation of this program, some hydrographic monitoring equipment has been purchased, including a Hydrolab and a portable flow meter.

- A land-use study was conducted to determine potential 'problem' subwatersheds within the Trapper's Run Watershed. This study yielded the Land Use County Atlas. A digitized soils map was also created for the same purpose.
- In addition to the inventories conducted as a part of the Trapper's Run Watershed diagnostic study, road salt storage and public drainage ditch inventories were also completed. The drainage ditch inventory was funded by a \$20,000.00 grant from Board of Water and Soil Resources (BWSR).
- To determine which areas might be of particular concern regarding management, a sensitive areas report was conducted for lands on priority surface waters.
- Environmental Services contributed \$54,000.00 to a \$750,000.00 project with the Minnesota Geologic Survey yielding the Pope County Geologic Atlas.

Education

- Contributed to COLA's Eurasian Watermilfoil Program and 'Burma Shave' signage educating the public about this invasive species.
- Supported septic and feedlot upgrades and Best Management Practice (BMP) implementation in a variety of forums.
- Supported various lake association newsletters.
- Contributed to the development of plans for an environmental education site and recreational trail system with Glacial Lakes Trail Association (GLTA) and Minnewaska Area High School (MAHS).
- Environmental Services manages a booth at public events such as the County Fair and home shows that promotes public understanding of water quality issues. Related to these are the free nitrate testing clinics and the free water testing kits made available at these events.
- Participated in a variety of local educational programs such as Envirothon with Soil and Water Conservation District (SWCD) and Environmental Education/Earth Day with MAHS.
- Informed the public about water planning activities via a variety of media announcements, including public service announcements on local radio and segments on local television programs.

Funding

- Established a State Revolving Fund (SRF) loan program through the Minnesota Department of Agriculture. The program has made \$319,686 available in 47 low-interest loans for the

purpose of septic system and feedlot upgrades, the implementation of BMPs, and the purchase of conservation tillage equipment.

- Developed a cost-share program for abandoned/unused well sealing. Since its inception in 1993, 140 wells have been sealed utilizing this resource.
- Three funds—the Water Management Fund, Storm Water Treatment Fund, and the Pope County Water Management Trust Fund—have been established to provide financial backing for various water plan projects as they arise.
- Received Clean Water Partnership (CWP) grant from Minnesota Pollution Control Agency (MPCA) for further study of Trapper's Run Watershed. This grant is funding ongoing research to further describe the characteristics of the watershed and to determine problem areas and potential solutions.
- Received a \$50,000.00 grant from University of Minnesota to conduct a manure and soil management study.
- Received a \$20,000.00 grant to fund the Trapper's Run Watershed Feedlot Manure Management Plan Project.

Completed Projects, Ongoing Programs

- Wetland restoration near West Lake Ellen.
- Grove Lake restoration activities including the development of a sediment basin, septic upgrades, feedlot upgrades, drained wetland restoration, drainage system repair, Grove Lake Dam replacement and water testing.
- Numerous septic and feedlot upgrades.
- Pesticide/pesticide container collection programs offered every two years.
- Ongoing recycling program with Douglas County.
- Prevention of inappropriate subdivisions along fragile shoreland, such as that of Lake Linka.
- Placement of a rough fish barrier (carp dam) to protect Trapper's Run from the negative impact on water quality associated with these fish.
- Established a permitted demolition waste landfill.
- Numerous projects including application of buffer strips, fences to exclude livestock from water, and lakescaping to preserve fragile shoreline.
- Following the 1997 flood, inspected wells for contamination.
- Gave presentation on strategies for reclaiming aggregate mining sites. Currently, Environmental Services is working with local landowners on developing reclamation plans.
- Applied rip-rap along Pelican Lake to prevent erosion near roadways.
- The Pope County Soil and Water Conservation District has been very aggressive and successful with the Minnesota River CREP Program.

- The Pope County Soil and Water Conservation District has worked with the SWCDs from Douglas, Swift and Chippewa Counties to accelerate the implementation of Best Management Practices with Minnesota River Cost-Share funds in the Chippewa River Watershed.
- A wetland restoration easement (300 acre restoration and 500 acre easement), at the beginning of the a public drainage system, should continue to play a part in the restoration activities of Grove Lake.

Pope County Clean Water Partnerships/Watershed Projects *(see Data Item 6 in Chapter Two for a profile of Pope County's watersheds)*

The Clean Water Partnership (CWP) Program was created in 1987 to address pollution problems associated with runoff from agricultural and urban areas. The program is funded by the Minnesota Pollution Control Agency (MPCA) and provides local governments with resources to protect and improve lakes, streams and groundwater.

CWP projects begin with a desire by a local government to improve a water resource that has been polluted by land-use-related activities. Local leadership and expertise, combined with technical and financial resources from the State, create an effective program for controlling pollution and restoring water quality.

Funding for CWPs is awarded in two phases. In the first, or resource investigation phase, a diagnostic study and implementation plan are completed. As part of the diagnostic study, local sponsors work with the MPCA to collect data and information on the water resource and its watershed. This information is used to identify pollution problems and their causes and define water quality goals and objectives. The final step of the resource investigation phase is the development of an implementation plan that identifies the combination of education, management practices and other activities needed to protect or restore water quality.

The second phase of a CWP, called project implementation, involves the implementation of best management practices (BMPs) identified in the first phase. BMPs may include sedimentation ponds, manure management, conservation tillage, terraces, new ordinances, wetland restoration, fertilizer management, education or other methods designed to reduce nonpoint-source pollution.

Projects may be completed either partially or completely through the CWP program. To be eligible for CWP funding, the entire project must meet program requirements. This means that if the project sponsor intends to seek CWP funding for later phases, the MPCA must first approve a diagnostic study and an implementation plan.

The financial assistance available through the program falls into two categories: grants and low-interest loans. Grants are available for up to 50 percent of project costs. Loans can only be used for the project implementation phase and can cover the entire cost of implementation or supplement a grant. Local governments can also use loans to set up their own programs to provide pass-through loans to private parties. Local governments with the authority to generate cash revenues and adopt and enforce official controls are eligible to sponsor CWP projects and receive grant funding. To be

eligible for a loan, a local government must also be able to secure the loan with a general obligation promissory note. In addition, the water of concern must be addressed in an approved local water plan.

According to the MPCA, there have been two CWP funded projects in Pope County. The following provides a brief description of each of the projects.

- Chippewa River Watershed Project. Phase II CWP. Start date: February 13, 2001. End date: February 13, 2004. Grant amount: \$469,372. MPCA project manager: Wade Gillingham, Phone # (507) 537-7163.
- Trappers Run BMP Cost-Share Project. Phase II CWP of Minnewaska, Pelican and Strandness Lakes. MPCA project manager: Tim James, Phone # (218) 846-0749.

Chippewa River Watershed Project

629 North 11th Street
Montevideo, MN 56265
(320) 269-2139

The Chippewa River Watershed Project (CRWP) is a cooperative effort of over 25 organizations, from County, State and Federal agencies, to non-profit organizations, lake associations, citizens and landowners throughout the 1.3 million acre watershed. Counties involved in the project include parts of Kandiyohi, Chippewa, Douglas, Grant, Ottertail, Pope, Stevens and Swift. The CRWP began in March 1998, when the Minnesota Pollution Control Agency (MPCA) awarded the project a Clean Water Partnership grant to conduct a three-year Phase I Diagnostic Study of the watershed. Extensive water quality monitoring and land use assessment was conducted from 1998 through 2001. The data collected was used in the development of an Implementation Plan for the watershed. The project received funding in the spring of 2001 for the first three years of implementation through the MPCA's Clean Water Partnership grant program.

Through the Diagnostic Study, it was found that the Chippewa River carries high levels of sediment, nutrient (phosphorus and nitrogen) and bacteria pollutants, derived from rainfall-driven polluted runoff that occurs throughout most of the watershed. The usefulness and aesthetic qualities of the river are impaired and conditions are unlikely to improve unless changes are made in land use and water management practices within the watershed. Change can be accomplished through an implementation plan that reflects real problems occurring on the landscape and clearly identified solutions to those problems, while developing and organizing sufficient resources to attain meaningful and effective solutions.

In setting goals and objectives, consideration is given to four important watershed characteristics. First, agriculture is the predominant land use in the watershed and improvements to water quality will require changes in agricultural practices, which requires education and presenting solutions that are economically viable to the agricultural community. Second, pollutant transport in the watershed is primarily affected by uncontrolled runoff through the many hydrologic pathways present (i.e. the extensive drainage system). Third, the Chippewa River holds enormous potential for being a

recreational resource, but past and present conditions prevent it from being used to its full potential. And fourth, watershed residents, through their involvement and actions, hold the key to protecting and enhancing the Chippewa River. To achieve each of these goals, continued and increased education of urban and rural watershed residents needs to be done through an intense outreach campaign.

The ten-year goals of the CRWP are:

1. To achieve the highest water quality attainable for ecoregion streams;
2. To increase the number of watershed residents taking an active role in enhancing and protecting the Chippewa River;
3. To continue to have the watershed community of agencies and organizations bonded together (across county boundaries) as a group working toward the common goal of improved water quality in the Chippewa River Watershed;
4. To develop the Chippewa River as a major recreational resource within the Minnesota River Basin.

The long-term goal of the CRWP is to improve the water quality and flooding problems in the watershed, while also promoting a healthy agricultural, industrial and recreation-based economy for the region. The best management practices (BMPs) to be utilized include nutrient management, residue management, wetland restoration, buffer strips, water and sediment control basins, livestock waste management, individual sewage treatment systems, grassed waterways, streambank restoration, terraces, contour farming, grade control structures, pasture management, alternative tile inlets, RIM, CRP and shoreline naturalization. Urban practices to be promoted include recycling, directing downspouts to lawns, phosphorus free fertilizer for lawn care, construction site erosion control and storm water management. Implementation of these practices on the landscape will be accomplished through the work of the cooperating partners and through grant applications for funds targeted for specific sub-basins of the watershed.

Because the Chippewa River is so large, it is necessary to prioritize sub-basins for the development of the Implementation Plan. The major tributaries of the Chippewa River create natural sub-basins making this delineation possible. Water quality monitoring data, watershed assessments and judgments about reasonable expectations for rivers and streams in this area of the State were used in ranking the sub-basins. Due to the high levels of nutrients (phosphorus and nitrogen), sediment and fecal coliform bacteria, the Shakopee Creek Headwaters (SCH) area has been ranked as the Chippewa's first priority sub-basin. The Shakopee Creek Headwaters Project is discussed in more detail later in this document. Other sub-basins of the Chippewa River include: East Branch Chippewa River, Lower Main Stem, Little Chippewa River, Dry Weather Creek, Spring Creek, Lines Creek, Cottonwood Creek and the Upper Main Stem.

The monitoring program established in the watershed during the Diagnostic Study will continue throughout the Implementation Phase. Water quality monitoring plays a key role in identifying priority areas and documenting changes, as well as gaining a greater understanding of the

complexities of a watershed. In addition, a bio-monitoring program has been developed to engage high school students throughout the watershed.

The outreach and education program of the CRWP is based on the concept of "connecting people through their river". The Citizen Monitoring Network of the CRWP engages landowners in watershed activities. Other education efforts include a newsletter, annual meeting, monthly meetings, bus tours, seminars, workshops and creating new partnerships. Education efforts revolve around urban and rural BMPs to enhance water quality and water quantity issues, hydrology, watershed concepts and the connection of land use to the river.

Watershed Districts

North Fork of the Crow River Watershed District

The North Fork of the Crow River (NFCR) Watershed District was formed in 1985. The boundary of the NFCR Watershed District is based upon the hydrological boundary of the North Fork Crow River. The District covers a total of 348 square miles within Kandiyohi, Meeker, Pope and Stearns counties.

The mission of the District is to "improve and enhance water quality, to control water flow, to reduce erosion and sediment, to promote wise public, private and natural use of water, while maintaining, enhancing and preserving public and private drainage for present and future residents".

A Phase I equivalent study of the North Fork of the Crow River Watershed District is being conducted in 2001-2002. The purpose of the study is to determine the sources of point and nonpoint pollution that degrade water quality within the District. In addition, the Watershed District has been involved with the following activities:

- ✓ Grove Lake Phase I Diagnostic Study
- ✓ Grove Lake Phase II Implementation Project
- ✓ Water Monitoring Program, which includes Grove Lake and 23 other sites in the District
- ✓ Middle Watershed Implementation Project
- ✓ Rice and Koronis Phase I Diagnostic Study
- ✓ Rice and Koronis Phase II Implementation Project
- ✓ Rice and Koronis Phase II Part II Implementation Project
- ✓ Grove Lake Dam maintenance
- ✓ Ditch Authority for Judicial Ditch (JD) 1, JD-2, County Ditch (CD) 3, CD-5, CD-7, CD 7A, CD-8, CD-21, CD-29, CD-32 and CD-37
- ✓ Rain Gauge Network throughout the District
- ✓ Mud and Rice Drained Lake Restoration RIM

Sauk River Watershed District

The Sauk River Watershed District (SRWD) was established in 1986. The primary purpose of the District is to protect and enhance the quality and quantity of surface and groundwater within its boundaries. Since the formation of the SRWD, there has been a significant reduction (approximately 50 percent) of phosphorus loading to the Sauk River. Through grants, State Revolving Loan Funds, as well as special assessments, the SRWD has spent nearly \$3 million in water quality projects. This does not include the technical and financial assistance from the local, State and Federal agencies (Planning and Zoning offices, Soil and Water Conservation Districts, Natural Resource Conservation Service, Board of Soil and Water Resources, Minnesota Department of Natural Resources, etc.) which exceeds several million dollars in the past 14 years. The SRWD has developed a strong partnership with the local, State and Federal agencies.

In 2000, the Minnesota Pollution Control Agency established a list of impaired waters. Numerous segments of streams and lakes within the Sauk River Watershed have been included on this list. To address this issue, the SRWD has formed a partnership with local, State and Federal agencies to develop a plan of action. The SRWD has also submitted grant applications to the State to obtain implementation funding. Local residents have also shown support of the efforts of the SRWD. In 2000, the District received over \$20,000 in cash pledges to clean up Sauk Lake and its tributaries and to purchase electronic monitoring equipment needed for water quality data collection. The SRWD is confident that these waters of concern will be improved with the help of local partners and residents.

The following are examples of projects that the SRWD has been involved with since its creation in 1986.

- Horseshoe Chain of Lakes, Big Sauk Lake, Osakis Lake and Big Fish Lake 314 & 319 Phase I Diagnostic Studies
- Big Birch Lake Phase I Diagnostic Study
- Big Birch Lake CWP Phase II A & B Implementation Projects
- Osakis Lake/Judicial Ditch 314 Phase II Implementation Project
- Osakis Lake CWP Phase II A & B Implementation Projects
- Big Sauk Lake 319 Phase II Implementation Project
- Sauk River Chain of Lakes CWP Phase II A & B and 319 Phase II Implementation Projects
- Ashely & Hoboken Creek 319 Phase II
- Grand Lake Preliminary Study
- Sauk Lake Dam, Phase I and II

- Kranz Lake Dam
- Birch Lake Dam
- County Ditch 6, Judicial Ditch 1 and County Ditch 11 Maintenance
- Sauk Lake Weed Harvester

Lake Associations

A lake association is an organized group of people who have come together because of their common interest in a specific lake. Lake associations serve as an organized voice of their members to township and county government and are often a watchdog for enforcement of local ordinances. An association may monitor the condition of a lake, develop a lake management plan, educate shoreland property owners about individual and collective actions to protect a lake and provide volunteers to assist in lake and watershed projects. They may also work with the Department of Natural Resources (DNR) to improve fish habitat or fish stocking, get permits for aquatic plant removal, or maintain a lake access. An important issue to Pope County is the need for the various lake associations to continue working with the DNR to restore stream banks and lakeshores with native vegetation.

Table 1A lists the 10 lake associations in Pope County that are members of the Minnesota Lakes Association. A contact person for each association has been provided for additional information.

**Table 1A:
Pope County Lake Associations**

Association	Contact	Phone #
Amelia/Villard/Levin Lakes Association	Carol Carlson	(320) 554-2117
Emily Lake Association	Stanley Erdman	(320) 392-5978
Gilchrist Lake Association	Bruce Mulvaney	(320) 278-3763
Grove Lake Association	Mary Lou Hemstad	(320) 268-3342
Lake Linka Yacht Club	Walt Larson	(320) 278-3795
Minnewaska Lake Association	Mike Warner	(320) 239-4390
Pelican Lake Association	Joan Wolf	(320) 634-3890
Pope County COLA	Richard Heimkes	(320) 278-3518
Reno Lake Association	Lowell Doebbert	(320) 634-3411
Scandinavian Lake Association	Rod Bjorlin	(320) 278-3211

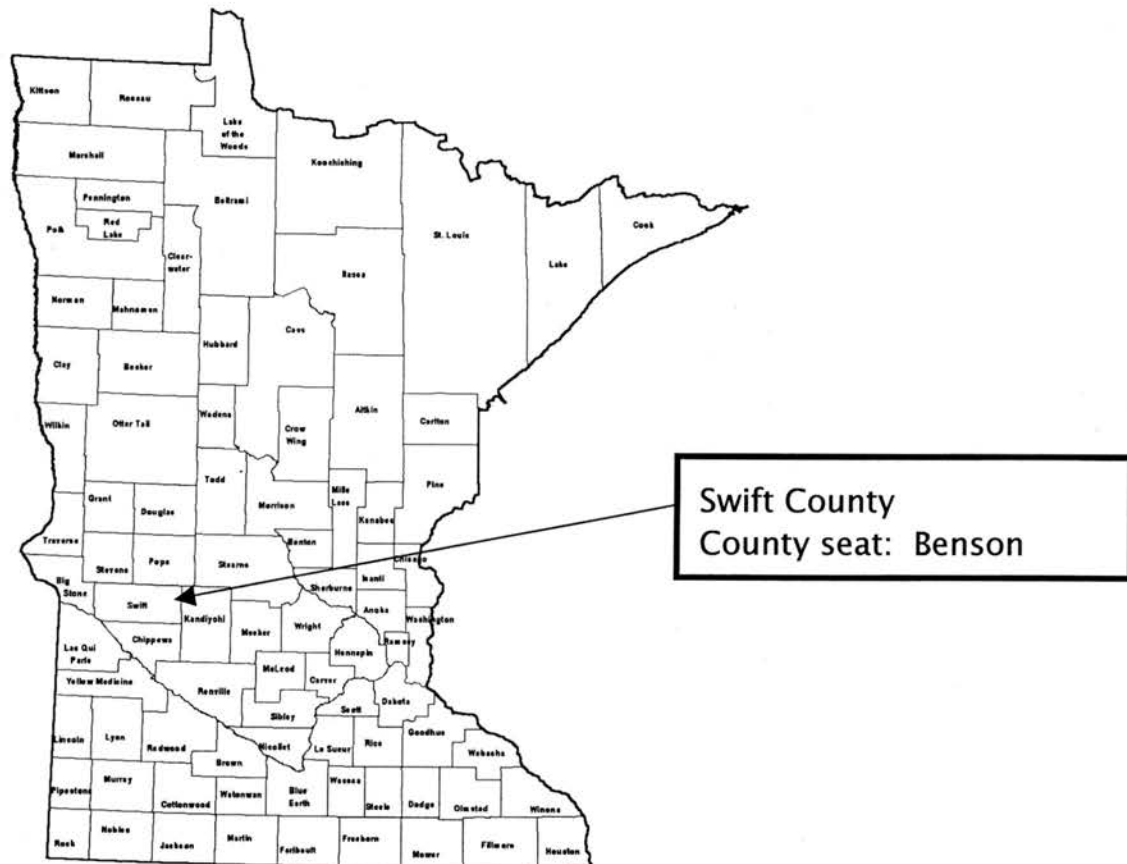
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To: Board Members

From: Marybeth Block, BWSR Water Plan Coordinator

FYI: Swift County has completed updating their comprehensive local water plan. The final 90-day review period began on January 22, 2003, and the board can expect to be asked to approve the plan at the April Meeting. The plan's executive summary is attached.

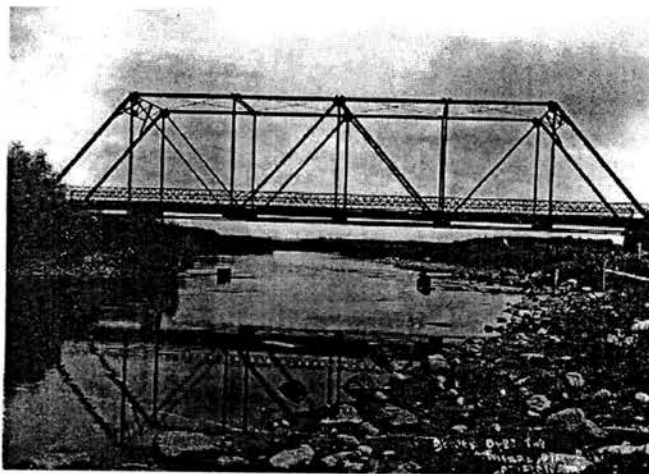


Board Conservationist: David Sill, Marshall

Duration of the proposed plan: Ten year plan, five year implementation schedule

c: David Sill, file

CHAPTER ONE: COUNTY PROFILE AND EXECUTIVE SUMMARY



Swift County Bridge over the Minnesota River, 1905

Chapter One Contains...

Chapter One provides an introduction to Swift County and its Comprehensive Local Water Plan. This Chapter includes the following information:

- ✓ The role of the County Board, Water Planning Committee and Citizen Participation
- ✓ Swift County's Population and Location
- ✓ Previous Swift County Water Plan Accomplishments
- ✓ Clean Water Partnerships/Watershed Projects
- ✓ Watershed Districts

The role of the County Board, Water Planning Committee and Citizen Participation

In January 2002, the Minnesota River Headwaters Joint Powers Board (consisting of Big Stone, Chippewa, Lac qui Parle, Pope and Swift Counties) cooperatively agreed to update the member counties' Comprehensive Local Water Plans. After reviewing a number of proposals, the Joint Powers Board entered into a contract with the local Regional Development Commission, the Upper Minnesota Valley Regional Development Commission (UMVRDC), to coordinate the development of the five individual water plans. The UMVRDC thereafter subcontracted with Midwest Community Planning, LLC, to assist with the planning, facilitation and writing portion of the contract (the UMVRDC remaining responsibilities included mapping and various data collection). Midwest Community Planning, LLC, then assisted the individual counties with developing the specific contents of this Water Plan.

The water planning process for Swift County started with a Public Informational Meeting, held on March 25, 2002. The primary purpose of the meeting was to invite the public, local governmental units and various governmental agencies to identify and discuss local water planning issues. The issues identified were then discussed during regular meetings with a Local Water Plan Committee, created by the Swift County Board of Commissioners. The Committee included the following participants:

Water Plan Committee Members:

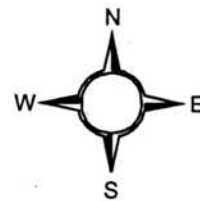
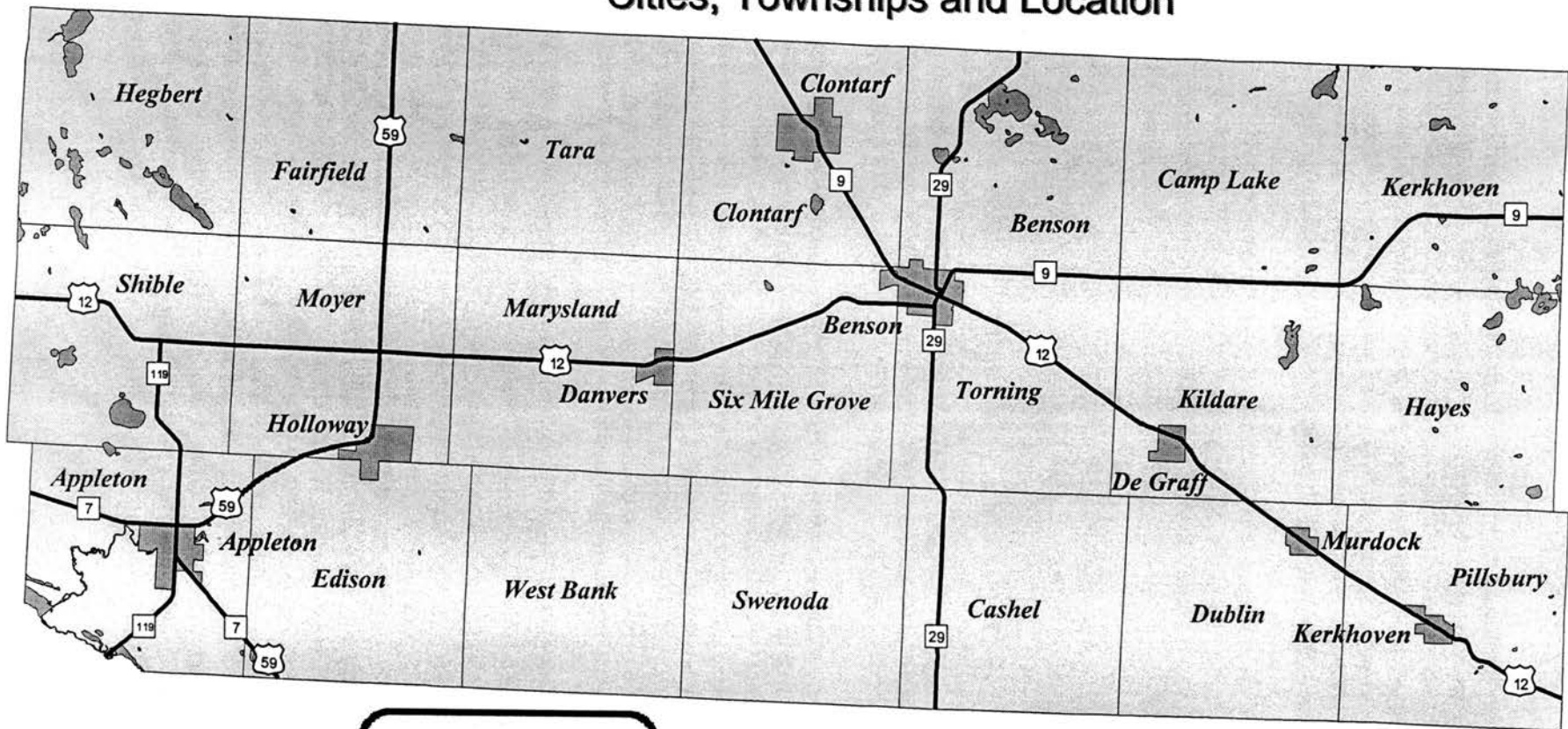
<i>To be completed...</i>	
<i>Name</i>	<i>Representing</i>
<i>Name</i>	<i>Representing</i>
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The first draft of the Comprehensive Local Water Plan went out for public review on September 20, 2002. This review process included the general public, local governmental units (i.e., cities and townships) and governmental agencies. A public hearing was held with the County Board on November 2, 2002, to solicit public comment and to discuss all of the written comments received during the public review period. The Water Planning Committee then met one more time to incorporate the public and governmental comments into the final draft water plan. On January 10, 2003, the final draft was submitted to the Board of Water and Soil Resources for final state agency 90-day review. The final Swift Comprehensive Local Water Plan was approved on April 2, 2003.

Swift County's Population and Location

According to the 2000 Census, Swift County had approximately 11,956 residents living in 4,353 households. The City of Benson is the County's largest City, with approximately 3,376 residents (Appendix A contains Swift County's complete demographic profiles, including the following: General Demographic Profile, Selected Social Characteristics Profile, Selected Economic Characteristics Profile and Selected Housing Characteristics Profile). The County is located in West Central Minnesota, approximately 120 miles west of the Minneapolis-St. Paul metropolitan area and 30 miles west of the City of Willmar. Map 1A shows the location of Swift County's cities and townships, along with the County's location in the State. The Minnesota River helps to form the County's southwestern border. In addition, the County shares borders with Stevens and Pope Counties to the north, Kandiyohi County to the east, Chippewa County to the south and Big Stone County to the west.

Map 1A: Swift County's Cities, Townships and Location



Previous Swift County Water Planning Accomplishments

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

This Water Plan is the second revision and is the third generation Water Plan. This update will be adopted in April 2003 and will be effective for a ten year period, with the implementation steps being updated in 2008. The original plan was approved in 1991 and updated in 1995.

The CLWP is reviewed annually when the Natural Resource Block Grant reports are due. The Water Plan Advisory Committee makes recommendations on projects to be funded over the next year. The two-year work plans are written based on the committee's input and recommendations, with the County Board of Commissioners ultimately deciding where grant dollars will be spent. During this revision, the Water Plan Advisory Committee met over six months to review issues and priorities that should be addressed throughout the next ten years. A public informational meeting was held on April 8, 2002 where citizens discussed issues that should be addressed in the plan.

First Generation Accomplishments, 1991-1995

EDUCATION AND INFORMATION

- ▶ Fair booth on solid waste mgmt, water quality
- ▶ Radio ads to promote water plan activities
- ▶ Tree plantings and buffer strip promotion

MONITORING / DATA COLLECTION

- ▶ Well testing program
- ▶ Camp Lake water quality testing

INVENTORY / MAPPING

- ▶ Update land use map
- ▶ Well-head protection inventory

LAND AND WATER TREATMENT

- ▶ Well Sealing Cost Share Program
- ▶ Pesticide & Household Hazardous Waste collection
- ▶ Paint Exchange/collection

REGULATION, ORDINANCES AND PLANNING

- ▶ Shoreland Management Ordinance
- ▶ Solid Waste Ordinance
- ▶ Comprehensive Water Plan Update

TECHNICAL STAFF

- ▶ Bonanza Valley Education Center (in Big Stone County)
- ▶ Waste Busters formed
- ▶ Coordinate Chippewa River clean-up

PLAN COORDINATION / ADMINISTRATION

- ▶ Established Full Time Environmental Services Office to Implement Water Planning
- ▶ Created Water Plan Advisory Committee
- ▶ Participated and supported two watershed projects

OTHER

- ▶ Member of the five county Minnesota River Headwaters Joint Powers Board
- ▶ Member of the thirty-seven county Minnesota River Basin Joint Powers Board

Second Generation Accomplishments, 1995-2001

EDUCATION / INFORMATION

- ▶ Supporting funds Bonanza Valley Education Center
- ▶ Develop radio ads to promote water plan activities
- ▶ Assist in establishing Area Science Learning Center
- ▶ Support area students at regional environmental science fair

INVENTORY / MAPPING

- ▶ Level II Feedlot Inventory
- ▶ Gravel Pit Inventory

MONITORING / DATA COLLECTION

- ▶ Chippewa River Watershed Project – monitoring and diagnostic study
- ▶ Pomme de Terre River Watershed Project – monitoring study, river clean-up

LAND AND WATER TREATMENT

- ▶ Annual Pesticide and Household Hazardous Waste Collections (Annually)
- ▶ Well Sealing Cost Share Program (Annually)
- ▶ Paint Exchange

REGULATION / ORDINANCE / PLANNING

- ▶ Feedlot Management Ordinance
- ▶ Nuisance Ordinance

TECHNICAL STAFF & SERVICES

- ▶ Manure Management Coordinator to assist feedlot operators
- ▶ Delegated county feedlot officer
- ▶ CREP cost-share coordinator with Swift County SWCD

PLAN COORDINATOR/ADMINISTRATION

- ▶ Water Plan Task Force Meetings
- ▶ Attend regional and state water plan meetings and conferences
- ▶ Maintain full time environmental services office

MDA STATE REVOLVING LOAN PROGRAM

- ▶ Since 1995, the Minnesota Department of Agriculture has allocated \$375,968 in 47 Agriculture Best Management Practices Loans. The county used the revolving loan funds to spend a total of \$450,008 for the following conservation activities:
 - Eight Ag Waste Management Loans
 - Twelve Conservation Tillage Loans
 - Twenty-seven for Septic Systems

OTHER

- ▶ Member five-county MN River Headwaters Joint Powers Board
- ▶ Member 37 county MN River Basin Joint Powers Board

Swift County Clean Water Partnerships/Watershed Projects

(see Data Item 6 in Chapter Two for a profile of Swift County's watersheds)

The Clean Water Partnership (CWP) Program was created in 1987 to address pollution problems associated with runoff from agricultural and urban areas. The program is funded by the Minnesota Pollution Control Agency (MPCA) and provides local governments with resources to protect and improve lakes, streams and groundwater.

CWP projects begin with a desire by a local government to improve a water resource that has been polluted by land-use-related activities. Local leadership and expertise, combined with technical and financial resources from the State, create an effective program for controlling pollution and restoring water quality.

Funding for CWPs is awarded in two phases. In the first, or resource investigation phase, a diagnostic study and implementation plan are completed. As part of the diagnostic study, local sponsors work with the MPCA to collect data and information on the water resource and its watershed. This information is used to identify pollution problems and their causes and define water quality goals and objectives. The final step of the resource investigation phase is the development of an implementation plan that identifies the combination of education, management practices and other activities needed to protect or restore water quality.

The second phase of a CWP, called project implementation, involves the implementation of best management practices (BMPs) identified in the first phase. BMPs may include sedimentation ponds, manure management, conservation tillage, terraces, new ordinances, wetland restoration, fertilizer management, education or other methods designed to reduce nonpoint-source pollution.

Projects may be completed either partially or completely through the CWP program. To be eligible for CWP funding, the entire project must meet program requirements. This means that if the project sponsor intends to seek CWP funding for later phases, the MPCA must first approve a diagnostic study and an implementation plan.

The financial assistance available through the program falls into two categories: grants and low-interest loans. Grants are available for up to 50 percent of project costs. Loans can only be used for the project implementation phase and can cover the entire cost of implementation or supplement a grant. Local governments can also use loans to set up their own programs to provide pass-through loans to private parties. Local governments with the authority to generate cash revenues and adopt and enforce official controls are eligible to sponsor CWP projects and receive grant funding. To be eligible for a loan, a local government must also be able to secure the loan with a general obligation promissory note. In addition, the water of concern must be addressed in an approved local water plan. According to the MPCA, there has been the following two CWP funded projects in Swift County:

- Shakopee Creek Clean Water Partnership (sub-watershed of Chippewa) – Contact Rob Spitzley at (320) 231-0008, ext. 132, for more information.
- Chippewa River Watershed Project. Phase II CWP. Start date: February 13, 2001. End date: February 13, 2004. Grant amount: \$469,372. MPCA project manager: Wade Gillingham, Phone # (507) 537-7163.

Chippewa River Watershed Project

629 North 11th Street
Montevideo, MN 56265
(320) 269-2139

The Chippewa River Watershed Project (CRWP) is a cooperative effort of over 25 organizations, from County, State and Federal agencies, to non-profit organizations, lake associations, citizens and landowners throughout the 1.3 million acre watershed. Counties involved in the project include parts of Kandiyohi, Chippewa, Douglas, Grant, Ottertail, Pope, Stevens and Swift. The CRWP began in March 1998, when the Minnesota Pollution Control Agency (MPCA) awarded the project a Clean Water Partnership grant to conduct a three-year Phase I Diagnostic Study of the watershed. Extensive water quality monitoring and land use assessment was conducted from 1998 through 2001. The data collected was used in the development of an Implementation Plan for the watershed. The project received funding in the spring of 2001 for the first three years of implementation through the MPCA's Clean Water Partnership grant program.

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fecal coliform bacteria, the Shakopee Creek Headwaters (SCH) area has been ranked as the Chippewa's first priority sub-basin. The Shakopee Creek Headwaters Project is discussed in more detail later in this document. Other sub-basins of the Chippewa River include: East Branch Chippewa River, Lower Main Stem, Little Chippewa River, Dry Weather Creek, Spring Creek, Lines Creek, Cottonwood Creek and the Upper Main Stem.

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The outreach and education program of the CRWP is based on the concept of "connecting people through their river". The Citizen Monitoring Network of the CRWP engages landowners in watershed activities. Other education efforts include a newsletter, annual meeting, monthly meetings, bus tours, seminars, workshops and creating new partnerships. Education efforts revolve around urban and rural BMPs to enhance water quality and water quantity issues, hydrology, watershed concepts and the connection of land use to the river.

Watershed Districts

Upper Minnesota River Watershed District

342 NW 2nd Street
Ortonville, MN 56278
(320) 839-3411

The Upper Minnesota River Watershed District was formed on September 7, 1967. The District is located primarily in Big Stone County, with smaller areas in Lac qui Parle, Stevens, Swift and Traverse Counties. The mission of District is to "serve its residents by wisely and judiciously managing water, in a manner that sustains and enhances the social, economic and natural resources of the District. The District prefers the use of innovative water management methods, which recognize the unique agricultural, community, lake and stream and natural resources within the District. These innovative approaches as reflected by the policies of the District should be oriented toward ensuring the economic viability of the District's agrarian community."

Each of the Counties located within the Upper Minnesota River Watershed District plays a vital role in the District's activities. The Big Stone County Board of Commissioners appoints three of the District's Board Managers, while the County Board of Commissioners for Swift and Traverse Counties each appoint one Board Manager. Each appointed Board Manager must be a resident of the District and is prohibited from being a public official of the County, State or Federal government. Each Manager serves a three-year term, which is renewable by approval of the County Board of Commissioners.

To enforce its adopted rules and regulations, the Upper Minnesota River Watershed District utilizes a permit system. Permits are required for a wide variety of construction activities that affect the water resources of the District. Any individual landowner, public entity, or governmental unit that contemplates a project impacting the water resources of the District, must secure a permit. Permit applications are considered at the regular monthly meeting of the Board of Managers. Board members and office staff are available to assist applicants in the permitting process. In addition to "in house" assistance, staff regularly assist applicants in field investigations to obtain recommendations on construction techniques and use of best management practices.

Lake Associations

A lake association is an organized group of people who have come together because of their common interest in a specific lake. Lake associations serve as an organized voice of their members to township and county government and are often a watchdog for enforcement of local ordinances. An association may monitor the condition of a lake, develop a lake management plan, educate shoreland property owners about individual and collective actions to protect a lake and provide volunteers to assist in lake and watershed projects. They may also work with the Department of Natural Resources (DNR) to improve fish habitat or fish stocking, get permits for aquatic plant removal, or maintain a lake access.

Listed below is the lone lake association in Swift County that is a member of the Minnesota Lakes Association. A contact person for the association has been provided for additional information.

Camp Lake/Swift Falls Association

Michelle Hanson
1140 65th Street NE
Benson, MN 56215
(320) 842-3201

Minnesota Statutes 2002, Chapter 103B

WATER PLANNING AND PROJECT IMPLEMENTATION

Repealed, Renumbered, etc. Sections. within Chapter 103B

103B.001	Effect of chapter 103B on Water Law.
103B.101	Board of water and soil resources.
103B.151	Coordination of water resource planning.
103B.155	State water and related land resource plan.
103B.201	Metropolitan 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.
103B.235	Local 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.
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 comprehensive water plans.
103B.335	Tax levy authority.
103B.3355	Wetland functions for determining public values.
103B.3361	Citation.
103B.3363	Definitions.
103B.3365	Repealed, 1995 c 184 s 32
103B.3369	Local Water Resources Protection and Management Program.
103B.341	Public drainage.
103B.345	Resolution of disputes.
103B.351	Repealed, 2002 c 220 art 8 s 16
103B.355	Application.
103B.451	South Dakota-Minnesota boundary waters commission.
103B.501	Lake improvement districts.

103B.505	Definitions.
103B.511	Administration by commissioner.
103B.515	Initiation and establishment by county board.
103B.521	Initiation by petition and establishment by county board.
103B.525	Establishment of a district in more than one county.
103B.531	Creation by commissioner of natural resources.
103B.535	Order establishing district.
103B.541	Publication and effective date.
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==103B.001

103B.001 Effect of Chapter 103B on Water Law.

Chapters 103A, 103B, 103C, 103D, 103E, 103F, and 103G constitute the water law of this state and may be cited as the Water Law.

HIST: 1990 c 391 art 2 s 1

==103B.101

103B.101 Board of water and soil resources.

Subdivision 1. Membership. The board of water and soil resources is composed of 12 members knowledgeable of water and soil problems and conditions within the state and five ex officio members.

Subd. 2. Voting members.

(a) The members are:

- (1) three county commissioners;
- (2) three soil and water conservation district supervisors;
- (3) three watershed district or watershed management organization representatives;
- (4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;
- (5) the commissioner of agriculture;
- (6) the commissioner of health;
- (7) the commissioner of natural resources;
- (8) the commissioner of the pollution control agency; and
- (9) the director of the University of Minnesota extension service.

(b) Members in paragraph (a), clauses (1) to (4), must be distributed across the state with at least three members but not more than five members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Members in paragraph (a), clauses (1) to (4), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the association of Minnesota counties, the Minnesota association of soil and water conservation districts, and the Minnesota association of watershed districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to (4), are as provided in section 15.0575.

Subd. 3. Repealed, 1997 c 28 s 4

Subd. 4. Employees. The board may employ an executive director in the unclassified service and other permanent and temporary employees in accordance with chapter 43A. The board may prescribe the powers and duties of its officers and employees and may authorize its employees and members of the board to act on behalf of the board.

Subd. 5. Officers. The governor shall appoint a chair from among the members of the board in subdivision 2, paragraph (a), clauses (1) to (4), with the advice and consent of the senate. The board shall elect a vice-chair and any other officers that it considers necessary from its membership.

Subd. 6. Quorum. A majority of the board is a quorum.

Subd. 7. Hearings and rulemaking. The board may hold public hearings and adopt rules necessary to execute its duties.

Subd. 8. Repealed, 1997 c 28 s 4

Subd. 9. Powers and duties. In addition to the powers and duties prescribed elsewhere, the board shall:

- (1) coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;

- (2) facilitate communication and coordination among state agencies in cooperation with the environmental quality board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible;
- (3) coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009;
- (4) develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;
- (5) provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;
- (6) adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and
- (7) report to the governor and the legislature by October 15 of each even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

The board may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other source to achieve an authorized purpose. The board may enter into a contract or agreement necessary or appropriate to accomplish the transfer.

Any money received is hereby appropriated and dedicated for the purpose for which it is granted.

Subd. 10. Committee for dispute resolution. A committee of the board is established to hear and resolve disputes, appeals, and interventions under sections 103A.301 to 103A.341; 103B.231, subdivision 9; 103B.345; and 103D.535. The committee consists of two of the three citizen members; one county commissioner member; one soil and water conservation district supervisor member; and one watershed district or watershed management organization representative member. The committee is appointed by the board chair.

Subd. 11. Engineering work and appearances at hearings by director. The director of the division of waters of the department of natural resources shall perform engineering work requested by the board of water and soil resources and shall appear in all hearings and proceedings before the board of water and soil resources affecting waters within the state.

HIST: 1990 c 391 art 2 s 2; 1992 c 399 s 1; 1997 c 28 s 1-3; 1997 c 109 s 1

==103B.151

103B.151 Coordination of water resource planning.

Subdivision 1. Water planning. The environmental quality board shall:

- (1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;
- (2) initiate, coordinate, and continue to develop comprehensive long-range water resources planning in furtherance of the plan prepared by the environmental quality board's water resources committee entitled "Minnesota Water Plan," published in January 1991, by September 15, 2000, and each ten-year interval afterwards;
- (3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies;
- (4) coordinate development of state water policy recommendations and priorities, and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan;
- (5) administer federal water resources planning with multiagency interests;
- (6) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data;
- (7) coordinate the development and evaluation of water information and education materials and resources; and
- (8) coordinate the dissemination of water information and education through existing delivery systems.

Subd. 2. Governor's representative. The environmental quality board chair shall represent the governor on interstate water resources organizations.

Subd. 3. Repealed, 1995 c 186 s 28

HIST: 1990 c 391 art 2 s 3; 1994 c 557 s 13

==103B.155

103B.155 State water and related land resource plan.

The commissioner of natural resources, in cooperation with other state and federal agencies, regional development commissions, the metropolitan council, local governmental units, and citizens, shall prepare a statewide framework and assessment water and related land resources plan for presentation to the legislature by November 15, 1975, for its review and approval or disapproval. This plan must relate each of the programs of the department of natural resources for specific aspects of water management to the others. The statewide plan must include:

- (1) regulation of improvements and land development by abutting landowners of the beds, banks, and shores of lakes, streams, watercourses, and marshes by permit or otherwise to preserve them for beneficial use;
- (2) regulation of construction of improvements on and prevention of encroachments in the flood plains of the rivers, streams, lakes, and marshes of the state;
- (3) reclamation or filling of wet and overflowed lands;
- (4) repair, improvement, relocation, modification or consolidation in whole or in part of previously established public drainage systems within the state;
- (5) preservation of wetland areas;
- (6) management of game and fish resources as related to water resources;
- (7) control of water weeds;
- (8) control or alleviation of damages by flood waters;
- (9) alteration of stream channels for conveyance of surface waters, navigation, and any other public purposes;
- (10) diversion or changing of watercourses in whole or in part;
- (11) regulation of the flow of streams and conservation of their waters;
- (12) regulation of lake water levels;
- (13) maintenance of water supply for municipal, domestic, industrial, recreational, agricultural, aesthetic, wildlife, fishery, or other public use;
- (14) sanitation and public health and regulation of uses of streams, ditches, or watercourses to dispose of waste and maintain water quality;
- (15) preventive or remedial measures to control or alleviate land and soil erosion and siltation of affected watercourses or bodies of water;
- (16) regulation of uses of water surfaces; and
- (17) identification of high priority regions for wetland preservation, enhancement, restoration, and establishment.

HIST: 1990 c 391 art 2 s 4; 1991 c 354 art 2 s 1

==103B.201

103B.201 Metropolitan water management program purpose.

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

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

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

==103B.205

103B.205 Definitions.

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

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

Subd. 3. Capital improvement program. "Capital improvement program" means an itemized program for at least a five year prospective period, and any amendments to it, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial

sources, and the financial effect that the improvements will have on the local government unit or watershed management organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

==103B.211

103B.211 Joint powers watershed management organization.

Subdivision 1. Authority.

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

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

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

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

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

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

- (iii) the local government unit has authorized the organization to require permits for the use and development of land;
- (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 plan adopted under section 103B.231;
- (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 adopt 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 section 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. 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 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 issuing the permit. This subdivision must be enforced by the home rule charter or statutory city where the appropriation occurs. Violation of this subdivision is a petty misdemeanor, except that a second violation within a year is a misdemeanor. Affected cities shall mail notice of this law to affected riparian and adjoining landowners.

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

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

==103B.215

103B.215 Boundary change of watershed districts.

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

Subd. 2. Petition.

- (a) The governing board of a watershed management organization may petition the board of water and soil resources for an order changing the boundaries of a watershed district wholly within the metropolitan area, by adding new territory to the district or by transferring territory that is within the district to the jurisdiction of another watershed management organization.
- (b) The petition must:
 - (1) describe with particularity the change in boundary requested, the territory affected, and the reasons for the change;
 - (2) show that the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and
 - (3) identify property subject to section 103B.225.
- (c) The petition must be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred.

Subd. 3. Notice.

- (a) Upon the filing of a sufficient petition, the board shall give notice of the filing of the petition by publication once each week for two successive weeks in a legal newspaper in each county affected and by mail to the county auditor of each county affected and to the chief official of each statutory or home rule charter city and township affected.
- (b) The notice must describe the action proposed by the petition and invite written comments on the petition for consideration by the board. The notice must announce that any person who objects to the action proposed in the petition may submit a written request for hearing to the board within 20 days of the last publication of the notice of the filing of the petition, and that if no timely request for hearing is received the board will make a decision on the petition pursuant to this subdivision without conducting the public hearing required under chapter 103D.

Subd. 4. Decision on petition.

- (a) If a timely request for hearing is not received, the board shall make a decision on the petition without a hearing within 30 days after the last publication of the notice.
- (b) If one or more timely requests for hearing are received the board shall hold a hearing on the petition and shall follow the procedures in chapter 103D regarding notice and conduct of hearings.
- (c) After completing the procedures required by this subdivision, the board shall, by its findings and order, make the boundary change requested if the board determines that:
 - (1) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition;
 - (2) the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and
 - (3) the change can be accomplished in conformance with section 103B.225.
- (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

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 units of government 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.255 and to implement the watershed plan of the joint powers organization to be developed pursuant to section 103B.231; 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

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

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 units of government 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.255.

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

==103B.231

103B.231 Watershed plans.

Subdivision 1. Requirement.

(a) A watershed 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 management plan must be prepared, adopted, and implemented in accordance with the requirements of sections 103B.205 to 103B.255.

(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 and 103B.205 to 103B.355, 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.

Subd. 3. Responsible units.

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

(b) If a watershed management organization located wholly outside of Hennepin and Ramsey counties, is terminated, or the board of water and soil resources determines a plan is not being implemented in accordance with its rules, the county or counties containing the watershed unit shall prepare, adopt, and implement the watershed plan and for this purpose the county or counties have the planning, review, permitting, and financing authority of a watershed management organization specified in sections 103B.211 to 103B.255.

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

(1) may not cross a primary river or a river forming the boundary between a metropolitan county and a county outside the metropolitan area; and

(2) may not cross county boundaries to include territory whose distinguishing characteristic is multiple drainage points into a primary river.

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

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

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

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

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

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

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

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

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

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

Subd. 3a. Priority schedule.

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

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

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

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

- (e) In the event that a plan expires prior to notification from the board of water and soil resources under this section, the existing plan, authorities, and official controls of a watershed management organization shall remain in full force and effect until a revision is approved.
- (f) A one-year extension to submit a revised plan may be granted by the board.
- (g) Watershed management organizations submitting plans and draft plan amendments for review prior to the board's priority review schedule, may proceed to adopt and implement the plan revisions without formal board approval if the board fails to adjust its priority review schedule for plan review, and commence its statutory review process within 45 days of submittal of the plan revision or amendment.

Subd. 4. General standards.

- (a) The watershed management plan must specify the period covered by the plan and must extend at least five years but no more than ten years from the date the board approves the plan. Plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of board approval.
- (b) The plan must be reviewed for consistency with an adopted county groundwater plan, and revised to the degree necessary to become compliant with the groundwater plan no later than two years after adoption by the county. A one-year extension may be granted by the board. Upon the request of a watershed management organization, the county shall provide a written statement that:
 - (1) identifies any substantial inconsistencies between the watershed plan and the groundwater plan and any substantial adverse effects of the watershed plan on the groundwater plan; and
 - (2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.
- (c) The plan shall contain the elements required by subdivision 6. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 103B.205 to 103B.255, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.
- (d) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 103B.205 to 103B.255.
- (e) Watershed management organizations shall coordinate their planning activities with contiguous watershed management organizations and counties conducting water planning and implementation under sections 103B.101 and 103B.301 to 103B.355.

Subd. 5. Repealed, 1995 c 184 s 32

Subd. 6. Contents.

- (a) The plan shall:
 - (1) describe the existing physical environment, land use, and development in the area and the environment, land use, and development proposed in existing local and metropolitan comprehensive plans;
 - (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. A local government unit that expects that substantial amendment of its local comprehensive plan will be necessary to bring local water management into conformance with the watershed plan must describe as specifically as possible, within its comments, the amendments to the local plan that it expects will be necessary. If the county has a groundwater plan, the county must review and comment on the consistency of the watershed plan with the county groundwater plan. 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 council's review of the comprehensive plans of 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 council's water resources plan and shall recommend changes in the plan that would satisfy the council's plan.
- (b) The watershed management organization must respond in writing to any concerns expressed by the review agencies within 30 days of receipt thereof.
- (c) The watershed management organization must hold a public hearing on the draft plan no sooner than 30 days and no later than 45 days after the 60-day review period of the draft plan. The board or boards of the affected counties shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 103B.251 or 103D.901, subdivision 2. Each county has up until the date of the public hearing on the draft plan to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the board of water and soil resources for review pursuant to subdivision 9.

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

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

Subd. 10. Adoption and implementation.

- (a) The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 9 and approval of the plan by the board of water and soil resources. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 103D requiring the managers to wait upon petitions for projects, to submit projects for review by the board of water and soil resources, and to limit the cost and purposes of projects.
- (b) The board of water and soil resources shall adopt rules establishing standards and criteria for making determinations of whether watershed management organizations and counties are implementing watershed plans as required under subdivision 1.

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

Subd. 12. Repealed, 1995 c 184 s 32

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

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

- (1) requirements for annual watershed management organization financial reports to the board, including a report on administrative, project, and other expenditures;
- (2) standards for annual financial audits by certified public accountants, procedures for the board to follow before ordering state financial and performance audits as determined by the board, and procedures for charging the costs of financial and performance audits to the watershed management organization; and
- (3) requirements for the content of annual activity reports to the board, which must include the number and type of permits issued, complaints received, plan and ordinance violations, projects constructed, new officers installed, variances granted, status of local unit adoption and enforcement of model ordinance requirements, and financial conditions of the watershed management organization.

HIST: 1990 c 391 art 2 s 11; 1990 c 601 s 10-19; 1991 c 354 art 2 s 2; 1995 c 184 s 3-10; 1996 c 305 art 1 s 27; 1998 c 312 s 1

==103B.235

103B.235 Local water management plans.

Subdivision 1. Requirement.

- (a) After the watershed plan is approved and adopted, or amended, pursuant to section 103B.231, the local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program, and official controls as necessary to bring local water management into conformance with the watershed plan within the time period prescribed in the implementation program of the watershed plan and, as necessary, shall prepare or cause to be prepared amendments to the local comprehensive plan.
- (b) Each town within the counties of Anoka, Carver, Dakota, cott, and Washington authorized by general or special law to plan and regulate the use of land under sections 462.351 to 462.364 shall by resolution determine whether to prepare the local water management plan itself or to delegate all or part of the preparation of the plan to the county.
- (c) Towns within counties that have adopted comprehensive plans applicable to the town must use county preparation of their plan to the maximum extent possible.

Subd. 2. Contents.

- (a) Each local plan, in the degree of detail required in the watershed plan, shall:
 - (1) describe existing and proposed physical environment and land use;
 - (2) define drainage areas and the volumes, rates, and paths of stormwater runoff;
 - (3) identify areas and elevations for stormwater storage adequate to meet performance standards established in the watershed plan;
 - (4) define water quality and water quality protection methods adequate to meet performance standards established in the watershed plan;
 - (5) identify regulated areas; and
 - (6) set forth an implementation program, including a description of official controls and, as appropriate, a capital improvement program.
- (b) The board of water and soil resources shall adopt rules establishing minimum local plan standards and a model environmental management ordinance for use by local government units in implementing local water plans. The standards apply to plan amendments made to conform to changes in the watershed plans that are adopted under the board rules required by section 103B.231, subdivision 6.

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

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

Subd. 4. Adoption and implementation. After approval of the local plan by the organization, the local government unit shall adopt and implement its plan within 120 days and shall amend its official controls accordingly within 180 days.

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

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

==103B.239

103B.239 Rule review.

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

HIST: 1990 c 601 s 20

==103B.241

103B.241 Levies.

Subdivision 1. Watershed plans and projects. Notwithstanding chapter 103D, a local government unit or watershed management organization may levy a tax to pay the increased costs of preparing a plan under sections 103B.231 and 103B.235 or for projects identified in an approved and adopted plan necessary to implement the purposes of section 103B.201. The proceeds of any tax levied under this section shall be deposited in a separate fund and expended only for the purposes authorized by this section. Watershed management organizations and local government units may accumulate the proceeds of levies as an alternative to issuing bonds to finance improvements.

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

HIST: 1990 c 391 art 2 s 13; 1990 c 601 s 22; 1992 c 511 art 2 s 2; art 5 s 2; 1995 c 184 s 12

==103B.245

103B.245 Special tax district; local government unit.

Subdivision 1. Watershed management tax district.

(a) Any local government unit planning for water management under sections 103B.231 and 103B.235 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 103B.231 and 103B.235.

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

(c) A county or counties required by section 103B.231, subdivision 3, to prepare, adopt, and implement a watershed plan shall apportion the costs of planning, capital improvements, and maintenance proportionate to benefits. The county may apportion

the costs among the subwatershed units in the watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.

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

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

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

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

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 plan in accordance with section 103B.231 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) At 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 and the plan adopted pursuant to

section 103B.231, 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

103B.252 Emergency projects.

Subdivision 1. General authority. Notwithstanding chapter 103D, a 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 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 local government unit, and that to delay action would prejudice the interests of the people of the watershed management organization or local government unit, or would likely cause permanent harm, the joint powers board, watershed district managers, or 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 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

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

103B.255 Groundwater plans.

Subdivision 1. Authority. A metropolitan county may prepare and adopt 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 council's water resources plan and shall recommend changes in the plan that would satisfy the council's plan.
- (b) The county must respond in writing to any concerns expressed by the reviewing agencies within 30 days of receipt thereof.
- (c) 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

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

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.

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

HIST: 1990 c 391 art 2 s 18

==103B.311

103B.311 County water planning and management.

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

- (1) prepare and adopt a comprehensive water plan that meets the requirements of this section and section 103B.315;
- (2) review water and related land resources plans and official controls submitted by local units of government to assure consistency with the comprehensive water plan; and
- (3) exercise any and all powers necessary to assure implementation of comprehensive water plans.

Subd. 2. Delegation. The county is responsible for preparing, adopting, and assuring implementation of the comprehensive water plan, but may delegate all or part of the preparation of the plan to a local unit of government, a regional development

commission, or a resource conservation and development committee. The county may not delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that does not possess those powers.

Subd. 3. Coordination.

- (a) To assure the coordination of efforts of all local units of government within a county during the preparation and implementation of a comprehensive water plan, each county intending to adopt a plan shall conduct meetings with other local units of government and may execute agreements with other local units of government establishing the responsibilities of each unit during the preparation and implementation of the comprehensive water plan.
- (b) Each county intending to adopt a plan shall coordinate its planning program with contiguous counties. Before meeting with local units of government, a county board shall notify the county boards of each county contiguous to it that the county is about to begin preparing its comprehensive water plan and is encouraged to request and hold a joint meeting with the contiguous county boards to consider the planning process.

Subd. 4. Water plan requirements.

- (a) A comprehensive water plan must:
 - (1) cover the entire area within a county;
 - (2) address water problems in the context of watershed units and groundwater systems;
 - (3) be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management;
 - (4) be consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
 - (5) the comprehensive water plan must specify the period covered by the comprehensive water plan and must extend at least five years but no more than ten years from the date the board approves the comprehensive water plan.Comprehensive water plans that contain revision dates inconsistent with this section must comply with that date, provided it is not more than ten years beyond the date of board approval. A two-year extension of the revision date of a comprehensive water plan may be granted by the board, provided no projects are ordered or commenced during the period of the extension.
- (b) Existing water and related land resources plans, including plans related to agricultural land preservation programs developed pursuant to chapter 40A, must be fully utilized in preparing the comprehensive water plan. Duplication of the existing plans is not required.

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

- (1) responsible for the appointment of a manager serving on the watershed board; or
- (2) represented on the joint powers board.

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

- (1) a description of the existing and expected changes to physical environment, land use, and development in the county;
- (2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;
- (3) objectives for future development, use, and conservation of water and related land resources, including objectives that concern water quality and quantity, and sensitive areas, wellhead protection areas, high priority areas for wetland preservation, enhancement, restoration, and establishment, stormwater management for developing areas, and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve the objectives;
- (4) a description of potential changes in state programs, policies, and requirements considered important by the county to management of water resources in the county;
- (5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;
- (6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;
- (7) a program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and the schedule, components, and expected state and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section; and
- (8) a procedure for amending the comprehensive water plan.

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

HIST: 1990 c 391 art 2 s 19; 1991 c 345 art 2 s 13; 1991 c 354 art 2 s 3; 1992 c 514 s 14; 1995 c 184 s 24,25

==103B.315

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.

(c) 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 shall:

- (1) develop guidelines for the contents of comprehensive water plans that provide for a flexible approach to meeting the different water and related land resources needs of counties and watersheds across the state;

- (2) coordinate assistance of state agencies to counties and other local units of government involved in preparation of comprehensive water plans, including identification of pertinent data and studies available from the state and federal government;
- (3) conduct an active program of information and education concerning the requirements and purposes of sections 103B.301 to 103B.355 in conjunction with the association of Minnesota counties;
- (4) determine contested cases under section 103B.345;
- (5) establish a process for review of comprehensive water plans that assures the plans are consistent with state law;
- (6) report to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture as required by section 103B.351; and
- (7) make grants to counties for comprehensive local water planning, implementation of priority actions identified in approved plans, and sealing of abandoned wells.

Subd. 2. Rulemaking. The board shall adopt rules to implement sections 103B.301 to 103B.355.

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

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

==103B.325

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

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

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

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

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

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

HIST: 1990 c 391 art 2 s 22

==103B.331

103B.331 Authority under approved comprehensive water plans.

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

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

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

- (2) a municipal action granting a variance or conditional use would result in an action inconsistent with the comprehensive water plan;
- (3) the municipality has authorized the county to require permits for the use and development of water and related land resources; or
- (4) a state agency has delegated the administration of a state permit program to the county.

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

A county may:

- (1) acquire in the name of the county, by condemnation under chapter 117, real and personal property found by the county board to be necessary for the implementation of an approved comprehensive water plan;
- (2) assess the costs of projects necessary to implement the comprehensive water plan undertaken under sections 103B.301 to 103B.355 upon the property benefited within the county in the manner provided for municipalities by chapter 429;
- (3) charge users for services provided by the county necessary to implement the comprehensive water plan; and
- (4) establish one or more special taxing districts within the county and issue bonds for the purpose of financing capital improvements under sections 103B.301 to 103B.355.

Subd. 4. Special taxing district.

- (a) A tax district authorized under subdivision 3, clause (4), must be established by resolution adopted by the county board after a hearing. Notice of the time, place, and purpose of the hearing must be published for two successive weeks in the official newspaper of the county, ending at least seven days before the day of the hearing. The resolution must describe with particularity the territory or area to be included in the tax district. After adoption, the resolution must be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.
- (b) After adoption of the resolution under paragraph (a), a county may annually levy a tax on all taxable property in the district for the purposes for which the tax district was established. The proceeds of the tax must be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved must be transferred and irrevocably pledged to the debt service fund of the county to be used only to reduce tax levies for bonded indebtedness of taxable property in the district.
- (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

103B.335 Tax levy authority.

Subdivision 1. Local water planning and management. The governing body of any county, municipality, or township may levy a tax in an amount required to implement sections 103B.301 to 103B.355.

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

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.
- (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

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

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

103B.3365 Repealed, 1995 c 184 s 32

==103B.3369

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 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 plans.

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

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

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

- (1) develop comprehensive local water plans under sections 103B.255 and 103B.311 that have not received state funding for water resources planning as provided for in Laws 1987, chapter 404, section 30, subdivision 5, clause (a);
- (2) revise comprehensive local water plans under section 103B.201; and
- (3) implement comprehensive local water plans.

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

Subd. 6. Limitations.

- (a) Grants provided to implement programs under this section must be reviewed by the state agency having statutory program authority to assure compliance with minimum state standards. At the request of the state agency commissioner, the board shall revoke the portion of a grant used to support a program not in compliance.
- (b) Grants provided to develop or revise comprehensive local water plans may not be awarded for a time longer than two years.
- (c) A county may not request or be awarded grants for project implementation unless a comprehensive water plan has been adopted.

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

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

HIST: 1989 c 326 art 2 s 10; 1990 c 391 art 10 s 3; 1990 c 597 s 15; 1990 c 604 art 3 s 1,2; 1995 c 184 s 26,27

==103B.341

103B.341 Public drainage.

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

HIST: 1990 c 391 art 2 s 25

==103B.345

103B.345 Resolution of disputes.

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

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

- (1) the interpretation and implementation of a comprehensive water plan is challenged by a local unit of government aggrieved by the plan;
- (2) two or more counties disagree about the apportionment of the costs of a project implementing a comprehensive water plan; or
- (3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control recommended by the county under section 103B.325.

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

- (1) the date of the adoption or approval of the disputed ordinance or other decision required to be made to implement the comprehensive water plan; or
- (2) the date a local unit of government receives a recommendation of the county board under section 103B.325.

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

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

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

==103B.351

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

==103B.355

103B.355 Application.

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

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

==103B.451

103B.451 South Dakota-Minnesota boundary waters commission.

Subdivision 1. Establishment. An interstate commission known as the South Dakota-Minnesota boundary waters commission is established. The members of the commission shall be the secretaries of the department of water and natural resources and the department of game, fish and parks of South Dakota and the commissioners of natural resources and the pollution control agency of Minnesota. The fifth member shall be a qualified engineer appointed for a four-year term by the mutual consent of the governors of Minnesota and South Dakota.

Subd. 2. Authority.

(a) The commission shall have power and authority:

- (1) to investigate and determine the most desirable and beneficial levels of boundary waters artificially controlled and to prescribe a plan for controlling and regulating water levels;

- (2) to hold hearings and take evidence as may be presented, either after complaint or upon its own initiative, as to the desirability of any water level and plan of regulation, and to issue orders concerning the same which in its opinion are for the best interests of the public;
 - (3) to plan, propose, coordinate and hold hearings on lake protection and rehabilitation projects for boundary waters; and
 - (4) to accept and distribute grants from any source for the purposes set forth in this section.
- (b) The commission shall seek the advice of local units of government and encourage them to implement projects voluntarily and to enter into agreements with one another for that purpose. The commission itself has no authority to implement lake protection or rehabilitation projects.

Subd. 3. Advisory committee. The commission shall establish one local advisory committee for all commission activities. A majority of the members of the committee shall be elected officials of local governmental units, including tribal governments, within the boundary waters watershed with an equal number of representatives from each state. The advisory committee shall be consulted prior to any activity conducted by the commission.

Subd. 4. Hearings.

- (a) Hearings must be held at a time and place designated by the commission in counties affected by the subject matter.
- (b) At least two weeks' published notice of the hearings must be given by publication of the notice in a legal newspaper in each county bordering on the boundary waters that may be affected by the subject matter of the hearing.
- (c) All final orders of the commission must be published once each week for two consecutive weeks in a legal newspaper in each county bordering on the boundary waters that may be affected. The printer's affidavit of publication of all notices and orders must be filed with the commission. Hearings held pursuant to this section shall not be subject to the requirements of chapter 14.

Subd. 5. Appeals. Any party aggrieved by any order or any determination of the commission under this section may appeal to the district court or to the circuit court, as the case may be, of a county in either state where the subject matter of the order or the determination is wholly or partially located, or to the district court of the county in either state where its capitol is located. Notice of appeal must be served upon the commission within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court or the circuit court, as the case may be, to the appellate courts of their respective states as in other civil cases.

HIST: 1990 c 391 art 2 s 29

==103B.501

103B.501 Lake improvement districts.

Sections 103B.501 to 103B.581 may be cited as the "Lake Improvement District Law."

HIST: 1990 c 391 art 2 s 30

==103B.505

103B.505 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to sections 103B.505 to 103B.581.

Subd. 2. Board. "Board" means county board.

Subd. 3. Commissioner. "Commissioner" means the commissioner of natural resources.

Subd. 4. District. "District" means a lake improvement district.

Subd. 5. Joint county authority. "Joint county authority" means a joint county authority formed by county boards under section 103B.525.

Subd. 6. Property owner. "Property owner" means the owner of real property within the district or the buyer under contract for deed of property in the district.

HIST: 1990 c 391 art 2 s 31

==103B.511

103B.511 Administration by commissioner.

Subdivision 1. Purpose.

- (a) To preserve and protect the lakes of the state and to increase and enhance the use and enjoyment of the lakes it is in the public interest that a statewide lake improvement program is established to: preserve the natural character of lakes and their shoreland environment where feasible and practical; improve the quality of water in lakes; provide for reasonable assurance of water quantity in lakes, where feasible and practicable; and to assure protection of the lakes from the detrimental effects of human activities and certain natural processes. The commissioner shall coordinate and supervise a local-state program for the establishment of lake improvement districts by counties for lakes located within their boundaries, based on state guidelines and rules and compatible with all state, regional, and local plans where the plans exist.
- (b) In administration of this program, the commissioner of natural resources shall consult with and obtain advice from other state agencies on the aspects of the program over which the agencies have specific legislative authority, including the department of health and the pollution control agency.

Subd. 2. Rules. The commissioner shall adopt permanent rules to provide guidelines, criteria, and standards for the establishment of lake improvement districts by counties.

HIST: 1990 c 391 art 2 s 32; 1995 c 233 art 2 s 56

==103B.515

103B.515 Initiation and establishment by county board.

Subdivision 1. Resolution of intent. The county board may initiate the establishment of a lake improvement district in a portion of the county under this section. The board must adopt a resolution declaring the intent of the board to establish a lake improvement district. The resolution must:

- (1) specify the boundaries of the district, which shall be encouraged to be as consistent as practical with natural hydrologic boundaries;
- (2) prescribe the water and related land resource management programs to be undertaken in the district;
- (3) state how the programs will be financed;
- (4) designate the county officer or agency that will be responsible for supervising the programs; and
- (5) set a date for a hearing on the resolution.

Subd. 2. Notice to town board. The county board shall, at least 30 days before making an order establishing a lake improvement district, send the town board of a town wholly or partially within the boundaries of the proposed district a copy of the resolution and encourage the town board to respond to the proposed creation of the district.

Subd. 3. Hearing. The county board must hold a public hearing on whether a lake improvement district should be established. Before the date set for the hearing, any interested person may file objections to the formation of the district with the county auditor. At the hearing, any interested person may offer objections, criticisms, or suggestions about the necessity of the proposed district and how the person's property will be benefited or affected by the establishment of the district.

Subd. 4. Establishment.

(a) The county board may establish a lake improvement district, by order, after making findings, if the board determines that the:

- (1) proposed district is necessary or that the public welfare will be promoted by the establishment of the district;
- (2) property to be included in the district will be benefited by establishing the district; and
- (3) formation of the district will not cause or contribute to long-range environmental pollution.

(b) The order establishing the district must state the board's findings and specify or prescribe the items contained in subdivision 1, clauses (1) to (4).

HIST: 1990 c 391 art 2 s 33

==103B.521

103B.521 Initiation by petition and establishment by county board.

Subdivision 1. Petition.

- (a) A lake improvement district may be initiated by a petition to the county board. The petition must state:
 - (1) the name of the proposed lake improvement district;

- (2) the necessity of the proposed district to promote public health or public welfare;
 - (3) the benefits to property from the establishment of the lake improvement district;
 - (4) the boundaries of the proposed district which shall be encouraged to be as consistent as possible with natural hydrologic boundaries;
 - (5) a map of the proposed district;
 - (6) the number, from five to nine, of directors proposed for the district; and
 - (7) a request for establishing the district as proposed.
- (b) A petition must be signed by 26 percent of the property owners within the proposed lake improvement district described in the petition. Governmental subdivisions, other than the state or federal governments, owning lands within the proposed district are eligible to sign the petition.
- (c) The petition must be filed with the county auditor and addressed to the board, requesting the board to establish a lake improvement district to develop and provide a program of water and related land resources management.
- (d) The county board shall, at least 30 days before it acts on a petition, send the town board of a town wholly or partially within the boundaries of a proposed district a copy of the petition submitted under this subdivision and encourage the town board to respond to the proposed creation of the district.

Subd. 2. Hearing. After receiving the petition, the county auditor must verify the signatures and notify the county board. Within 30 days after being notified of the petition, the county board must hold a public hearing on whether the requested lake improvement district should be established.

Subd. 3. Establishment. Within 30 days after holding the public hearing, the county board shall, by order, establish or deny the establishment of the petitioned lake improvement district. An order establishing a district must conform to section 103B.535 and may modify the petition relating to the district's boundaries, functions, financing, or organization.

HIST: 1990 c 391 art 2 s 34

==103B.525

103B.525 Establishment of a district in more than one county.

Where the natural hydrologic boundaries of a proposed district extend into more than one county, the county boards of the counties affected may form a joint county authority and establish and maintain a lake improvement district jointly or cooperatively as provided in section 471.59. The district may be initiated by the joint county authority in the same manner as by a county board under section 103B.515 by petition to the affected county boards.

HIST: 1990 c 391 art 2 s 35

==103B.531

103.531 Creation by commissioner of natural resources.

Subdivision 1. Petition to commissioner. If the county board of one or more of the counties affected has disapproved a petition for creation of a lake improvement district for an area, a petition for creation of a lake improvement district containing information required by section 103B.521, subdivision 1, may be submitted to the commissioner of natural resources.

Subd. 2. Determination to hold hearing. Upon receipt of the petition by the commissioner and verification of the signatures on the petition by the county, the commissioner may, within 30 days following verification, hold a public hearing at the expense of the county board on the question of whether the requested lake improvement district shall be established. The commissioner, in determining whether to hold a public hearing, shall examine all facts relating to the petition, including the reasons why the petition was disapproved by the county.

Subd. 3. Approval or denial of petition.

- (a) If a hearing is not to be held, within 30 days following the receipt of verification by the county, or within 30 days following the holding of a hearing, the commissioner shall, by order, approve or disapprove the establishment of the requested lake improvement district.
- (b) If the commissioner determines that the establishment of the lake improvement district as requested in the petition would be for the public welfare and public interest, and that the purposes of section 103B.511, subdivision 1, would be served by the establishment of a lake improvement district, the commissioner shall by order approve the establishment of the lake improvement district. If the commissioner does not approve the establishment of the district, the commissioner shall by order disapprove the establishment.

(c) An order approving creation may contain modifications of the area's boundaries, functions, financing, or organization from what was stated in the petition.

HIST: 1990 c 391 art 2 s 36

==103B.535

103B.535 Order establishing district.

An order establishing a district must state the:

- (1) name of the district;
- (2) boundaries of the district, which are encouraged to be as consistent as practical with natural hydrologic boundaries;
- (3) water and related land resources management programs and services to be undertaken;
- (4) manner of financing programs and services; and
- (5) number, qualifications, terms of office, and method of election, removal, and filling of vacancies of the board of directors, including a method for property owners not present at the annual meeting to participate in the election of the district board.

HIST: 1990 c 391 art 2 s 37; 2000 c 396 s 1

==103B.541

103B.541 Publication and effective date.

Subdivision 1. Publication of establishment order. If a lake improvement district is established, the county board, or joint county authority issuing the order establishing the district, shall publish the order once in the official newspapers of counties where the district is located and file the order with the secretary of state, the pollution control agency, and the commissioner of natural resources.

Subd. 2. Effective date. Establishment of the lake improvement district is effective 30 days after publication or at a later date, if specified in the establishment order.

HIST: 1990 c 391 art 2 s 38

==103B.545

103B.545 Referendum on establishment.

Subdivision 1. Petition. Twenty-six percent of the property owners within the lake improvement district proposed by the board or a joint county authority on its own initiative under section 103B.515, by petition under section 103B.521, or by the commissioner under section 103B.531, may petition for a referendum on establishing the district before the effective date of its establishment. After receiving the petition, the county board, joint county authority, or commissioner that proposed establishing the district must issue an order staying the establishment until a referendum vote is taken of all qualified voters and property owners within the proposed lake improvement district.

Subd. 2. Election. The county board or joint county authority shall conduct a special election in July or August after receiving the referendum petition. The special election must be held within the proposed lake improvement district. The county auditor shall administer the special election.

Subd. 3. Question submitted to voters. The question to be submitted and voted upon by the qualified voters and property owners within the proposed lake improvement district must be stated substantially as follows: "Should a lake improvement district be established to provide (description of intended water and related land resources improvements) and financed by (description of revenue sources)?"

Subd. 4. Certification of vote and establishment. The county auditor must certify the vote on the question submitted. If a majority of those voting on the question favor establishing the proposed lake improvement district, the stay on establishing the district is lifted. If a majority of those voting on the question do not favor establishing the proposed lake improvement district, the establishment is denied.

HIST: 1990 c 391 art 2 s 39; 2000 c 396 s 2

==103B.551

103B.551 Board of directors.

Subdivision 1. Membership. After a lake improvement district is established, the county board, joint county authority, or commissioner that established the district shall appoint persons to serve as an initial board of directors for the district. Subsequent board members must be elected by persons owning property in the district at the annual meeting of method of election, removal, and filling of vacancies of directors shall be as provided in the order creating the board of directors. The initial and all subsequent boards of directors must include persons owning property within the district, and a majority of the directors must be residents of the district.

Subd. 2. Compensation. The directors shall serve with compensation as determined by the property owners at the annual meeting and may be reimbursed for their actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.

Subd. 3. Powers. County boards, joint county authorities, statutory and home rule cities, and towns may, by order, delegate the powers in this section to the board of directors of a district to be exercised within the district. Programs and services undertaken must be consistent with the statewide water and related land resources plan prepared by the commissioner of natural resources and with regional water and related land resources plans. A body of water may not be improved by using authority granted under this section unless the public has access to some portion of the shoreline. County boards, joint county authorities, statutory and home rule cities, and towns may delegate their authority to a district board of directors to:

- (1) acquire by gift or purchase an existing dam or control works that affects the level of waters in the district;
- (2) construct and operate water control structures that are approved by the commissioner of natural resources under section 103G.245;
- (3) undertake projects to change the course current or cross section of public waters that are approved by the commissioner of natural resources under section 103G.245;
- (4) acquire property, equipment, or other facilities, by gift or purchase to improve navigation;
- (5) contract with a board of managers of a watershed district within the lake improvement district or the board of supervisors of a soil and water conservation district within the district for improvements under chapters 103C and 103D;
- (6) undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities;
- (7) develop and implement a comprehensive plan to eliminate water pollution;
- (8) conduct a program of water improvement and conservation;
- (9) construct a water, sewer, or water and sewer system in the manner provided by section 444.075 or other applicable laws;
- (10) receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
- (11) make cooperative agreements with the United States or state government or other counties or cities to effectuate water and related land resource programs;
- (12) maintain public beaches, public docks, and other public facilities for access to the body of water;
- (13) provide and finance a government service of the county or statutory or home rule city that is not provided throughout the county or, if the government service is provided, the service is at an increased level within the district; and
- (14) regulate water surface use as provided in sections 86B.205, 103G.605, and 103G.621.

HIST: 1990 c 391 art 2 s 40; 1996 c 385 art 2 s 7; 2000 c 396 s 3

==103B.555

103B.555 Financing.

Subdivision 1. Revenue. The county board or joint county authority may undertake projects of improvement consistent with purposes of the district. To finance projects and services of the district, the county board or joint county authority may, only after seeking other sources of funding:

- (1) assess the costs of the projects upon benefited property within the district in the manner provided under chapter 429;
- (2) impose service charges on the users of lake improvement district services within the district;
- (3) issue obligations as provided in section 429.091;
- (4) levy an ad valorem tax solely on property within the lake improvement district, to be appropriated and expended solely on projects of special benefit to the district; or
- (5) impose or issue any combination of service charges, special assessments, obligations, and taxes.

Subd. 2. Tax additional to other levies. A tax under subdivision 1 may be in addition to amounts levied on all taxable property in the county for the same or similar purposes.

Subd. 3. Budgeting for operations. The county board or county boards forming the joint county authority shall include appropriate provisions in their budget for the operation of a lake improvement district.

Subd. 4. District obligations. The district, with approval of the county board or joint county authority, expressed in a resolution identifying each specific improvement to which the approval applies, may exercise the powers of a city under chapter 429 and section 444.075, including, but not limited to:

- (1) the levy of special assessments;
- (2) the imposition of rates and charges; and
- (3) the issuance of bonds to finance improvements that the district may undertake.

HIST: 1990 c 391 art 2 s 41; 2000 c 396 s 4; 2001 c 214 s 1

==103B.561

103B.561 Voting by joint county boards.

If a lake improvement district has been established by order of the commissioner of natural resources under section 103B.531, voting by county boards on joint actions of the lake improvement district shall be based on proportional representation for each county according to the proportion of the population of the lake improvement district residing within each county and not on the basis of one vote per county or one vote per county board member unless each county or each board member represents substantially the same number of persons residing within the lake improvement district.

HIST: 1990 c 391 art 2 s 42

==103B.565

103B.565 Enforcement of ordinances.

If a lake improvement district has been established by joint county action under section 103B.525 or order of the commissioner of natural resources under section 103B.531, ordinances and regulations adopted by joint action of the affected county boards may be enforced in any part of the lake improvement district by personnel of any of the affected counties.

HIST: 1990 c 391 art 2 s 43

==103B.571

103B.571 Annual meeting of district.

Subdivision 1. Time. A district must have an annual meeting. The first annual meeting shall be scheduled during the month of July or August and be held annually in that period unless changed by vote of the previous annual meeting.

Subd. 2. Notice. The annual meeting shall be preceded by two weeks' published notice and written notice mailed at least ten days in advance of the meeting to the county board or joint county authority, town boards and statutory and home rule charter cities wholly or partially within the district, the pollution control agency, commissioner of natural resources, and if there is a proposed project by the district having a cost in excess of \$5,000, all property owners within the assessment area.

Subd. 3. Agenda.

- (a) At the annual meeting the district property owners present shall:
 - (1) elect one or more directors to fill any midterm vacancies in the board of directors;
 - (2) approve a budget for the fiscal year;
 - (3) approve or disapprove proposed projects by the district having a cost to the district in excess of \$5,000; and
 - (4) take up and consider other business that comes before them.
- (b) At the annual meeting all district property owners, including absent members as provided in the order establishing the district, shall elect one or more directors for board positions with expiring terms.

Subd. 4. Annual report. Each year the board of directors shall prepare and file a report of the financial conditions of the district, the status of all projects in the district, the business transacted by the district, other matters affecting the interests of the district, and a discussion of the directors' intentions for the succeeding years. Copies of the report shall be transmitted to the county board or joint county authority, town boards and city councils of statutory and home rule charter cities wholly or partially within the district, the commissioner of natural resources, and the pollution control agency by four months after the annual meeting.

HIST: 1990 c 391 art 2 s 44; 2000 c 396 s 5

==103B.575

103B.575 Expansion of the boundaries of a lake improvement district.

The boundary of a district may be enlarged by complying with the procedures to establish a district under sections 103B.511 to 103B.541.

HIST: 1990 c 391 art 2 s 45

==103B.581

103B.581 Termination.

Subdivision 1. Petition. Termination of a district may be initiated by petition requesting the termination of the district. The petition must be signed by 26 percent of the property owners in a district within 30 days after receiving a petition. The county board or joint county authority must set a time and place for a hearing on terminating the district.

Subd. 2. Findings and order. If the board or joint county authority determines that the existence of the district is no longer in the public welfare or public interest and it is not needed to accomplish the purpose of the Lake Improvement District Law, the board or joint county authority shall make the findings and terminate the district by order. On filing a certified copy of the findings and order with the secretary of state, pollution control agency, and commissioner of natural resources the district is terminated and ceases to be a political subdivision of the state.

Subd. 3. Termination of financing. If a district is terminated under subdivision 2, additional water and related land resource management programs may not be undertaken with money raised by a special tax within the district, and additional special water and related land resource management taxes may not be levied within the district. If money raised by past special tax levies within the district has been exhausted, further operation and maintenance of existing programs may be financed by appropriations from the general revenue fund of an affected county.

HIST: 1990 c 391 art 2 s 46; 1999 c 86 art 1 s 18

==103B.601

103B.601 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to sections 103B.601 to 103B.645.

Subd. 2. Board. "Board" means the governing board of the directors of the district.

Subd. 3. District. "District" means the Lake Minnetonka conservation district.

Subd. 4. Municipality. "Municipality" means the home rule charter or statutory city of Minnetrista, Mound, Spring Park, Orono, Minnetonka Beach, Wayzata, Minnetonka, Woodland, Deephaven, Shorewood, Greenwood, Excelsior, Tonka Bay, or Victoria.

HIST: 1990 c 391 art 2 s 47

==103B.605

103B.605 District.

Subdivision 1. Establishment. The Lake Minnetonka conservation district established under Laws 1967, chapter 907, and Laws 1969, chapter 272, is a corporate and political body and a political subdivision of this state, and may sue and be sued, enter into contracts, and hold real and personal property for its purposes.

Subd. 2. District is an employer. The district is an employer within the definition of section 176.011, subdivision 10, and is included in the provisions of chapter 176.

Subd. 3. District is public corporation. The district is a public corporation within the definition of section 466.01 and is included in the provisions of chapter 466.

Subd. 4. Dissolution. The district may be dissolved by the decision of the governing bodies of three-quarters of the municipalities in the district. The decision of a town shall be made by the board of supervisors of the town.

HIST: 1990 c 391 art 2 s 48

==103B.611

103B.611 Board.

Subdivision 1. Composition. The district is governed by a board composed of members appointed by the governing bodies of the municipalities included in the district. Each municipality may appoint one member.

Subd. 2. Term. The term of office of each board member is three years unless the appointing municipality recalls the member and either appoints another member for the balance of the term or leaves the office vacant for the balance of the term. This subdivision applies both to members serving on the effective date of Laws 1995, chapter 184, and to members appointed after the effective date of Laws 1995, chapter 184.

Subd. 3. Powers. Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers:

- (1) to regulate the types of boats permitted to use the lake and set service fees;
- (2) to regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities, provided that a municipality may supersede the district's action under this clause by adopting an ordinance specifically referring to the district's action by one year after the district's action;
- (3) to limit by rule the use of the lake at various times and the use of various parts of the lake;
- (4) to regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (5) to contract with other law enforcement agencies to police the lake and its shore;
- (6) to regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (7) to regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate mechanical and chemical means of removal of weeds and algae from the lake;
- (8) to regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where the marinas are located;
- (9) to contract with other governmental bodies to perform any of the functions of the district;
- (10) to undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the pollution control agency and other interested authorities, and to develop a comprehensive program to eliminate pollution;
- (11) to receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them; and
- (12) to petition the board of managers of a watershed district in which the lake conservation district is located for improvements under section 103D.705; a bond is not required of the lake conservation district.

Subd. 4. Bylaws and board procedures. The board shall adopt a seal, bylaws for the regulation of the affairs of the district, and rules of procedure to govern the board's actions that are consistent with law.

HIST: 1990 c 391 art 2 s 49; 1995 c 184 s 29,30

==103B.615

103B.615 District officers.

Subdivision 1. Election and terms.

- (a) The board shall elect from its membership a chair to serve for a period of one year and shall also elect a secretary and a treasurer.
- (b) The officers hold office at the pleasure of the board.

Subd. 2. Compensation. The board shall fix the compensation of the officers.

Subd. 3. Other officers and employees. The board may appoint other officers, agents, and employees who shall perform duties and receive compensation as the board determines and are removable at the pleasure of the board.

HIST: 1986 c 444; 1990 c 391 art 2 s 50

==103B.621

103B.621 Treasurer.

Subdivision 1. Bond. Before taking office, the treasurer shall give bond to the district in an amount to be determined by the board.

Subd. 2. Duties.

(a) The treasurer shall receive and is responsible for all money of the district. The money of the district shall be considered public funds.

(b) The treasurer shall disburse the funds of the district in accordance with rules of the board.

Subd. 3. Investments.

(a) If there are funds not currently needed, the treasurer may invest the funds in treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, or bonds, notes or certificates of indebtedness of the state of Minnesota. The bonds, certificates, or notes must mature by three years from the date of purchase. If the board determines that invested funds are needed for current purposes before the maturity dates of the bonds, certificates, or notes, the board shall notify the treasurer and the treasurer shall order the sale or convert the bonds, certificates, or notes into cash in the amount determined by the board.

(b) The interest and profit on investments shall be credited to and constitute a part of the funds of the district.

Subd. 4. Financial statement. The treasurer shall keep an account of the funds received and disbursed. At least once a year at times designated by the board, the treasurer must file a financial statement with the municipalities forming the district showing in appropriate and identifiable groupings:

(1) the receipts and disbursements since the last approved financial statement;

(2) the money on hand;

(3) the purposes for which the money of the district is appropriated;

(4) an account of all bonds, certificates, or notes purchased and the funds from which they were purchased; and

(5) the interest and profit that has accrued from investments.

Subd. 5. Compensation for clerks. The district may pay to the treasurer compensation to cover hiring clerks to carry out the treasurer's duties.

HIST: 1990 c 391 art 2 s 51

==103B.625

103B.625 Executive director.

Subdivision 1. Appointment. The board may appoint an executive director for the district. The executive director shall serve at the pleasure of the board and shall receive compensation as determined by the board.

Subd. 2. Duties and powers. Under the supervision of the board, the executive director:

(1) is the executive and operating officer of the district;

(2) is responsible for the operation, management, and promotion of all activities with which the district is charged and other duties prescribed by the board; and

(3) has the powers necessarily incident to the performance of the duties of the executive director and other powers granted by the board, but without authority to incur liability or make expenditures on behalf of the district without general or specific directions by the board, as shown by the bylaws or minutes of its meetings.

HIST: 1990 c 391 art 2 s 52

==103B.631

103B.631 Performance of duties and expenses.

Subdivision 1. Duties may be performed by municipal employees. The duties of the district may be executed by employees of the municipalities.

Subd. 2. Expenses. The expenses of the district shall be borne by the municipalities. The portion of the expenses of the district borne by each municipality must be in proportion to its net tax capacity provided that the portion of any one municipality may not be more than 20 percent of the total expense or less than \$200.

HIST: 1990 c 391 art 2 s 53

==103B.635

103B.636 Funding of district.

Subdivision 1. Budget. The board must, on or before July 1 each year, prepare and submit a detailed budget of the district's needs for the next calendar year to the governing body of each municipality in the district with a statement of the proportion of the budget to be provided by each municipality. The governing body of each municipality in the district shall review the budget and the board, upon notice from a municipality, must hear objections to the budget. After the hearing, the board may modify or amend the budget. Notice must be given to the municipalities of modifications or amendments.

Subd. 2. Municipal funding of district.

(a) The governing body or board of supervisors of each municipality in the district must provide the funds necessary to meet its proportion of the total cost determined by the board, provided the total funding from all municipalities in the district for the costs shall not exceed an amount equal to .00242 percent of the total taxable market value within the district, unless three-fourths of the municipalities in the district pass a resolution concurring to the additional costs.

(b) The funds must be deposited in the treasury of the district in amounts and at times as the treasurer of the district requires.

HIST: 1990 c 391 art 2 s 54; 1993 c 375 art 7 s 1

==103B.641

103B.641 Regulations of district.

Subdivision 1. Authority and effect.

(a) The district may adopt rules and regulations to effectuate the purpose of its establishment and the powers granted to the district.

(b) The rules and regulations have the effect of an ordinance if declared by the board of directors of the district and stated in the rule or regulation.

(c) The rules and regulations of the district may be enforced by the district by injunction in addition to penalties under this section.

Subd. 2. Adoption procedure.

(a) A rule or regulation must be suitably titled.

(b) A rule or regulation must be adopted by a majority vote of all of the members of the board of directors. The adopted rule or regulation must be signed by the chair, attested by the secretary of the board, and published once in an official newspaper.

(c) Proof of publication must be attached to and filed with the rule or regulation. Each rule and regulation must be recorded in the rule and regulation book by 20 days after its publication.

Subd. 3. Penalty. A person who violates a rule or regulation that has the force and effect of an ordinance is guilty of a misdemeanor and subject to a sentence of not more than 90 days plus costs or a fine of not more than \$100 plus costs.

HIST: 1990 c 391 art 2 s 55

==103B.645

103B.645 Prosecution of violations.

Subdivision 1. Complaint for violation. A prosecution for a violation of a rule or regulation shall be brought in the name of the district upon complaint and warrant as in other criminal cases. If the accused is arrested without a warrant, a written complaint shall be made, to which the accused shall be required to plead, and a warrant shall issue on the complaint. The warrant and all other process in such cases shall be directed for service to a police officer, court officer, marshal, constable, or sheriff of any of the municipalities in the district.

Subd. 2. Complaint. It is a sufficient pleading of the rules and regulations of the district to refer to them by section and number or chapter, or any other way that clearly reflects the rules and regulations that are the subject of the pleading. The rules and regulations shall have the effect of general laws within the district and need not be given in evidence upon the trial of an action.

Subd. 3. Appeal to district court. Appeals may be taken from the district court in the same manner as from judgments in civil actions.

HIST: 1990 c 391 art 2 s 56

==103B.651

103B.651 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to sections 103B.655 to 103B.691.

Subd. 2. Board. "Board" means the governing board of the district.

Subd. 3. District. "District" means the White Bear Lake conservation district.

Subd. 4. Municipality. "Municipality" means the city of White Bear Lake, the town of White Bear, the city of Birchwood, the city of Mahtomedi, or the city of Dellwood.

HIST: 1990 c 391 art 2 s 57

==103B.655

103B.655 District.

Subdivision 1. Establishment. The White Bear Lake conservation district established under Laws 1971, chapter 355, as amended by Laws 1974, chapter 111, and Laws 1977, chapter 322, is a corporate and political body, and may sue and be sued, enter into contracts, and hold real and personal property for its purposes.

Subd. 2. District is employer. The district is an employer within the definition of section 176.011, subdivision 10, and is included in the provisions of chapter 176.

Subd. 3. District is political and corporate body. The district is a public corporation and a political subdivision of the state. The district is also within the definition of section 466.01, and is included in the provisions of chapter 466.

Subd. 4. Dissolution. The district may be dissolved by the decision of the governing bodies of four of the municipalities in the district. The decision of a town shall be made by the board of supervisors of the town.

HIST: 1990 c 391 art 2 s 58

==103B.661

103B.661 Board.

Subdivision 1. Membership.

(a) The district shall be governed by the board composed of members elected by the governing bodies of the municipalities included in the district. Each municipality shall elect two members.

(b) The term of office of each member shall be three years.

Subd. 2. Powers. Subject to the provisions of chapters 97A, 103D, 103E, 103G, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority under those chapters, the district has the following powers to:

(1) regulate the types of boats permitted to use the lake;

(2) limit the use of motors, including their types and horsepower, on the lake;

(3) regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities;

(4) limit by rule the use of the lake at various times and the use of various parts of the lake;

- (5) regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (6) contract with other law enforcement agencies to police the lake and its shores;
- (7) regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (8) regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate the mechanical and chemical means of removal of weeds and algae from the lake;
- (9) regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where said marinas are situated;
- (10) contract with other governmental bodies to perform any of the functions of the district;
- (11) undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the pollution control agency and other interested authorities; and to develop a comprehensive program to eliminate pollution;
- (12) receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;
- (13) petition the board of managers of a watershed district where the White Bear Lake conservation district is located for improvements under section 103D.705, for which a bond may not be required of the district; and
- (14) to require the submission of all plans pertaining to or affecting construction or other lakeshore use on any lot or parcel of land abutting the shoreline including: length of setback from the shoreline, adjoining property, or any street or highway; problems of population density; possible water, air or visual pollution; or height of construction. The board shall have 60 days after submission of plans or any part thereof for review. If, within 60 days of submission the board finds the plan or any part is inconsistent with its plans or ordinances, it may recommend that the plan or any part be revised and resubmitted.

Subd. 3. Bylaws and board procedures. The board shall adopt a seal, bylaws for the regulation of the affairs of the district, and rules of procedure to govern the board's actions that are consistent with law.

HIST: 1990 c 391 art 2 s 59

==103B.665

103B.665 District officers and employees.

Subdivision 1. Election and terms.

- (a) The board shall elect from its membership the following officers to serve for a period of one year: chair, vice-chair, secretary, and treasurer. The offices of secretary and treasurer shall be combined unless a resolution is adopted to the contrary by the board prior to the election.
- (b) The officers shall hold office at the pleasure of the board.

Subd. 2. Compensation. The board shall set the compensation of the officers.

Subd. 3. Employees. The board may appoint other officers, agents, and employees who shall perform duties and receive compensation as the board determines and are removable at the pleasure of the board.

HIST: 1990 c 391 art 2 s 60

==103B.671

103B.671 Treasurer.

Subdivision 1. Bond. Before taking office, the treasurer shall give bond to the district in an amount to be determined by the board.

Subd. 2. Duties.

- (a) The treasurer shall receive and is responsible for the money of the district. The money of the district shall be considered public funds.
- (b) The treasurer shall disburse the funds of the district in accordance with rules of the board.

Subd. 3. Investments.

- (a) If funds are not currently needed, the treasurer may invest the funds in treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, or bonds, notes, or certificates of indebtedness of the state of Minnesota. The bonds, notes, or certificates must mature by three years from the date of purchase.
- (b) If the board determines that invested funds are needed for current purposes before the maturity dates of the securities held, the board shall certify to the treasurer and the treasurer shall order the sale or conversion of the bonds, notes, or certificates needed into cash.
- (c) The interest and profit on investments shall be credited to and constitute a part of the funds of the district.

Subd. 4. Accounting and records. The treasurer shall keep an account of the funds received and disbursed. At least once a year, at times designated by the board, the treasurer must file with the municipalities forming the district a financial statement of the district showing in appropriate and identifiable groupings:

- (1) the receipts and disbursements since the last approved statements;
- (2) the money on hand and the purposes for which the money is appropriated; and
- (3) an account of bonds, notes, and certificates purchased, the funds from which they were purchased, and the interest and profit accrued on the investment.

Subd. 5. Compensation for clerks. The district may pay to the treasurer compensation to cover hiring clerks and to carry out the treasurer's duties.

HIST: 1990 c 391 art 2 s 61

==103B.675

103B.675 Executive director.

Subdivision 1. Appointment.

- (a) The board may appoint an executive director.
- (b) The executive director is the executive and operating officer of the district, shall serve at the pleasure of the board, and shall receive compensation set by the board.

Subd. 2. Duties and powers.

- (a) Under the supervision of the board, the executive director is responsible for the operation, management, and promotion of all activities of the district and other duties prescribed by the governing board.
- (b) The executive director has the powers necessarily incident to the performance of the executive director's duties and other powers granted by the board, except the director does not have authority to incur liability or make expenditures on behalf of the district without general or specific directions by the board as shown by the bylaws or minutes of the board's meetings.

HIST: 1990 c 391 art 2 s 62

==103B.681

103B.681 Rules.

Subdivision 1. Authority. The district may adopt rules to effectuate the purposes of its establishment and the powers granted to the district. All rules must be suitably entitled.

Subd. 2. Effect of rules. The rules have the force and effect of an ordinance if declared by the board and stated in the rules.

Subd. 3. Procedure.

- (a) A rule must be enacted by a majority vote of all the members of the board. The rule must be signed by the chair and attested by the secretary.
- (b) The rule must be published once in official newspapers of Washington and Ramsey counties. Proof of publication shall be attached to and filed with the rule.
- (c) A rule must be recorded in the rule book within 20 days after its publication.

Subd. 4. Criminal penalty.

- (a) A violation of rule is a misdemeanor and punishable by a sentence of not more than 90 days plus costs or a fine of not more than \$300 plus costs.
- (b) All prosecutions for violations of rules shall be brought in the name of the district upon complaint and warrant as in other criminal cases.

Subd. 5. Injunction. The rules may be enforced by the district by injunction in addition to other penalties provided.
HIST: 1986 c 444; 1990 c 391 art 2 s 63

==103B.683

103B.683 Prosecution of violations.

Subdivision 1. Complaint for violation. A prosecution for a violation of a rule or regulation shall be brought in the name of the district upon complaint and warrant as in other criminal cases. If the accused is arrested without a warrant, a written complaint shall be made, to which the accused shall be required to plead, and a warrant shall issue on the complaint. The warrant and all other process in such cases shall be directed for service to a police officer, court officer, marshal, constable, or sheriff of any of the municipalities in the district.

Subd. 2. Complaint. It is a sufficient pleading of the rules and regulations of the district to refer to them by section and number or chapter, or any other way that clearly reflects the rules and regulations that are the subject of the pleading. The rules and regulations shall have the effect of general laws within the district and need not be given in evidence upon the trial of an action.

Subd. 3. Appeal to district court. Appeals may be taken from the district court in the same manner as from judgments in civil actions.

HIST: 1990 c 391 art 2 s 64

==103B.685

103B.685 Performance of duties and expenses.

Subdivision 1. Duties. The duties of the district may be executed by employees of the municipalities.

Subd. 2. Expenses. The expenses of the district shall be borne by the municipalities. The portion of the expenses of the district borne by each municipality must be in proportion to its net tax capacity, except a municipality's portion may not be less than \$200 per year.

HIST: 1990 c 391 art 2 s 65

==103B.691

103B.691 Funding of district.

Subdivision 1. Budget. The board must, on or before July 1 each year, prepare and submit a detailed budget of the district's needs for the next calendar year to the governing body of each municipality in the district with a statement of the proportion of the budget to be provided by each municipality. The governing body of each municipality in the district shall review the budget and the board upon notice from a municipality must hear objections to the budget. After the hearing, the board may modify or amend the budget. Notice must be given to the municipalities of modifications or amendments.

Subd. 2. Municipal funding of district.

(a) The governing body or board of supervisors of each municipality in the district shall provide the funds necessary to meet its proportion of the total cost to be borne by the municipalities as finally certified by the board.

(b) The municipality's funds may be raised by any means within the authority of the municipality. The municipalities may each levy a tax not to exceed .02418 percent of taxable market value on the taxable property located in the district to provide the funds. The levy shall be within all other limitations provided by law.

(c) The funds must be deposited into the treasury of the district in amounts and at times as the treasurer of the district requires.

HIST: 1990 c 391 art 2 s 66

SOIL AND WATER CONSERVATION DISTRICTS

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Minnesota Statutes 2002, Chapter 103C.

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==103C.001

103C.001 Effect of chapter 103C on Water Law.

This chapter and chapters 103A, 103B, 103D, 103E, 103F, and 103G constitute the water law of this state and may be cited as the Water Law.

HIST: 1990 c 391 art 3 s 1

==103C.005

103C.005 Soil and water conservation policy.

Improper land use practices have caused serious wind and water erosion of the land of this state, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have the responsibility to implement practices to correct these conditions and conserve the soil and water resources of the state. It is the policy of the state to encourage land occupiers to conserve soil and water resources through the implementation of practices that effectively reduce or prevent erosion, sedimentation, siltation and agriculturally related pollution in order to preserve natural resources, ensure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands.

HIST: 1990 c 391 art 3 s 2

==103C.009

103C.009 Citation.

This chapter may be cited as the "Soil and Water Conservation District Law."

HIST: 1990 c 391 art 3 s 3

==103C.101

103C.101 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to this chapter.

Subd. 2. Appropriate agencies. "Appropriate agencies" means local, state, or federal agencies that possess expertise, involvement, or authority concerning the use and development of land and water resources, but does not include districts or the state board.

Subd. 3. District. "District" means a soil and water conservation district.

Subd. 4. District board. "District board" means the board of supervisors of a soil and water conservation district.

Subd. 5. Due notice. "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a legal newspaper, and by posting at three conspicuous places within an appropriate area. Posting must include, if possible, posting at public places where it is customary to post notices concerning county or municipal affairs. A hearing held pursuant to a notice at the time and place designated in the notice may be adjourned, from time to time, without renewing the notice for the adjourned dates.

Subd. 6. Federal. "Federal" means the United States, the soil conservation service of the United States Department of Agriculture, and agencies or instrumentalities, corporate or otherwise, of the United States.

Subd. 7. Government. "Government" means the state or the United States, or an agency or instrumentality of the state or the United States.

Subd. 8. Land occupier. "Land occupier" means a person, corporation, or legal entity that holds title to or is in possession of land within a district as an owner, lessee, tenant, or otherwise.

Subd. 9. Nominating petition. "Nominating petition" means a petition filed under sections 103C.301, subdivision 1, and 103C.305, subdivision 2, to nominate candidates for the office of supervisor.

Subd. 10. Soil and water conservation district. "Soil and water conservation district" means a governmental subdivision organized under this chapter.

Subd. 11. State agency. "State agency" means a political subdivision, agency, or instrumentality, corporate or otherwise, of the state.

Subd. 12. State board. "State board" means the board of water and soil resources.

Subd. 13. Supervisor. "Supervisor" means a member of a district board.

Subd. 14. Watershed project. "Watershed project" means a project that is approved and authorized to be carried out by the district in a watershed area in accordance with a watershed work plan.

Subd. 15. Watershed work plan. "Watershed work plan" means a plan for constructing works of improvement in a watershed area, including structural and land treatment measures for flood prevention or the conservation, development, utilization, and disposal of water that is developed by the district, with or without federal assistance.

HIST: 1990 c 391 art 3 s 4

==103C.201

103C.201 Formation of soil and water conservation districts.

Subdivision 1. Petition.

(a) Twenty-five land occupiers in an area proposed to be organized into a district may file a petition with the state board requesting that a soil and water conservation district be organized to function in the area described in the petition. The petition must state:

- (1) the proposed name of the district;
- (2) that there is need, in the interest of the public health, safety, and welfare, for a district in the described area;
- (3) a description of the area proposed to be organized as a district, which need not be by metes and bounds or legal subdivision, but may be by general description that identifies the area;
- (4) a request that the state board define the boundaries for the district;
- (5) a request for a referendum to be held in the defined territory on the question of the creation of a district in the territory; and
- (6) a request by the state board to determine that a district be established.

(b) If more than one petition is filed covering parts of the same area, the state board may consolidate the petitions.

Subd. 2. Hearings.

(a) By 30 days after a petition has been filed with the state board, the state board may give due notice of a proposed hearing, to be held by the state board or a designated agent, on:

- (1) the question of the desirability and necessity, in the interest of the public health, safety, and welfare, for the establishment of a district;
- (2) the appropriate boundaries of the district;
- (3) the propriety of the petition and other proceedings taken under this section; and
- (4) other questions relevant to clauses (1), (2), and (3).

(b) Land occupiers in the area described in the petition and in the area considered for addition to the described area and other interested parties may attend the hearing and be heard. If after a hearing, the state board determines it may be desirable to include in the proposed district area outside the area where notice of the hearing was given, the hearing must be adjourned and due notice of the continued hearing must be given throughout the entire area considered for inclusion in the district, and the continued hearing held.

Subd. 3. Considerations for district establishment.

(a) After the hearing is complete, if the state board determines, on the information presented at the hearing and other relevant information, that there is a need, in the interest of the public health, safety, and welfare, for a district to function in the area considered at the hearing, the state board shall make and record the determination and define the district boundaries by metes and bounds or by legal subdivisions. In making the determination and in defining the boundaries, the state board shall consider the public policy in section 103A.206, and:

- (1) the topography of the area considered and of the state;
 - (2) the composition of its soils;
 - (3) the distribution of erosion;
 - (4) the prevailing land use practices;
 - (5) the desirability and necessity of including within the boundaries the particular lands under consideration;
 - (6) the benefits the lands may receive from being included;
 - (7) the relation of the proposed area to existing watersheds and agricultural regions and other soil and water conservation districts organized or proposed for organization; and
 - (8) other relevant physical, geographical, and economic factors.
- (b) The area included in a district need not be contiguous.

Subd. 4. Denial of petition.

- (a) If the state board determines, after the hearing and consideration of the information, that there is not a need for a district to function in the area, the state board must make and record the determination and deny the petition.
- (b) Subsequent petitions to establish a district in substantially the same area may not be filed until six months after the date of the denial of a petition.

Subd. 5. Referendum for district establishment.

- (a) After the state board has made and recorded a determination that there is a need for a district in a particular area and has defined the boundaries, the state board shall consider whether the operation of a district within the boundaries is administratively feasible. To assist the state board to determine the feasibility, the state board shall, within a reasonable time after entry of the finding that there is a need for the proposed district, give notice of and hold a referendum within the proposed district on the creation of the district.
- (b) The question shall be submitted by ballots with:
- (1) the words printed "For creation of a soil and water conservation district of the lands described below in the county (or counties) of and" and "Against establishment of a soil and water conservation district of the lands described below in the county (or counties) of and" ;
 - (2) a square before each proposition and a direction to insert an X mark in the square before one proposition or the other as the voter may favor or oppose establishment of the district; and
 - (3) the boundaries of the proposed district.
- (c) Only land occupiers in the boundaries of the proposed district, as determined by the state board, may vote in the referendum.

Subd. 6. Administration of referendum. The state board shall pay the expenses for the notices and the conduct of the hearing and referendum, and supervise their conduct. The state board shall issue rules governing the conduct of hearings and referenda, and providing for the registration, before the date of the referendum, of all eligible voters, or prescribing some other appropriate procedure to determine eligible voters. Informalities in the conduct of a referendum or in a matter related to it do not invalidate the referendum or its result if notice of it has been given substantially as provided by this section and the referendum has been fairly conducted.

Subd. 7. Determination after referendum.

- (a) The state board shall publish the result of the referendum and then determine whether the operation of a district in the defined boundaries is administratively feasible. In making the determination, the state board must consider the policy in section 103A.206, and:
- (1) the attitudes of the land occupiers in the defined boundaries;
 - (2) the number of land occupiers eligible to vote in the referendum who have voted;
 - (3) the proportion of the votes cast in the referendum in favor of establishing the district to the total number of votes cast;
 - (4) the approximate wealth and income of the land occupiers of the proposed district;
 - (5) the probable expense of carrying on erosion-control operations within the district; and
 - (6) other relevant economic and social factors. The state board may not determine that the operation of the proposed district within the defined boundaries is administratively feasible unless a majority of the votes cast in the referendum on establishment of the district have been cast in favor of establishing the district.
- (b) If the state board determines that the operation of the district is not administratively feasible, the state board shall record the determination and deny the petition. Six months after the date of entry of a determination by the state board that operation of a proposed district is not administratively feasible, a new petition may be filed and a new proceeding started.

(c) If the state board determines that the operation of the district is administratively feasible, it shall record the determination and proceed with the establishment and organization of the district.

Subd. 8. Application by supervisors to secretary of state.

- (a) The district shall be a governmental subdivision of this state and a public body corporate and politic after the actions in this subdivision are taken.
- (b) If the state board determines that the operation of the proposed district within the defined boundaries is administratively feasible, the state board must appoint two supervisors to act, with the three elected supervisors, as the district board.
- (c) The two appointed supervisors shall sign and present an application to the secretary of state with the following recitals:
 - (1) a petition for the establishment of a district was filed with the state board;
 - (2) the proper proceedings were taken relating to the petition;
 - (3) the application is being filed to complete the organization of the district as a governmental subdivision and a public body, corporate or politic;
 - (4) the state board has appointed the signers as supervisors;
 - (5) the name and official residence of each supervisor, with a certified copy of the supervisor's appointment;
 - (6) the term of office of each supervisor;
 - (7) the name proposed for the district; and
 - (8) the location of the principal office of the district board.
- (d) The application shall be subscribed and sworn to by each supervisor before an officer authorized by state law to take oaths. The officer shall certify upon the application that the officer has personal knowledge of the supervisors, that they are the supervisors named in the application, and that each supervisor has signed the application in the officer's presence.

Subd. 9. Certified statement of state board.

- (a) The application shall be accompanied by a certified statement of recitals by the state board, that:
 - (1) a petition was filed, notice issued, and hearing held;
 - (2) the state board determined that there is need, in the interest of the public health, safety, and welfare, for a district to function in the proposed area;
 - (3) the state board defined the district's boundaries;
 - (4) notice was given and a referendum held on the question of establishing a district;
 - (5) a majority of the votes cast in the referendum were in favor of establishing a district; and
 - (6) after the referendum the state board determined that the operation of the proposed district is administratively feasible.
- (b) The certified statement shall prescribe the boundaries of the district as defined by the state board.

Subd. 10. Secretary of state's certificate.

- (a) The secretary of state shall examine the application of the supervisors and certified statement of the state board and, on finding that the name proposed for the district is not identical to the name of another district in the state, and is not so similar as to lead to confusion or uncertainty, the secretary of state shall receive, file, and record the application and statement.
- (b) If the secretary of state finds that the name proposed for the district is identical with the name of another district, or so similar as to lead to confusion and uncertainty, the secretary of state shall certify the fact to the state board. The state board shall submit to the secretary of state a new name for the district that does not have the defect. Upon receipt of a new name, free of defect, the secretary of state shall record the application and statement, with the new name.
- (c) After the application and statement have been made, filed, and recorded, the district is a governmental subdivision of the state.
- (d) The secretary of state shall issue to the supervisors a certificate, under the seal of the state, of the organization of the district and record the certificate with the application and statement.
- (e) The boundaries of the district consist of the area determined by the state board but may not include area in another district. The area of a home rule charter or statutory city within the boundaries of a district is included in the district. If there is a question of whether an area is within or outside of a district, the state board shall determine whether the area of a city is included.

Subd. 11. Certificate of organization as evidence. In a suit, action, or proceeding involving the validity of, enforcement of, or relating to, a contract, proceeding, or action of a district, the district is considered to have been established in accordance with this section upon proof of the issuance of the certificate by the secretary of state. A copy of the certificate, certified by the secretary of state, is admissible in evidence in the suit, action, or proceeding and is proof of its filing and contents.

HIST: 1990 c 391 art 3 s 5

==103C.205

103C.205 Annexing additional area.

(a) Land occupiers may file a petition to include additional area within an existing district with the state board. The procedure for a petition to establish a district shall be followed on a petition to include additional area. The state board shall prescribe the form for the petition, which shall be as nearly as possible in the form for a petition to organize a district.

(b) If the number of land occupiers in the area proposed for inclusion is less than 25, the petition may be filed when signed by a majority of the land occupiers in the area and a referendum need not be held.

(c) In a referendum to include additional area, all land occupiers within the proposed additional area may vote.

(d) It is not necessary to obtain the consent of the owners within the district before the additional area is annexed to a district.

HIST: 1990 c 391 art 3 s 6

==103C.211

103C.211 Consolidation and division of districts.

(a) A petition to consolidate two or more districts or to separate a district into two or more districts may be filed with the state board by 25 or more land occupiers within the affected districts. It is not necessary to obtain the consent of fee owners in an established district before districts are consolidated or an existing district is divided. Proceedings provided for petitions to organize a district shall be followed as far as they are applicable. The state board shall prescribe the form for a petition, which shall be as nearly as possible in the form for petitions to organize a district.

(b) The land occupiers within the affected districts may vote in the referendum. The state board may not determine the administrative feasibility of consolidating or separating districts unless a majority of the votes cast in the referendum within each separate district affected, or within each separate area sought to be made a separate district, is in favor of the consolidation or separation.

(c) When districts are consolidated or separated, the corporate existence and terms of office of the officers of the old districts expire upon the issuance and recording by the secretary of state of a certificate of organization of the new districts. Upon consolidation, the rights and liabilities of the consolidating districts shall be assumed by the consolidated district. Upon separation, the rights and liabilities of the original district shall be vested in and assumed by the new districts in an equitable proportion determined by the state board. A separation does not affect the term of office for which a supervisor was elected or appointed. The supervisor shall continue to represent the district where the supervisor resides for that full term.

HIST: 1990 c 391 art 3 s 7

==103C.215

103C.215 Change of name.

The name of a district may be changed with the approval of the state board, after the adoption of a resolution by a majority of the supervisors stating the new name, by filing a certified copy of the resolution with the secretary of state.

HIST: 1990 c 391 art 3 s 8

==103C.221

103C.221 Change of location of principal office.

The location of the principal office of the district board may be changed with the approval of the state board after the adoption of a resolution by a majority of the district board stating the new location and by filing a certified copy of the resolution with the secretary of state.

HIST: 1990 c 391 art 3 s 9

==103C.225

103C.225 Discontinuance of districts.

Subdivision 1. Petition for termination.

- (a) After five years after the organization of a district, 25 occupiers of land in the district may file a petition with the state board asking that the operations and existence of the district be terminated.
- (b) The state board may not receive a petition, conduct a referendum, or make a determination on a petition to discontinue a district more often than once in two years.

Subd. 2. Hearings. The state board may conduct public meetings and public hearings upon the petition as necessary to assist in consideration of the petition.

Subd. 3. Referendum.

- (a) Within 60 days after the petition is received by the state board, it shall give due notice of the holding of a referendum, supervise the referendum, and issue appropriate regulations governing the conduct of the referendum.
- (b) The question shall be submitted by ballots, upon which the words "For terminating the existence of the (name of the soil and water conservation district to be here inserted)" and "Against terminating the existence of the (name of the soil and water conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other.
- (c) Only land occupiers in the district may vote in the referendum.
- (d) Informalities in the conduct of the referendum or matters relating to the referendum do not invalidate the referendum, or result of the referendum, if due notice has been given and the referendum has been fairly conducted.
- (e) The state board shall publish the result of the referendum.

Subd. 4. Determination by state board.

- (a) The state board shall determine whether the continued operation of the district board is administratively feasible and give consideration to the public policy under section 103A.206, and:
 - (1) the attitudes of the occupiers of lands lying within the district;
 - (2) the number of land occupiers eligible to vote in the referendum who have voted;
 - (3) the proportion of the votes cast in the referendum in favor of the discontinuance of the district to the total number of votes cast;
 - (4) the approximate wealth and income of the land occupiers of the district;
 - (5) the probable expense of carrying on erosion-control operations within the district; and
 - (6) other economic and social factors relevant to the determination.
- (b) If the state board determines that the continued operation of the district is administratively feasible, the state shall record the determination and deny the petition.
- (c) If the state board determines that the continued operation of the district is not administratively feasible, the state board shall record the determination and certify the determination to the district board. The state board may not determine that the continued operation of the district is administratively feasible unless at least a majority of the votes cast in the referendum have been cast in favor of continuance.

Subd. 5. Termination of district affairs. Upon receipt from the state board of a certification that the state board has determined that the continued operation of the district is not administratively feasible, the district board shall promptly terminate the affairs of the district. The district board shall dispose of all property belonging to the district at public auction and pay the proceeds into the state treasury.

Subd. 6. Application to secretary of state. The district board shall then file a verified application with the secretary of state to discontinue the district with the certificate of the state board setting forth its determination that the continued operation of the district is not administratively feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid as provided in this section, and set forth a full accounting of the property and proceeds.

Subd. 7. Certificate of dissolution. The secretary of state shall issue to the district board a certificate of dissolution and record the certificate in the secretary of state's office.

Subd. 8. Effect of dissolution. Upon issuance of the certificate of dissolution, the ordinances and regulations in force in the district are of no further force. All contracts entered into, to which the district or district board were parties, shall remain in force and effect for the period provided in the contracts. The state board shall be substituted for the district or district board as party to the contracts and succeed to the district's rights and duties.

HIST: 1990 c 391 art 3 s 10

==103C.231

103C.231 Cooperation between districts and other public agencies.

Subdivision 1. Cooperation with other agencies.

- (a) The district boards of two or more districts may cooperate with one another or with appropriate agencies to exercise powers conferred in this chapter or sections 103F.401 to 103F.455.
- (b) The district board may make contracts or other arrangements with:
 - (1) the federal government;
 - (2) persons or public or private corporations; and
 - (3) the government of this state or other states.
- (c) A soil and water conservation district may join or cooperate by agreement as provided in section 471.59 with another soil and water conservation district or a watershed district, or a governmental unit defined in section 471.59, or with a combination of them in an operation or project in which the soil and water conservation district and the other party have a common interest. For the purposes of this section, soil and water conservation districts and watershed districts are governmental units under section 471.59.

Subd. 2. Cooperation among districts.

- (a) If the improvement work unit covers two districts, a joint board made up of three supervisors from each of the district boards shall preside. If the improvement work unit covers three or more districts, a joint board made up of two supervisors from each district board shall preside. The individual boards shall appoint the supervisors to represent them on the joint board.
- (b) The joint board shall accept and approve initial requests for improvement work units, direct the preparation of preliminary surveys and studies, establish improvement work units, and, at the direction of the county boards, adopt programs and reports, award contracts, supervise construction, and accept completed construction work.

HIST: 1990 c 391 art 3 s 11

==103C.235

103C.235 State agencies to cooperate.

State agencies which have jurisdiction over or administer state-owned lands, and agencies of a county, or other governmental subdivision, that have jurisdiction over or administer county-owned or other publicly owned lands that are in a district, shall cooperate with the district boards to implement programs and operations undertaken by the district board under this chapter and sections 103F.401 to 103F.455. The district board shall have free access to enter and perform work on the affected lands.

HIST: 1990 c 391 art 3 s 12

==103C.301

103C.301 Initial election of supervisors.

Subdivision 1. Nominating petitions. Within 30 days after the date that the secretary of state issues a certificate of organization of a district, or during additional time as the state board may allow, nominating petitions may be filed with the state board nominating legal voters as candidates for election as supervisors. Three supervisors shall be elected for terms to expire on December 31 following the second general election after their initial election. Each petition must be signed by one or more legal voters of the district. If a person signs petitions nominating more than three candidates, the signature may not be counted on any petition.

Subd. 2. Notice of election. The state board shall give due notice of the time and place where the election will be held in the district and specify in the notice the names of all candidates and the terms for which they are nominated.

Subd. 3. Ballots. The state board shall prepare ballots for the election with the surnames of the candidates printed in alphabetical order for each term, a square before each name, and a direction to insert an X mark in the square before three names with different terms to indicate the voter's choice.

Subd. 4. Voting. All legal voters shall be eligible to vote at the election.

Subd. 5. Election. The three candidates who receive the highest numbers respectively of the votes cast for each of three positions at the election shall be the elected supervisors. In case of a tie, the election shall be determined by lot, under the

direction of the state board. The state board shall supervise the election, pay expenses of the election, prescribe rules for the election, determine the eligibility of voters, and publish the results.

Subd. 6. Elected supervisor term. Except to fill a vacancy or for initial elections, supervisors shall be elected for four-year terms.
HIST: 1990 c 391 art 3 s 13; 1997 c 173 s 1,2

==103C.305

103C.305 General election of supervisors.

Subdivision 1. Time for election. Except for elections under section 103C.301 held after the organization of the district, elections must be held at the state general election specified in section 204D.03, subdivision 2. A primary may not be held.

Subd. 2. Filing for office; affidavit of candidacy. A candidate for the office of supervisor shall file an affidavit of candidacy with the county auditor of the county in which the district office is located during the period provided for filing affidavits of candidacy for county offices in section 204B.09, subdivision 1. The county auditor accepting affidavits of candidacy shall forward copies of all affidavits filed by candidates for supervisor to the auditor of any other county in which the office is voted on.

Subd. 3. Ballots. Ballots shall be prepared by the county auditor. The names of candidates shall be placed on the "canary ballot" described in section 204D.11, subdivision 3.

Subd. 4. Election. Laws relating to elections for county office shall govern to the extent that they are consistent with this section and section 103C.311. The county auditor shall certify the result to the state board. If the district includes land in more than one county, the county auditor shall immediately certify to the state board the vote, as shown by the report of the county canvassing board, for candidates voted for in more than one county. In the latter case, the state board shall certify and publish the result.

Subd. 5. Election within areas governed by Indian tribes. In a district where a supervisor nomination district is entirely within lands of an American Indian tribe or band to which county election laws do not apply, a supervisor to represent the district shall be elected or appointed as provided by the governing body of the tribe or band.

Subd. 6. Vacancy.

(a) If a vacancy occurs in the office of an elected supervisor more than 56 days before the next state primary, the district board shall fill the vacancy by appointment. The supervisor appointed shall hold office until the first Monday in January following the next general election. A successor shall be elected at the general election following the appointment and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

(b) If a vacancy occurs less than 56 days before the next state primary, the district board shall fill the vacancy by appointment. The appointed supervisor shall hold office until the expiration of the term or until the first Monday in January following the second succeeding general election, whichever is shorter. A successor shall be elected at the general election preceding expiration of the appointed term and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

(c) All terms under this subdivision continue until a successor has been elected and has qualified.

HIST: 1990 c 391 art 3 s 14; 1994 c 646 s 1; 1997 c 173 s 3; 2000 c 467 s 2

==103C.311

103C.311 Formation of supervisor districts.

Subdivision 1. Supervisors elected at large.

(a) The district board, after the initial election has been held, shall, with the approval of the state board, divide a district into five supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district. A supervisor must be a resident of the supervisor district to be elected.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into five supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board.

Subd. 2. Supervisors elected by districts.

(a) In the counties of Ramsey and Washington, the district board, with the approval of the state board, may by resolution provide that supervisors will be elected by supervisor districts as provided in this subdivision.

(b) The supervisor districts must be composed of precincts established by county and municipal governing bodies under section 204B.14. The districts must be compact, include only contiguous territory, and be substantially equal in population. The districts must be numbered in a regular series. The districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the state board. The boundaries of the districts must be redrawn after each decennial federal census as provided in section 204B.135. A certified copy of the resolution establishing supervisor districts must be filed by the chair of the district board with the county auditor of the counties where the soil and water conservation district is located, with the state board, and with the secretary of state at least 30 days before the first date candidates may file for the office of supervisor.

(c) Each supervisor district is entitled to elect one supervisor. A supervisor must be a resident of the district from which elected.

(d) The district board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election, except that if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The district board shall determine by lot the seats to be filled for a two-year term, a four-year term, and a six-year term.

HIST: 1990 c 391 art 3 s 15; 1997 c 130 s 1; 1997 c 173 s 4; 1Sp2001 c 10 art 18 s 3

==103C.315

103C.315 Supervisors.

Subdivision 1. Members.

(a) The district board shall consist of five supervisors, elected or appointed as provided in sections 103C.201, subdivision 8, 103C.301, and 103C.305.

(b) Supervisors must be legal voters residing in the district.

Subd. 2. Terms. The two supervisors appointed by the state board upon the establishment of a district serve terms ending on the first Monday in January following the next general election after their appointment. Their successors shall be elected for terms of four years commencing on the first Monday in January and until a successor is elected or appointed and has qualified. Vacancies in the office of supervisor appointed by the state board shall be filled by the state board.

Subd. 3. Quorum. A majority of the supervisors is a quorum and the concurrence of a majority in any matter is required for its determination except as otherwise expressly provided.

Subd. 4. Compensation. A supervisor shall receive compensation for services as the state board may determine, and may be reimbursed for expenses, including traveling expenses, necessarily incurred in the discharge of duties. A supervisor may be reimbursed for the use of the supervisor's own automobile in the performance of official duties at a rate up to the maximum tax-deductible mileage rate permitted under the federal Internal Revenue Code.

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

Subd. 6. Compatible offices. The office of soil and water conservation district supervisor and the offices of mayor, clerk, clerk-treasurer, or council member in a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district are compatible offices and one person may hold both offices. The office of soil and water conservation district supervisor and the office of town clerk or town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district are compatible offices and one person may hold both offices. A person holding both offices shall refrain from voting or taking any other formal action on any matter coming before the soil and water conservation district board or the city council or town board that has a substantial effect on both the soil and water conservation district and the city or town. This subdivision does not apply to an office located in whole or in part in Anoka, Hennepin, Ramsey, or Washington county.

HIST: 1990 c 391 art 3 s 16; 1995 c 222 s 1; 1997 c 173 s 5; 1998 c 401 s 35; 2000 c 467 s 3

==103C.321

103C.321 Officers and employees.

Subdivision 1. Officers.

- (a) The supervisors shall elect or appoint officers for the district and the district board.
- (b) A chair of the district board shall be elected from its own members.
- (c) A secretary and a treasurer shall be appointed who need not be members of the board.
- (d) Officers serve at the pleasure of the supervisors. Officers shall have the powers and duties incident to their respective offices, and other powers and duties expressly prescribed by law or directed by the district board.

Subd. 2. Employees. The district board may employ technical experts and other officers, agents, and employees, permanent and temporary, as they may require. The supervisors shall determine their qualifications, duties, and compensation.

Subd. 3. Employee and officer bonds. The district board shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property.

Subd. 4. Attorney. The county attorney of the county where the major portion of the district is located or one otherwise employed by the board shall be the attorney for the district and its supervisors. The district board may call upon the county attorney for necessary legal counsel and advice and service.

Subd. 5. Delegation of duties. The district board may delegate to its chair or other officer, to one or more supervisors, or to one or more agents or employees the powers and duties they deem proper.

HIST: 1990 c 391 art 3 s 17

==103C.325

103C.325 Records, audit, information to state board.

Subdivision 1. Records. The district board shall keep a full and accurate record of all proceedings and resolutions, regulations, and orders issued or adopted.

Subd. 2. Audit. The state auditor shall annually audit the books of the district and its supervisors, or, at the request of the district board, the state auditor may contract for an annual audit by a certified public accountant. The state auditor may determine that an annual audit of a district is not necessary, in which case an audit shall be made at least every four years.

Subd. 3. Information to state board. The supervisors shall furnish to the state board, upon request, copies of the ordinances, rules, regulations, orders, contracts, forms, and other documents that they adopt or use, and other information concerning their activities as the state board requires in the performance of its duties under this chapter.

HIST: 1990 c 391 art 3 s 18

==103C.331

103C.331 Powers of district boards.

Subdivision 1. General authority. A soil and water conservation district is a governmental and political subdivision of this state, and a public body, corporate and politic, and has the following powers in addition to any others prescribed by law.

Subd. 2. Advisory assistance. The supervisors may invite the legislative body of a municipality or county in the district to designate a representative to advise and consult with the supervisors of the district on questions of program and policy that may affect the property, water supply, or other interests of the municipality or county.

Subd. 3. Surveys, investigations, and research. A district may conduct surveys, investigations, and research to identify the problems and preventive practices specified in section 103A.206. To avoid duplication of research activities, no district shall initiate any research program except in cooperation with a state agency or an agency of the United States.

Subd. 4. Publication of information. A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.

Subd. 5. Demonstration projects. A district may conduct demonstration projects within the district on lands owned or administered by a state agency, with the cooperation of the administering agency, and on other lands with the consent of the land occupier, to demonstrate practices which implement the state policy specified in section 103A.206.

Subd. 6. Implementation of practices. A district may implement any necessary practices within the district, including structural measures and works of improvement for any purpose specified in section 103A.206, methods of cultivation, the use of vegetation, and changes in use of land, on:

- (1) lands acquired by the district;
- (2) lands owned or administered by a state agency, with the cooperation of the administering agency; and
- (3) other lands, with the consent of the land occupier.

Subd. 7. Implementation of soil and water conservation policy. A district may cooperate or enter into agreements with and furnish financial or other aid to a land occupier or appropriate agency, to implement the policy specified in section 103A.206, within the district, subject to conditions the district board determines is necessary.

Subd. 8. Acquisition and maintenance of property. A district may acquire any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise. It may maintain, operate, administer, and improve any properties acquired. It may receive income from the properties and expend the income to implement this chapter and sections 103F.401 to 103F.455. It may sell, lease, or otherwise dispose of any of its property or interests.

Subd. 9. Use of machinery and supplies. A district may make available, on terms it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and other material or equipment which will assist land occupiers to implement practices on their land specified in section 103C.005.

Subd. 10. Construction of improvements. A district may construct, install, improve, maintain, and operate structures and works necessary or convenient to perform an operation authorized under this chapter and sections 103F.401 to 103F.455.

Subd. 11. Comprehensive plan.

(a) A district may develop and revise a comprehensive plan, specifying practices to implement the state policy specified in section 103A.206, including:

- (1) the construction, maintenance, and operation of structural measures;
- (2) methods of cultivation;
- (3) the use of vegetation;
- (4) cropping programs;
- (5) mechanical practices;
- (6) changes in use of land;
- (7) other land use, soil erosion reduction, and agricultural practices; and
- (8) related technical standards and specifications.

(b) The plan shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey.

(c) The plan must identify the areas within the district where erosion, sedimentation, and related water quality problems appear most in need of control methods.

(d) The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's soil and water program plan. The plan shall be prepared as required by the rules of the state board.

(e) By August 1 of each even-numbered year, each district which applies for cost-sharing funds under section 103C.501 shall submit to the state board an amendment of its comprehensive plan that identifies high priority erosion, sedimentation and water quality problems within the district as required by the rules of the state board.

(f) By August 1 of each year, each district that applies for cost-sharing funds under section 103C.501 shall submit to the state board an annual work plan for the high priority erosion, sedimentation, and water quality problems in the district. The work plan shall be prepared as required by the rules of the state board. In preparing the annual work plan, the district shall actively identify and seek out land occupiers with high priority erosion problems who have not participated in cost-sharing contracts and encourage their participation in programs to control their erosion problems.

Subd. 12. Assumption of conservation projects.

(a) A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate, and administer a soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project in its boundaries undertaken by the United States or by a state agency.

(b) A district may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States, a state agency or other source to accomplish the authorization in this section. A board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. A board may use or expend money, services, materials, or other things to accomplish an authorized purpose.

Subd. 13. Authority for suit and contracts. A district may sue and be sued in its name, have perpetual succession unless terminated as provided in section 103C.225, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations consistent with this chapter and sections 103F.401 to 103F.455.

Subd. 14. Compensation for work or projects. As a condition for extending benefits for the performance of work upon lands not owned or administered by a state agency or the district, the supervisors may require compensation or contributions in money, services, materials, or otherwise, commensurate with the cost or reasonable value of the operations or work conferring the benefits.

Subd. 15. Agreements for federal assistance.

(a) A district may submit an application and enter into an agreement or contract with the secretary of agriculture or other designated authority to obtain or use federal assistance under any law providing for federal assistance for an authorized purpose of the district.

(b) A district may:

- (1) acquire without cost to the federal government any land, easements, or rights-of-way needed in connection with works of improvement installed with federal assistance;
- (2) assume the proportionate share of the cost of installing works of improvement involving federal assistance determined by the secretary or other designated authority to be equitable in consideration of anticipated benefits from the improvements;
- (3) make arrangements satisfactory to the secretary or other authority to defray costs of operating and maintaining works of improvement in accordance with prescribed regulations;
- (4) acquire or provide assurance that land occupiers have acquired the water rights and other rights, pursuant to state law, needed to install, maintain, and operate the works of improvement; and
- (5) obtain agreements to carry out recommended soil and water conservation measures and prepare farm plans for owners of not less than 50 percent or other required percentage of the lands situated in a drainage area above a retention reservoir installed with federal assistance, as prescribed by applicable federal law, and may do any other acts necessary to secure and use federal aid.

Subd. 16. Budget. The district board shall annually present a budget consisting of an itemized statement of district expenses for the ensuing calendar year to the boards of county commissioners of the counties in which the district is located. The county boards may levy an annual tax on all taxable real property in the district for the amount that the boards determine is necessary to meet the requirements of the district. The amount levied shall be collected and distributed to the district as prescribed by chapter 276. The amount may be spent by the district board for a district purpose authorized by law.

Subd. 17. Funds for state and national associations. A district may appropriate funds to provide membership in state and national associations that have as their purpose the betterment and improvement of soil and water conservation district operations. A district may participate through designated representatives in the meetings and activities of the associations. A district may appropriate funds to defray the actual and necessary expenses of its representatives in connection with the associations' membership. The expenses may be paid only upon the presentation of a verified itemized claim.

Subd. 18. Liability insurance. A district may procure liability insurance as provided in section 466.06, automobile insurance on personal cars while used on official business, insurance on the contents of district offices, and workers' compensation insurance, or may require the counties in which the district is located to include the district in the counties' insurance coverage for these purposes.

Subd. 19. Administration of official controls. A district may, under a joint powers agreement under section 471.59, accept delegation from a county or city of authority to administer soil and water conservation-related official controls, as defined in section 103B.305, subdivision 7, of the county or city as specified in the agreement. The agreement must include provisions requiring that:

- (1) all costs incurred by the district in administering the controls will be reimbursed by the county or city;
- (2) the district will provide notice and hearing in the same instances that the county or city would; and
- (3) the county or city will provide legal advice and support when requested by the district for administration and enforcement.

HIST: 1990 c 391 art 3 s 19; 1992 c 450 s 1

==103C.335

103C.355 Technical and administrative assistance to districts.

At the request of local districts, the agricultural extension service of the University of Minnesota, county extension committees, and county extension agents shall:

- (1) advise the districts in developing their comprehensive plan amendments and annual work plans;
- (2) in cooperation with the districts and the soil conservation service of the United States Department of Agriculture, provide technical assistance and education to land occupiers about conservation tillage practices and other soil conservation practices; and
- (3) participate in training district officials and employees in cooperation with the state board.

HIST: 1990 c 391 art 3 s 20

==103C.401

103C.401 Board of water and soil resources.

Subdivision 1. Powers and duties. In addition to the powers and duties of the state board provided by other law, the state board shall:

- (1) offer to assist the district boards to implement their programs;
- (2) keep the district boards of the state informed of the activities and experience of other districts and facilitate cooperation and an interchange of advice and experience among the districts;
- (3) coordinate the programs and activities of the districts with appropriate agencies by advice and consultation;
- (4) approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state board;
- (5) secure the cooperation and assistance of agencies in the work of the districts and develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding, and agriculturally related pollution control programs;
- (6) develop and implement a public information program concerning the districts' activities and programs, the problems and preventive practices relating to erosion control, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable;
- (7) divide and consolidate districts without a hearing or a referendum to confine districts within county limits, without allowing a district, if feasible and practicable, to contain less than four full or fractional congressional townships;
- (8) assist the statewide program to inventory and classify the types of soils in the state as determined by the Minnesota cooperative soil survey;
- (9) identify research needs and cooperate with other public agencies in research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state, and long-term soil productivity;
- (10) develop structural, land use management practice, and other programs to reduce or prevent soil erosion, sedimentation, flooding, and agriculturally related pollution;
- (11) develop a system of priorities to identify the erosion, flooding, sediment, and agriculturally related pollution problem areas that most need control systems; and
- (12) ensure compliance with statewide programs and policies established by the state board by advice, consultation, and approval of grant agreements with the districts.

Subd. 2. Use of funds.

- (a) Funds made available to a district from the state for expenditures necessary for its operations may be used only for purposes authorized by the state board.
- (b) A district may designate the board of county commissioners to act as the agent of the district to receive and expend the funds at the direction and with the approval of the district board.
- (c) At least annually the state board shall audit, in a manner it prescribes, the expenditure of the funds.

HIST: 1990 c 391 art 3 s 21; 1997 c 109 s 2

==103C.405

103C.405 Program plan.

Subdivision 1. Contents. The state board shall prepare, in consultation with the districts and appropriate agencies, a program plan to accomplish its duties. The state board shall use the program plan in decisions to allocate funds to districts. The state board shall emphasize the determination of priority areas where erosion, sedimentation, and related water quality problems appear most in need of control and the development of the comprehensive public information program.

Subd. 2. Informational hearing on plan. To develop the program plan, the state board may request existing pertinent information from state agencies and may conduct hearings.

Subd. 3. Coordination with state resource plans. The program plan shall be coordinated as closely as possible with the statewide framework water resources plan, the statewide water quality management plan, and other statewide resource plans.

Subd. 4. Review and revision. The state board shall review and revise the program plan at intervals it deems appropriate.
HIST: 1990 c 391 art 3 s 22

==103C.501

103C.501 Cost-sharing contracts for erosion control and water management.

Subdivision 1. Cost share authorization. The state board may allocate available funds to districts to share the cost of systems or practices for erosion or sedimentation control or water quality improvement that are designed to protect and improve soil and water resources.

Subd. 2. Request by district board.

(a) A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

- (1) a comprehensive plan;
- (2) an annual work plan; and
- (3) an application for cost-sharing funds.

(b) The comprehensive and annual work plans must be completed as provided in section 103C.331, subdivision 11. After review of the district's comprehensive plan, the state board must approve the comprehensive plan with necessary amendments or reject the plan.

Subd. 3. Approval of application. If the state board approves the comprehensive plan, including the plan's most recent amendment, the annual work plan, and the application of the district, the state board shall determine the specific amount of funds to allocate to the district for cost-sharing contracts.

Subd. 4. Cost-sharing funds.

(a) The state board shall allocate at least 70 percent of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

(b) The remaining cost-sharing funds may be allocated to districts as follows:

- (1) for technical and administrative assistance, not more than 20 percent of the funds; and
- (2) for conservation practices for lower priority erosion, sedimentation, or water quality problems.

Subd. 5. Contracts by districts.

(a) A district board may contract on a cost-share basis to furnish financial aid to a land occupier or to a state agency for permanent systems for erosion or sedimentation control or water quality improvement that are consistent with the district's comprehensive and annual work plans.

(b) The duration of the contract may be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance received from the district, for failure to complete the systems or practices in a timely manner or maintain the systems or practices as specified in the contract.

(c) A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services in kind.

(d) The state board or the district board may not furnish any financial aid for practices designed only to increase land productivity.

Subd. 6. Rules.

(a) The state board shall adopt rules prescribing:

- (1) procedures and criteria for allocating funds for cost-sharing contracts;
- (2) standards and guidelines for cost-sharing contracts;
- (3) the scope and content of district comprehensive plans, plan amendments, and annual work plans;
- (4) standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high priority erosion, sedimentation, and water quality problems;
- (5) the share of the cost of conservation practices to be paid from cost-sharing funds; and

(6) requirements for districts to document their efforts to identify and contact land occupiers with high priority erosion problems.

(b) The rules may provide that cost-sharing may be used for farmstead windbreaks and shelterbelts for the purposes of energy conservation and snow protection.

HIST: 1990 c 391 art 3 s 23; 1997 c 216 s 91

==103C.601

103C.601 Works of improvement.

Subdivision 1. Authority.

(a) The district board may, if directed by resolution of the boards of commissioners from the counties where the district is located undertake, construct, install, maintain, and operate works of improvement for a district purpose. The district board may:

- (1) use the proceeds of tax levies, assessments, and other available funds for the works of improvement;
- (2) acquire necessary real or personal property by purchase or gift for the works of improvement;
- (3) contract, survey, plan, construct, install, maintain, and operate the works of improvement; and
- (4) exercise other authorized powers.

(b) Two or more district boards may jointly exercise the powers granted by this section.

Subd. 2. Request for project. A program for works of improvement in any area within one or more districts may be initiated upon written request for a project submitted to the district board by one or more of the owners of land in the affected area. The request must include:

- (1) a general description of the area proposed for inclusion in an improvement work unit, with a proposed name or number for the project;
- (2) a description of the affected land owned by the signers; and
- (3) statement of the objectives of the proposed works in furtherance of the authorized purposes, the grounds upon which the project will be of public benefit and utility and promote the public health, safety, and welfare, and special benefits to property that will result from the project.

Subd. 3. Determination by district board. As soon as practicable after receipt of the request the district board shall have necessary preliminary surveys and studies conducted.

Subd. 4. Resolution of establishment.

(a) The district board may, by resolution, recommend the establishment of an improvement work unit and a program for works of improvement in the work unit to the boards of county commissioners of the counties where the affected land is located if the district board determines the proposed works of improvement:

- (1) are feasible;
- (2) will be of public utility and benefit;
- (3) will promote the public health, safety, and welfare; and
- (4) will further the authorized purposes and best interests of the district.

(b) The district board shall by resolution give the improvement work unit an appropriate name or number, which may be different from the one proposed in the initial project request.

(c) The resolution shall recommend definite boundaries for the improvement work unit, which may be those proposed in the request or modified as the district board deems advisable.

(d) In the resolution the district board may also enlarge, reduce, or otherwise modify the proposed objectives of the program, but not make a substantial change in its main purposes as stated in the initial project request unless consented to in writing by the signers of the request.

(e) At any time before further action is taken on the project as provided in section 103C.605 the district board may amend the resolution, subject to the foregoing limitations.

Subd. 5. Preliminary general plan.

(a) After adoption of the resolution recommending the improvement work unit and program under subdivision 4, the district board after being directed by resolution of the affected boards of county commissioners may have further surveys and studies made as necessary.

(b) The district board may then have a preliminary general plan with cost estimates made to implement the program for the improvement work unit or part of the work unit.

Subd. 6. Financial aid.

- (a) The district board, at the direction of the affected county boards, may apply for federal aid, state aid, or aid available from other sources for the works of improvement in the program or part of the works of improvement under federal or state law.
- (b) The district board may take the steps necessary to determine whether aid will be available and the amount of the aid. The district board may consider how the cost of the works not expected to be paid by federal or other aid may be met from funds of the district or from the proceeds of assessments on benefited property or otherwise, and the district board may make estimates of the amounts and sources.

Subd. 7. Necessary cooperation or joint action. If the cooperation or joint action of an adjacent district or other public agency is desirable for the program, the district board, at the direction of the affected county boards, may negotiate with the authorities concerned for cooperation or joint action.

Subd. 8. Recommendation report.

- (a) After completion of the requirements in subdivisions 1 to 7, the district board may make and file a recommendation report, summarizing findings and recommendations for further action on all or part of the program and containing substantially the engineering information required by section 103D.711, subdivisions 1 to 3.
- (b) The district board shall make the recommendation report and the preliminary general plan for the improvement work unit available to the affected county boards and to all other public agencies and concerned persons, and may provide other publicity that it deems advisable. The district board shall transmit a copy of the recommendation report and preliminary general plan to regional development agencies where the project is located. If the preliminary general plan involves a project for which a water use permit or public waters works permit is required from the commissioner of natural resources under chapter 103G, or for which proceedings will be instituted under chapter 103E, the district board shall transmit the recommendation report and plan to the commissioner of natural resources and to the state board.

Subd. 9. State board review.

- (a) The state board shall review the recommendation report and preliminary general plan and, if the state board concludes that the plan is inconsistent with systematic administration of state water policy, the state board shall report the conclusion to the district board and the commissioner of natural resources within 60 days after receiving the recommendation report and preliminary general plan.
- (b) The district board may modify and retransmit the recommendation report and preliminary general plan to the state board, or request a hearing on the recommendation report and preliminary general plan. The state board shall hear the matter in the manner and following the procedures provided in sections 103A.321 to 103A.341, for the hearing of cases when the state board consents to intervention proceedings.
- (c) Unless the state board concludes that the report and plan are inconsistent with state water policy, the district board, with the approval of the county boards, may adopt and sponsor the improvement work unit and a program of work for the unit.

HIST: 1990 c 391 art 3 s 24

==103C.605

103C.605 County determination of project.

Subdivision 1. Petition.

- (a) The county board or joint county board, acting jointly under section 471.59, may take action on a project within the improvement work unit to construct or install works of improvement or part of the works of improvement pursuant to the recommendation report after receiving a petition.
- (b) The petition must be for a project signed by:
 - (1) at least 25 percent of the owners of the land over which the proposed improvement work passes;
 - (2) at least 25 percent of the owners of land where the proposed improvement is located;
 - (3) the owners of at least 30 percent of the land area over which the proposed improvement work passes; or
 - (4) the owners of at least 30 percent of the land area where the proposed project is located.
- (c) The petition must describe the land and request the county board or joint county board to hold a hearing on the practicability and desirability of implementing the project in accordance with the preliminary general plan and the recommendation report of the district board.
- (d) If the recommendation report specifies that part of the cost of the project is to be paid from the proceeds of assessments on benefited property, one or more of the petitioners, upon filing the petition and before action is taken on the petition, must file a bond to the county or counties conditioned as provided by section 103E.202, for a county drainage system, to be approved by the chair of the board.

Subd. 2. Hearing. The county board or joint county board shall set a time and place for the hearing on the petition, and give notice of the hearing as provided in section 103E.261, subdivision 1.

Subd. 3. Resolution for further action.

(a) After the hearing the county board or joint county board may adopt a resolution directing further action on the project if it makes and states findings that implementation of the project as requested in the petition will be:

- (1) feasible;
- (2) in accordance with the recommendation report;
- (3) in furtherance of the objectives and purposes of the recommendation report; and
- (4) within the estimated cost for which funds may reasonably be expected to be available.

(b) By the resolution the county board or joint county board shall determine the amount to be paid from the various sources of available or potentially available funds, including federal aid, district funds, assessments on benefited property, and other funds. The amount payable from district funds may not exceed the value of the general public benefit of the project to the district as determined by the district board.

HIST: 1990 c 391 art 3 s 25

==103C.611

103C.611 Project without assessments.

Subdivision 1. Order establishing project.

(a) If a portion of the project cost is not to be paid from assessments on benefited property, the county board or joint county board may proceed with complete surveys and detailed plans and specifications and make an order establishing the project. The order shall contain findings substantially conforming to those required by section 103E.341, subdivision 2.

(b) Notice summarizing the findings and order shall be served upon the persons entitled to notice of a county drainage project in section 103E.325, unless the notice is waived in writing by each person entitled to the notice. Waiver of notice must be filed with the county auditor.

Subd. 2. Acquisition of property and materials. Unless an appeal is taken within 30 days after the notice is given, the county board or joint county board may proceed to acquire necessary rights or property, procure materials, let contracts, and take other steps appropriate to complete the project.

Subd. 3. Delegation of duties to district. The county board or joint county board may delegate its duties and powers under this section to the district board or joint district board but the district board or joint district board may not exercise the power of eminent domain.

HIST: 1990 c 391 art 3 s 26

==103C.615

103C.615 Action on project with assessments.

Subdivision 1. Viewers. If part of the cost of the project is to be paid from the proceeds of assessments on benefited property, viewers must be appointed as provided in section 103E.305, and report as required by sections 103E.311, 103E.315, and 103E.321.

Subd. 2. Engineering services. The board or joint board of county commissioners shall direct the petitioners or, with its consent, the district board or joint district board, to provide engineering services as necessary to produce final plans adequate for construction of the proposed improvement.

Subd. 3. Hearing. The county board or joint county board shall then give notice of and conduct a final hearing substantially in accordance with sections 103E.325 to 103E.341, as for a drainage proceeding, so far as the procedure is consistent with sections 103C.601 to 103C.635.

Subd. 4. Assessments greater than benefits. If the county board or joint county board determines that the total benefits to property are not as much as the amount payable from the proceeds of assessments as specified in the recommendation report of the district board, the petition shall be dismissed and further action on the project discontinued unless the county board or joint county board determines that the deficiency may be met by increasing the amount payable from other funds.

Subd. 5. Establishment of project.

(a) If it determines that the total benefits to property are as much as or more than the amount payable from the proceeds of assessments as specified in the report and that the other requirements of law have been complied with, the county board or joint county board shall by an order containing the findings establish the project as reported or amended and adopt and confirm the viewers' report as made or amended.

- (b) If the total amount of benefits to be assessed upon property pursuant to the viewers' report as confirmed is greater than the amount specified as payable from assessments in the report of the district board, the county board or joint county board may reduce the amounts payable from other sources in proportions it may determine.
- (c) Further action shall be taken as provided in chapter 103E, so far as is appropriate, except that each tract of land affected shall be assessed for the full amount of benefits, less damages, if any, as shown by the viewers' report as confirmed, unless the total amount of benefits, less damages, exceeds the total actual cost of the project to be paid from the assessments, in which case the cost shall be prorated as provided in section 103E.601.

Subd. 6. County funding share of project.

- (a) Upon filing of the viewers' report as provided in this section, the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvement, as shown by the report and order of the county board or joint county board. The county may issue bonds for the purpose in the amount necessary in the manner provided in section 103E.635.
- (b) The provision of section 103E.635, requiring the county board to let a contract for construction before issuing bonds does not apply to bonds issued to provide funds required to be furnished by this section.

Subd. 7. Delegation of duties to district.

- (a) The county board or joint county board, pursuant to agreement with the district board, may by resolution direct the district to undertake, construct, install, maintain, and operate the improvement upon mutually agreed terms. If it is necessary to acquire property by eminent domain, the county, or the counties acting jointly, shall do so and convey the property to the district pursuant to the agreement.
- (b) If, pursuant to an agreement, the responsibility for an improvement is vested in a district, the county treasurers shall transmit the proceeds of assessments or bond issues, when collected, to the treasurer of the district. The district treasurer shall credit the proceeds to the proper funds under the direction of the district board.

HIST: 1990 c 391 art 3 s 27

==103C.621

103C.621 Project bonds.

The county board may pledge the proceeds of assessments on property made for the purposes of a project, any revenues derived from the project, and the proceeds of tax levies or funds from other sources to pay bonds issued for the project.

HIST: 1990 c 391 art 3 s 28

==103C.625

103C.625 Status of discontinued project.

If a project is discontinued after action on it has begun under section 103C.605, the project shall have the same status as if the action had not begun. The recommendation report of the district board on the project shall continue to be subject to amendment, a new petition for further action may be made at any time as provided in section 103C.605, and further proceedings conducted.

HIST: 1990 c 391 art 3 s 29

==103C.631

103C.631 Repair.

Subdivision 1. Definition of repair. The term "repair" used in this section means to restore a work of improvement or part of it as nearly as practicable to the same condition as when originally constructed or subsequently improved.

Subd. 2. Maintenance of projects required. After the construction of a project is completed and accepted by the board of the county or district board having authority over the project, the county board or district board shall maintain the project or the part of the project that is in its jurisdiction and provide the repairs required to keep the project efficient.

Subd. 3. Repair authority. The county board or district board shall have the powers and duties of the drainage authority under sections 103E.701 to 103E.745, except as provided in subdivision 4.

Subd. 4. Financing repairs. If the board is a district board, the financing of repairs which require assessments and bond issues shall be the responsibility of the county board or joint county board. The county board or joint county board shall finance repairs in the same way as original construction of the project and as provided in sections 103E.701 to 103E.745, so far as appropriate.
HIST: 1990 c 391 art 3 s 30

==103C.635

103C.635 Appeals.

(a) A person aggrieved by an order of a county board or joint county board in a proceeding under sections 103C.601 to 103C.631 may appeal to the district court upon the grounds and in the manner provided by sections 103E.091 and 103E.095, for a county drainage proceeding.

(b) Notices required by sections 103E.091 and 103E.095, to be filed with the county auditor shall also be filed with the district board or joint district board.

(c) An appeal may not be taken from an order made under section 103C.611 or 103C.615 by the board, joint board of county commissioners, district board, or joint district board if the order dismisses a petition or refuses to establish a project.

HIST: 1990 c 391 art 3 s 31

WATERSHED DISTRICTS

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Minnesota Statutes 2002, Chapter 103D.

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==103D.001

103D.001 Citation.

This chapter may be cited as the "Watershed Law."

HIST: 1990 c 391 art 4 s 1

==103D.011

103D.011 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to this chapter.

Subd. 2. Affected. "Affected" means the jurisdiction or property of an entity that receives benefits, is assessed costs, or is part of a watershed district.

Subd. 3. Appraisers. "Appraisers" means the persons appointed by the managers to determine and report benefits and damages arising from a proposed project.

Subd. 4. Auditor. "Auditor" means the county auditor of a county affected by a watershed district.

Subd. 5. Board. "Board" means the board of water and soil resources.

Subd. 6. City. "City" means a statutory or home rule charter city.

Subd. 7. Commissioner. "Commissioner" means the commissioner of natural resources.

Subd. 8. Court administrator. "Court administrator" means the court administrator of the district court of the county where a judicial proceeding concerning a watershed district is pending.

Subd. 9. Director. "Director" means the director of the division of waters of the department of natural resources.

Subd. 10. Engineer. "Engineer" means the engineer designated by the managers to act as engineer.

Subd. 11. Establishment petition. "Establishment petition" means a petition to establish a watershed district and may consist of one or more separate petitions.

Subd. 12. Hearing. "Hearing" means a hearing conducted by the managers or the board of water and soil resources.

Subd. 13. Interested party. "Interested party" means a person or political subdivision with an interest in the pending subject matter. Interested party includes the director or any agency of government.

Subd. 14. Notice by mail. "Notice by mail" means a notice mailed and addressed to each person entitled to receive the notice if the address is known to the auditor or court administrator or can be obtained at the office of the county treasurer of the affected county.

Subd. 15. Managers. "Managers" means the board of managers of a watershed district.

Subd. 16. Metropolitan area. "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

Subd. 17. Municipality. "Municipality" means a statutory or home rule charter city.

Subd. 18. Person. "Person" means an individual, firm, partnership, association, or corporation, but does not include a political subdivision.

Subd. 19. Petition. "Petition" means a petition to begin a project and may consist of one or more separate petitions.

Subd. 20. Political subdivision. "Political subdivision" means a county, town, school district, or a political division or subdivision of the state. Political subdivision does not mean a watershed district unless the context clearly indicates watershed districts are to be included.

Subd. 21. Project. "Project" means planning and development, construction, maintenance, repair, or improvement of a watershed district for a purpose for which the watershed district is established.

Subd. 22. Publication. "Publication" means publication once a week for two successive weeks as provided in section 645.11.

Subd. 23. Public health. "Public health" means an act or thing that tends to improve the general sanitary conditions of the watershed district.

Subd. 24. Public welfare, general welfare, public benefit. "Public welfare," "general welfare," and "public benefit" mean an act or thing that tends to improve, benefit, or contribute to the safety or well-being of the general public, or benefit the inhabitants of the watershed district.

Subd. 25. Resident owner. "Resident owner" means a resident of the state who is the owner of property or the purchaser of property under a contract for deed.

HIST: 1990 c 391 art 4 s 2

==103D.101

103D.101 Board of water and soil resources.

Subdivision 1. District establishment authority. The board has the authority after the filing of an establishment petition to:

- (1) establish a watershed district;
- (2) define the boundaries of the watershed district; and
- (3) appoint the first board of managers of a watershed district.

Subd. 2. Investigations. To implement this chapter and to hold hearings, the chair and members of the board may subpoena witnesses, administer oaths, and compel the production of books, records, and other evidence.

Subd. 3. Examination of witnesses.

- (a) The right to examine and cross-examine witnesses in board hearings is in the same manner as in civil actions.
- (b) All persons must be sworn in before testifying.
- (c) Witnesses must receive the same fees and mileage as in civil actions.

Subd. 4. Records. The board must keep a record of all proceedings before it and maintain the record on file. Copies of the record may be obtained on terms and conditions prescribed by the board.

Subd. 5. Rules of practice. The board may adopt rules of practice for its proceedings and hearings that are consistent with this chapter and other provisions of law.

HIST: 1990 c 391 art 4 s 3; 1995 c 199 s 1

==103D.105

103D.105 Board hearings.

Subdivision 1. Procedure.

- (a) A rulemaking hearing must be conducted under chapter 14.
- (b) Notwithstanding chapter 14, other hearings under this chapter, except hearings under paragraph (a), shall be conducted by the board under this section. The board may refer the hearing to one or more members of the board or an administrative law judge to hear evidence and make findings of fact and report them to the board.

Subd. 2. Procedure for noncontroversial plans or petitions. (a) If the board finds that a watershed management plan or petition that would be given a hearing under subdivision 1, paragraph (b), is noncontroversial, the board may, except in a proceeding to establish or terminate a watershed district, proceed under this subdivision.

- (b) The board must give notice that the watershed management plan or petition has been filed. The notice must be made:
 - (1) by publication in a legal newspaper in each county affected by the watershed district;
 - (2) by mail to the auditor of each county affected by the watershed management plan or petition; and
 - (3) by mail to the chief executive officer of each city affected.
- (c) The notice must:
 - (1) describe the actions proposed by the plan or petition;
 - (2) invite written comments on the plan or petition for consideration by the board;
 - (3) state that a person who objects to the actions proposed in the plan or petition may submit a written request for hearing to the board within 30 days of the last publication of the notice of filing of the plan or petition; and
 - (4) state that if a timely request for hearing is not received, the board may make a decision on the plan or petition at a future meeting of the board.
- (d) If one or more timely requests for hearing are received, the board must hold a hearing on the plan or petition.

HIST: 1990 c 391 art 4 s 4; 1991 c 214 s 3; 1998 c 312 s 2

==103D.111

103D.111 Appeal of board orders.

Subdivision 1. Review of establishment and termination decisions. In a proceeding to establish or terminate a watershed district where the board elected not to refer the proceeding to the office of administrative hearings, a local unit of government or 25 or more residents within the area affected by the proceeding may, prior to judicial appeal of the board's decision, demand a contested case hearing to be conducted by the office of administrative hearings. In the report of the administrative law judge, the fees of the office of administrative hearings and transcript fees may be apportioned among the parties and the board. Apportionment must be based on the degree to which the parties and the board prevailed, or caused unnecessary delay or expense. Following receipt of the report of the administrative law judge, the board shall make a final decision in accordance with chapter 14.

Subd. 2. Appeals of final board decisions. A party that is aggrieved by the final decision made by the board may appeal the decision to the court of appeals in the manner provided by sections 14.63 to 14.69.

HIST: 1990 c 391 art 4 s 5; 1991 c 214 s 4

==103D.201

103D.201 Watershed district purposes.

Subdivision 1. General purposes. To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources, the establishment of watershed districts is authorized under this chapter.

Subd. 2. Specific purposes. A watershed district may be established for any of the following purposes:

- (1) to control or alleviate damage from flood waters;
- (2) to improve stream channels for drainage, navigation, and any other public purpose;
- (3) to reclaim or fill wet and overflowed land;
- (4) to provide a water supply for irrigation;
- (5) to regulate the flow of streams and conserve the streams' water;
- (6) to divert or change all or part of watercourses;
- (7) to provide or conserve water supply for domestic, industrial, recreational, agricultural, or other public use;
- (8) to provide for sanitation and public health, and regulate the use of streams, ditches, or watercourses to dispose of waste;
- (9) to repair, improve, relocate, modify, consolidate, and abandon all or part of drainage systems within a watershed district;
- (10) to control or alleviate soil erosion and siltation of watercourses or water basins;
- (11) to regulate improvements by riparian property owners of the beds, banks, and shores of lakes, streams, and wetlands for preservation and beneficial public use;
- (12) to provide for hydroelectric power generation;
- (13) to protect or enhance the water quality in watercourses or water basins; and
- (14) to provide for the protection of groundwater and regulate its use to preserve it for beneficial purposes.

HIST: 1990 c 391 art 4 s 6

==103D.205

103D.205 Establishment petition.

Subdivision 1. Filing. To establish a watershed district, an establishment petition must be filed with the board.

Subd. 2. Requirements.

(a) The establishment petition must state:

- (1) the name of the proposed watershed district;
- (2) in general terms, a description of the property to be included in the watershed district;
- (3) the necessity for the watershed district and the contemplated improvements within the watershed district;
- (4) the reasons why the watershed district and the contemplated improvements would be conducive to public health and public welfare, or would accomplish any of the purposes in section 103D.201;
- (5) by illustration in a map, the proposed watershed district;
- (6) the number of managers proposed for the watershed district; and
- (7) a list of the nominees for manager positions containing at least twice the proposed number of managers.

(b) The number of managers proposed for a watershed district may not be less than three nor more than nine. A manager must not be a public officer of the county, state, or federal government, except that a soil and water conservation supervisor may be a manager.

Subd. 3. Signatures. The establishment petition must be signed by one or more of the following groups:

- (1) one-half or more of the counties within the proposed watershed district;
- (2) counties having 50 percent or more of the area within the proposed watershed district;
- (3) a majority of the cities within the proposed watershed district; or
- (4) 50 or more resident owners residing in the proposed watershed district, excluding resident owners within the corporate limits of a city if the city has signed the petition.

Subd. 4. Filing establishment petitions. The petitioners must file a copy of the establishment petition with the auditors of the counties affected by the proposed watershed district, the commissioner, and the director. The original establishment petition, with a signed statement of delivery or receipt for each of the establishment petitions submitted to the auditors of affected counties, the commissioners, and the directors, must be filed with the board.

Subd. 5. Similar and duplicate establishment petitions. Similar and duplicate establishment petitions for the same proposed watershed district may be filed and regarded as one establishment petition. All establishment petitions filed before the establishment hearing must be considered by the board as part of the original petition.

Subd. 6. Defective establishment petition. An establishment petition that has the requisite number of petitioner signatures may not be dismissed because of defects in the establishment petition. The board must allow petitioners to amend a defective establishment petition at any time before the end of the establishment hearing.

Subd. 7. Withdrawal of petitioners. After an establishment petition has been filed, a petitioner may not withdraw from the establishment petition unless the withdrawing petitioner obtains the written consent of all other petitioners and files the written consent with the board.

HIST: 1990 c 391 art 4 s 7; 1995 c 199 s 2,3

==103D.211

103D.211 Auditor's certification of petitioners.

An auditor that receives a copy of an establishment petition must determine if the petitioners are resident owners from the tax records. The tax records are prima facie evidence of ownership. The auditor must certify the number of petitioners that are resident owners and file the certification with the board.

HIST: 1990 c 391 art 4 s 8

==103D.215

103D.215 Director's report.

- (a) After receiving a copy of the establishment petition, the director must notify the board that an establishment petition has been received and prepare a preliminary watershed map of and a preliminary report about the watershed district.
- (b) The preliminary watershed map must show the natural watershed boundaries within the proposed watershed district.
- (c) The preliminary report must be based on the establishment petition and other available data and must recommend whether the watershed district should be established.
- (d) The director must submit the preliminary report and the preliminary watershed map to the board within 30 days after the date the establishment petition was received by the director, unless the time is extended by the board.

HIST: 1990 c 391 art 4 s 9

==103D.221

103D.221 Establishment hearing notice.

Subdivision 1. Order for hearing.

- (a) After receiving an establishment petition, the board must determine whether the establishment petition has the requisite number of petitioner signatures.

- (b) If the establishment petition does not have the requisite number of petitioners, the board must dismiss the establishment petition and return it to the petitioners with an explanation of why the petition was dismissed.
- (c) If the board determines that an establishment petition has the requisite number of petitioner signatures, the board must, by order, set a time and location for a hearing on the establishment petition within 35 days after its determination. The hearing must be held within the limits of the proposed watershed district for an establishment hearing unless the board determines a suitable place is not located within the proposed watershed district and selects a place within the limits of a county affected by the proposed watershed district.

Subd. 2. Notice.

- (a) The board must give notice of the establishment hearing by publication in a legal newspaper that is published in counties affected by the proposed watershed district. The last publication must occur at least ten days before the establishment hearing.
- (b) The board must give notice of the establishment hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the proposed watershed district.
- (c) The notice must include:
 - (1) a statement that an establishment petition has been filed with the board and auditors of counties affected by the proposed watershed district;
 - (2) a general description of the need for the proposed district, and the purpose of the proposed watershed district's contemplated improvements, if any;
 - (3) a general description of the property to be included in the proposed watershed district;
 - (4) the date, time, and location of hearing; and
 - (5) a statement that all persons affected or interested in the establishment of the proposed watershed district may attend and give statements at the establishment hearing.

HIST: 1990 c 391 art 4 s 10; 1995 c 199 s 4

==103D.225

103D.225 Establishment hearing.

Subdivision 1. Testimony and continuance.

- (a) The board must allow all persons interested in or affected by the proposed watershed district to be given an opportunity to make oral and written statements at the establishment hearing.
- (b) The board may continue the establishment hearing.

Subd. 2. Establishment determination. If the board determines after the establishment hearing that the establishment of the proposed watershed district would benefit the public welfare and public interest, and would advance the purpose of this chapter, the board must, by order, establish the watershed district.

Subd. 3. Establishment order requirements. The order of the board establishing a watershed district must include:

- (1) the findings of the board supporting its determination to establish the watershed district;
- (2) the official name of the watershed district;
- (3) the location of the principal place of business of the watershed district;
- (4) the boundaries of the watershed district; and
- (5) the names of the managers for the first board of managers selected under subdivision 4.

Subd. 4. Selection of first board of managers.

- (a) The board shall select the first board of managers of a proposed watershed district from the list of nominees in the establishment petition except as provided in paragraph (b). The number of managers may not be less than three nor more than nine, except that a proposed watershed district entirely within the metropolitan area may not have fewer than five managers. A manager may not be a public officer of the county, state, or federal government, except that a soil and water conservation supervisor may be a manager. The term of the first board of managers is for one year and until their successors can be appointed and qualified.
- (b) For a proposed watershed district entirely within the metropolitan area, the board must select managers from a list of persons nominated by one or more of the cities and towns affected by the proposed watershed district. The list must contain at least three nominees for each manager position. The board must select managers to fairly represent the various hydrologic areas within the proposed watershed district according to their residence within an area. If the cities or towns fail to nominate managers under this paragraph, the board shall select managers under paragraph (a).

- (c) In the order establishing a watershed district, the board must prescribe the terms of office for the first board of managers appointed by the county boards as provided in paragraphs (d) to (f).
- (d) If the first board of managers has three members, the term of office for the managers is one for a term of one year, one for a term of two years, and one for a term of three years.
- (e) If the first board of managers has five members, the term of office for the managers is one for a term of one year, two for a term of two years, and two for a term of three years.
- (f) If the first board of managers does not have three or five members, the managers must be appointed so that as nearly as possible one-third serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years.

Subd. 5. Filing establishment order. The board must file a certified copy of the findings and order establishing a watershed district with the secretary of state and, at the same time:

- (1) mail a copy of the findings and order to the auditor of each county affected by the watershed district, the commissioner, and the director; and
- (2) have each manager personally served with a copy of the order.

Subd. 6. Effect of establishment. After the establishment order is filed with the secretary of state, the watershed district is a political subdivision of the state with the power, authority, and duties prescribed in this chapter.

Subd. 7. Existence of watershed district. A watershed district established under this chapter exists from the time the order establishing the watershed district is filed with the secretary of state until the watershed district is terminated.

HIST: 1990 c 391 art 4 s 11

==103D.231

103D.231 Dismissal of establishment proceedings.

If the board determines that establishment of a proposed watershed district in an establishment petition would not benefit the public welfare and public interest, or would not serve the purpose of this chapter, the board must, by order, dismiss the establishment proceedings. A copy of the order dismissing the establishment proceeding must be mailed immediately to the auditors of counties affected by the proposed watershed district, the commissioner, and the director.

HIST: 1990 c 391 art 4 s 12

==103D.251

103D.251 Watershed district boundary changes.

Subdivision 1. Boundary requirement. The boundaries of a watershed district as established or changed must define contiguous areas. The boundaries may include all or part of one or more watersheds or counties.

Subd. 2. Procedure. The boundaries of a watershed district may be changed as provided in this section, and for a watershed district entirely within the metropolitan area the boundary may also be changed as provided in sections 103B.215 and 103B.225.

Subd. 3. Initiation. A proceeding to change the boundary of a watershed district must be initiated by a petition to the board requesting the boundary change.

Subd. 4. Petition. A petition for a watershed district boundary change must state:

- (1) the names of watershed districts affected by the proposed boundary changes;
- (2) a description, in general terms, of the property affected by the proposed boundary change;
- (3) reasons why the proposed boundary change would benefit the affected watershed districts;
- (4) by illustration in a map, the proposed boundary change, including watershed districts affected by the proposed boundary change; and
- (5) a request for the board to establish the proposed boundary change.

Subd. 5. Petition signatures.

(a) A petition for a watershed boundary change must be signed by:

- (1) at least one-half of the counties within the proposed watershed district if the boundary change were adopted;
- (2) counties having at least 50 percent of the area within the proposed watershed district if the boundary change were adopted;
- (3) a majority of the cities within the proposed watershed district if the boundary change were adopted;

- (4) at least 50 resident owners in the proposed watershed district if the boundary change were adopted, excluding resident owners within the corporate limits of a city, if the city has signed the petition; or
- (5) the managers of a watershed district affected by the proposed boundary change.
- (b) The managers must pass a resolution authorizing the boundary change before the managers sign a petition for a boundary change.

Subd. 6. Hearing. The board must set a time and location for a hearing and give notice of the hearing in the same manner as an establishment hearing. If a petition for a boundary change involves a common boundary of two or more watershed districts, the board must determine the watershed district where the hearing will be held.

Subd. 7. Establishment of boundary change. (a) After the hearing on the petition for a boundary change, the board must establish the proposed boundary change, by order, if the board determines that establishment of the proposed boundary change would benefit the public welfare and public interest and the proposed boundary change would advance the purpose of this chapter.

- (b) In the order establishing the boundary change, the board must include:
 - (1) the findings of the board supporting its determination to establish the boundary change; and
 - (2) the boundaries of watershed districts affected by the boundary change.
- (c) The board must file a certified copy of the findings and order establishing the boundary change with the secretary of state and, at the same time, mail a copy of the order to the auditors of counties affected by the change, the commissioner, the director, and the managers of watershed districts affected by the change.
- (d) The boundary change is effective the day the certified order establishing the boundary change is filed with the secretary of state.

Subd. 8. Dismissal of proceedings. If the board determines that a watershed district boundary change would not benefit the public welfare and public interest or would not serve the purposes of this chapter, the board must, by order, dismiss proceedings to change a watershed district boundary. A copy of the order dismissing the boundary change proceedings must be mailed to auditors of counties affected by the proposed boundary change, the commissioner, the director, and the boards of managers of watershed districts affected by the proposed boundary change.

HIST: 1990 c 391 art 4 s 13

==103D.255

103D.255 Withdrawal of territory.

Subdivision 1. Petition.

- (a) Proceedings to withdraw territory from an existing watershed district must be initiated by a petition filed with the board.
- (b) The required signatures on a petition for withdrawal are the same as prescribed for an establishment petition, but the percentages must be calculated only with reference to the territory that is proposed to be withdrawn from the watershed district.
- (c) The petition must state that:
 - (1) the territory described has not received or will not receive any benefits from the operation of the watershed districts;
 - (2) the watershed district can perform the functions for which it was established without the inclusion of the territory; and
 - (3) the territory is not, in fact, a part of the watershed.
- (d) The petition must request the release of the described territory from the watershed district.
- (e) The petition must be served on the board and any affected watershed district, and the board shall proceed as prescribed for an establishment petition. The requirements for notices and public hearings are as prescribed for the establishment petition.

Subd. 2. Board's order of withdrawal.

- (a) After the hearing the board may issue an order releasing the territory, or a part of the territory, as described in the petition, if the board determines that:
 - (1) the territory described in the petition has not received and will not receive any benefit from the operation of the watershed district;
 - (2) the watershed district can perform the functions for which it was established without the inclusion of the territory; and
 - (3) the territory is not, in fact, a part of the watershed.
- (b) Property may not be released that has been determined subject to benefits or damages for a project previously constructed.
- (c) Property released remains liable for the proportionate share of any indebtedness existing at the time of the order. Levies on the property released continue in force until fully paid.

- (d) If the board determines that the order prescribing the distribution of managers should be amended following the withdrawal of any territory, the board may direct redistribution of managers in the order authorizing the withdrawal.

HIST: 1990 c 391 art 4 s 14; 1995 c 199 s 5

==103D.261

103D.261 Proceedings to enlarge a watershed district.

Subdivision 1. Petition.

(a) Proceedings to enlarge an existing watershed district must be initiated by a petition filed with the board. The required signatures on a petition to enlarge are the same as for an establishment petition, but the percentages must be calculated only with reference to the territory that is proposed to be added to the watershed district. The petition must:

- (1) state that the area to be added is contiguous to the existing watershed district;
- (2) state that the area can be feasibly administered by the managers of the existing watershed district;
- (3) state reasons why adding the area to the existing watershed district would be conducive to the public health and welfare;
- (4) include a map of the affected area;
- (5) state the name of the proposed enlarged watershed district, if other than that of the existing watershed district; and
- (6) state a request for the addition of the proposed territory.

(c) The petition must be served on the board and affected watershed districts, and the board must proceed as prescribed for an establishment petition.

(d) The requirement of notice and public hearings is as prescribed for the establishment petition.

Subd. 2. Board order.

(a) After the hearing, if the board determines that the enlargement of the watershed district as asked for in the petition would be for the public welfare and public interest and the purpose of this chapter would be served, the board shall, by making findings and an order, enlarge the watershed district and file a certified copy of the findings and order with the secretary of state.

(b) The name of the watershed district may be changed by order of the board if requested in the petition to enlarge the watershed district.

Subd. 3. Distribution of managers in enlarged watershed district. If the enlarged watershed district affects more than one county, the distribution of the managers among the counties affected shall be as directed by the board in the order enlarging the watershed district.

HIST: 1990 c 391 art 4 s 15; 1995 c 199 s 6

==103D.265

103D.265 Consolidation of districts.

Subdivision 1. Petition.

(a) Proceedings for the consolidation of two or more watershed districts must be initiated by a petition filed with the board.

(b) The petition must be signed by each watershed district affected and state:

- (1) the names of the watershed districts to be consolidated;
- (2) that the watershed districts are adjoining;
- (3) that the consolidated watershed districts can be feasibly administered as one watershed district;
- (4) the proposed name of the consolidated watershed district;
- (5) the reasons why it would be conducive to the public health, convenience and welfare to consolidate the watershed districts; and
- (6) a request for the consolidation.

(c) The petition must be served and the board shall proceed as prescribed for an establishment petition. The requirement of notice and public hearings are as prescribed for the establishment petition.

Subd. 2. Board's order and findings.

- (a) After the hearing, if the board determines that consolidation of the watershed districts as asked in the petition would serve the public welfare, public interest, and the purpose of this chapter, the board shall, by its findings and order, consolidate the watershed districts.
- (b) The board shall file a certified copy of the findings and order with the secretary of state.
- (c) The name of the watershed district may be changed by order of the board.

Subd. 3. New managers.

- (a) The term of office of the managers of the consolidated watershed districts ends on the date of the order of consolidation. Distribution of the managers of the consolidated watershed district shall be as directed by the board in the order of consolidation.
- (b) Five managers of the consolidated watershed district must be appointed from the managers of the consolidated watershed districts. Their first term shall be for one year. After the first year, the managers must be appointed as provided in this chapter.

Subd. 4. Watershed district assets and liabilities.

- (a) The real and personal property assets of the watershed districts involved and all legally valid and enforceable claims and contract obligations of the watershed districts pass to the new watershed district.
- (b) Levies on the property of the watershed districts consolidated continue in force until fully paid.
- (c) Property in the watershed districts remains liable for its proportionate share of indebtedness existing at the time of the order.

Subd. 5. New plan. The watershed management plans of the watershed districts that were consolidated become the watershed management plan of the consolidated watershed district.

HIST: 1990 c 391 art 4 s 16

==103D.271

103D.271 Procedure for termination of watershed district.

Subdivision 1. Procedure. A watershed district may be terminated under this section and a watershed district entirely within the metropolitan area may also be terminated under sections 103B.221 and 103B.225.

Subd. 2. Initiation. Proceedings for the termination of a watershed district may only be initiated by filing a termination petition with the board.

Subd. 3. Frequency of termination petition. The board may not accept a termination petition within five years from the date of a watershed district's establishment. The board may not make determinations or accept termination petitions for watershed districts more than once in five years.

Subd. 4. Termination petition.

- (a) The termination petition must be signed by at least 25 percent of the resident owners residing in the watershed district. The termination petition must state that the existence of the watershed district does not benefit the public welfare and public interest and the watershed district is not needed to accomplish the purposes of this chapter.
- (b) The petitioners must file a copy of the termination petition with the auditors of the counties affected by the watershed district. The original termination petition with a statement signed for delivery or receipt of each of the termination petitions submitted to the auditors of counties affected by the watershed district must be filed with the board.

Subd. 5. Auditor's determination of resident owners. An auditor who receives a termination petition must determine from the tax records whether the petitioners are resident owners within the watershed district. The auditor must certify the number of petitioners that are resident owners and file the certification with the board.

Subd. 6. Petitioners' bond. Before the board gives notice of a termination hearing, the petitioners must file a bond with the board. The bond must be in an amount determined by the board and is subject to the board's approval. The bond must state that the petitioners will pay all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

Subd. 7. Termination hearing order. When the board determines a termination petition has been filed that meets the requirements of subdivisions 4 and 5 and the petitioners' bond has been filed, the board must, by order, set a time by 35 days after its determination and a location within the watershed district for a termination hearing.

Subd. 8. Hearing notice.

- (a) The board must give notice of the termination hearing by publication in a legal newspaper that is published in counties affected by the watershed district. The last publication must occur at least ten days before the termination hearing.
- (b) The board must give notice of the termination hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.
- (c) The notice must include:
 - (1) a statement that a termination petition has been filed with the board and auditors of the counties affected by the watershed district;
 - (2) a general description of why the watershed district is to be terminated;
 - (3) a general description of the property within the watershed district;
 - (4) the date, time, and location of the hearing; and
 - (5) a statement that all persons affected by or interested in the watershed district may attend and give statements at the termination hearing.

Subd. 9. Termination hearing. The board must allow all persons affected by or interested in the watershed district to make oral and written statements at the termination hearing. The board may continue the termination hearing.

Subd. 10. Termination order.

- (a) If, after the termination hearing, the board determines that the existence of the watershed district does not benefit the public welfare and public interest and the watershed district is not needed to accomplish the purpose of this chapter, the board must issue a termination order.
- (b) The termination order must include findings that support termination of the watershed district and a statement that the watershed district is terminated.
- (c) The board must file a certified copy of the termination order with the secretary of state.
- (d) A watershed district ceases to be a political subdivision and ceases to exist when a termination order for the watershed district is filed with the secretary of state.

HIST: 1990 c 391 art 4 s 17; 1995 c 199 s 7,8

==103D.301

103D.301 Distribution of manager positions.

Subdivision 1. More than one affected county. If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district.

Subd. 2. More than five affected counties. If more than five counties are affected by a watershed district, the board may provide for the orderly distribution of the managers by identifying the manager areas within the watershed district and selecting the county board of commissioners for each manager's area to appoint a manager.

Subd. 3. Redistribution.

- (a) After ten years from the establishment of the watershed district, the county board of commissioners of a county affected by the watershed district may petition the board to redistribute the managers. After holding a public hearing on redistributing the managers, the board may redistribute the managers among the counties affected by the watershed district if the redistribution is in accordance with the policy and purposes of this chapter.
- (b) A petition for the redistribution of managers may not be filed with the board more often than once in ten years.
- (c) If more than one county is affected by a watershed district, the board must distribute the one-, two-, and three-year terms among counties affected by the watershed district.

HIST: 1990 c 391 art 4 s 18

==103D.305

103D.305 Increasing number of managers.

Subdivision 1. Initiation. A proceeding to increase the number of managers of a watershed district must be initiated by filing a petition with the board.

Subd. 2. Petition signatures. The petition to increase the number of managers must request the increase and be signed by one or more of the following groups:

- (1) one-half or more of the counties within the watershed district;
- (2) counties with 50 percent or more of the area within the watershed district;
- (3) a majority or greater number of the cities within the watershed district;
- (4) 50 or more resident owners residing in the watershed district, excluding resident owners within the corporate limits of a city if the city has signed the petition; or
- (5) the managers of the watershed district.

Subd. 3. Hearing order. When the board receives a petition to increase the number of managers of a watershed district, the board must order a hearing on the petition.

Subd. 4. Hearing notice.

- (a) The board must give notice of the hearing to increase the number of managers by publication in a legal newspaper published in counties affected by the watershed district. The last publication must occur at least ten days before the hearing.
- (b) The board must give notice of the hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.
- (c) The notice must include:
 - (1) a statement that a petition to increase the number of managers of the watershed district has been filed with the board;
 - (2) a general description of the purpose of the watershed district;
 - (3) a general description of the property in the watershed district;
 - (4) the date, time, and location of the hearing; and
 - (5) a statement that all persons affected or interested in the watershed district may attend and give statements at the hearing.

Subd. 5. Hearing.

- (a) If the board determines at the hearing that an increase in the number of managers would benefit the public welfare, public interest, and the purpose of this chapter, the board must increase the number of managers.
- (b) If the watershed district affects more than one county, the board, by order, must direct the distribution of the managers among the affected counties.

HIST: 1990 c 391 art 4 s 19; 1995 c 199 s 9

==103D.311

103D.311 Appointment of managers.

Subdivision 1. Manager qualifications. A person may not be appointed as a manager who:

- (1) is not a voting resident of the watershed district; and
- (2) is a public officer of the county, state, or federal government, except that a soil and water conservation supervisor may be a manager.

Subd. 2. Appointment.

- (a) At least 30 days before the terms of office of the first managers named by the board expire, the county commissioners of each county responsible for appointing a manager to the watershed district must meet and appoint successors.
- (b) The county commissioners must meet at least 30 days before the term of office of any manager expires and appoint a successor.
- (c) A vacancy occurring in an office of a manager must be filled by the appointing county board.
- (d) Appointing county boards shall provide public notice before making appointments. Published notice must be given at least once by publication in a newspaper of general circulation in the watershed district at least 15 days before an appointment or reappointment is made. The notice must state that persons interested in being appointed to serve as a watershed district manager may submit their names to the county board for consideration.

Subd. 3. Nominees for city initiated and metropolitan watershed districts.

- (a) If the establishment petition that initiated the watershed district originated from a majority of the cities within the watershed district, the county commissioners must appoint the managers from a list of persons nominated by one or more of the townships and municipalities located within the watershed district. If the district is wholly within the metropolitan area, the county commissioners shall appoint the managers from a list of persons nominated jointly or severally by the towns and

municipalities within the district. The list must contain at least three nominees for each manager's position to be filled. The list must be submitted to the county boards affected by the watershed district at least 60 days before the manager's term of office expires. The county commissioners may appoint any managers from towns and municipalities that fail to submit a list of nominees.

(b) If the list is not submitted 60 days before the managers' terms of office expire, the county commissioners must appoint the managers from eligible persons residing in the watershed district.

(c) Managers of a watershed district entirely within the metropolitan area must be appointed to fairly represent the various hydrologic areas within the watershed district by residence of the manager appointed.

Subd. 4. Record of appointed managers. A record of all appointments made under this section must be filed with the county auditor of each county affected by the watershed district, the secretary of the board of managers, and the board of water and soil resources.

HIST: 1990 c 391 art 4 s 20; 1990 c 601 s 3; 1992 c 466 s 1,2; 1995 c 199 s 10

==103D.315

103D.315 Managers.

Subdivision 1. Oath. Each manager must take and sign the oath defined in the Minnesota Constitution, article V, section 6. The signed oath must be filed with the board.

Subd. 2. Bond.

(a) Each manager must file a bond with the board before assuming the manager's duties. The bond may be:

(1) a personal bond for each manager;

(2) a schedule or position bond or undertaking by the managers of the watershed district; or

(3) a single corporate surety fidelity, schedule or position bond or undertaking covering all managers and employees of the watershed district, including officers and employees required by law to furnish an individual bond or undertaking.

(b) The amount of the bond for managers is \$1,000, unless increased by the board. The amount of the bond for officers and employees of the watershed district is the amount set by law or by the person or board authorized to set the amounts.

(c) The bond must be conditioned substantially as provided in section 574.13.

(d) The premium for the bond must be paid by the watershed district.

Subd. 3. Officers. After filing the bond, the managers must elect different managers as president, secretary, and treasurer. The managers must fill vacancies occurring in the officers' positions. The managers must provide the necessary books, records, furniture, and equipment for the officers to perform their official duties.

Subd. 4. Seal. The managers must adopt a seal for the watershed district.

Subd. 5. Records. The managers must keep efficient records of all proceedings, minutes, certificates, contracts, bonds of the board's employees, and all other business transacted or action taken by the managers. The records must be open to inspection by the property owners within the watershed district and all other interested parties at all reasonable times.

Subd. 6. Terms of office. The term of office for a manager is three years except for the first board of managers appointed by the state board and the first board appointed by the county board. A manager's term continues until a successor is appointed and qualified.

Subd. 7. Vacancies. The provisions of section 351.02 regarding vacancies apply to members of the board of managers.

Subd. 8. Compensation. The compensation of managers for meetings and for performance of other necessary duties may not exceed \$55 a day. Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties.

Subd. 9. First meeting of managers.

(a) Within ten days after the first board of managers has received notice by personal service of their selection, the managers must meet at the watershed district's principal place of business.

(b) At the first meeting, the managers must take the oath under subdivision 1, provide a bond under subdivision 2, elect officers under subdivision 3, and appoint an advisory committee under section 103D.331.

Subd. 10. Meetings. The managers shall meet annually and at other necessary times to transact the business of the watershed district. A meeting may be called at any time at the request of any manager. When a manager requests a meeting, the secretary of the watershed district must mail a notice of the meeting to each member at least eight days before the meeting.

Subd. 11. Administration bylaws. The managers shall adopt bylaws for the administration of the business and affairs of the watershed district. Bylaws adopted under this subdivision are not subject to section 103D.341.

HIST: 1990 c 391 art 4 s 21; 1995 c 199 s 11-13

==103D.321

103D.321 Principal place of business

Subdivision 1. Unavailable public facilities. If public facilities are not available for a watershed district's principal place of business within the watershed district, the board shall determine and designate the nearest suitable public facility as the watershed district's principal place of business.

Subd. 2. Change of principal place of business.

- (a) The managers may initiate a change of the principal place of business to a different location within the watershed district by passing a resolution stating the proposed change of location. After passing the resolution, the managers must set a time and location for a hearing on the change of the principal place of business.
- (b) The managers must give notice of the hearing by publication in a legal newspaper, published in the counties affected by the watershed district, with the last publication occurring at least ten days before the hearing. Notice of the hearing must be mailed to the auditors of counties affected by the watershed district ten days before the hearing. After the hearing, the managers may, by order, change the place of business.
- (c) The change of the principal place of business of the watershed district is effective when a certified copy of the managers' order is filed with the secretary of state and the board.

HIST: 1990 c 391 art 4 s 22; 1995 c 199 s 14

==103D.325

103D.325 Employees.

Subdivision 1. Employment authority. The managers may employ a chief engineer, professional assistants, and other employees, and provide for their qualifications, duties, and compensation.

Subd. 2. Bond. The managers may require an officer or employee of the watershed district to give a bond for the faithful performance of duties in an amount prescribed by the manager. The cost of the bond must be paid from the funds of the watershed district.

Subd. 3. Chief engineer. The chief engineer is superintendent of all the works and improvements undertaken by the district. The chief engineer must make a full engineer's report to the managers each year, and more often if necessary. A copy of the engineer's report and all recommendations by the chief engineer must be transmitted to the managers and the director.

HIST: 1990 c 391 art 4 s 23

==103D.331

103D.331 Advisory committee.

Subdivision 1. Purpose. The managers must annually appoint an advisory committee to advise and assist the managers on all matters affecting the interests of the watershed district and make recommendations to the managers on all contemplated projects and improvements in the watershed district.

Subd. 1a. Duties. For purposes of carrying out its duties under this section the advisory committee shall:

- (1) elect a chair from its membership;
- (2) elect a recorder from its membership;
- (3) establish a meeting schedule, which at a minimum meets annually;
- (4) consider issues pertinent to the functions and purposes of the watershed district;
- (5) review and comment on reports, minutes, activities, and proposed projects of the managers; and
- (6) report to the managers the general content of advisory committee meetings and resulting recommendations.

Subd. 2. Members.

(a) The advisory committee consists of at least five members. If practicable, the advisory committee members selected should include a representative from each soil and water conservation district, a representative of each county, a member of a sporting organization, and a member of a farm organization. Other advisory committee members may be appointed at the discretion of the managers. The members must be residents of the watershed district, except representatives from soil and water conservation districts and counties, and serve at the pleasure of the managers.

(b) In addition, the managers may appoint other interested and technical persons who may or may not reside within the watershed district to serve at the pleasure of the managers.

Subd. 3. Expense reimbursement. The managers may reimburse members of the advisory committee for actual traveling and other necessary expenses incurred in the performance of duties in the amount as provided for state employees.

HIST: 1990 c 391 art 4 s 24; 1995 c 199 s 15

==103D.335

103D.335 District and managers' powers.

Subdivision 1. General powers of watershed district. A watershed district has the power, to the extent necessary for lawful conservation purposes:

- (1) to sue and be sued;
- (2) to incur debts, liabilities, and obligations;
- (3) to exercise the power of eminent domain;
- (4) to provide for assessments and to issue certificates, warrants, and bonds; and
- (5) to perform all acts expressly authorized, and all other acts necessary and proper for the watershed district to carry out and exercise the powers expressly vested in it.

Subd. 2. Joint powers. Section 471.59 relating to joint power authority applies to watershed districts organized under this chapter.

Subd. 3. Acquisition and disposition of property from state and federal agencies. Section 471.64 relating to acquisition and disposition of property from the United States and state agencies applies to watershed districts organized under this chapter.

Subd. 4. General managers' powers.

- (a) The managers may use the powers in subdivisions 5 to 23 to implement this chapter.
- (b) The exercise of the managers' powers is subject to review by the board as provided in this chapter.

Subd. 5. Data acquisition. The managers may:

- (1) make necessary surveys or use other reliable surveys and data and develop projects and programs to acquire data to accomplish the purposes for which the watershed district is organized; and
- (2) establish and maintain devices for acquiring and recording hydrological and water quality data.

Subd. 6. Projects not requiring a petition. The managers may initiate, undertake, and implement projects not required to be instituted by a petition under section 103D.701.

Subd. 7. Cooperate with other entities. The managers may cooperate or contract with any state or subdivision of a state or federal agency, private corporation, political subdivision, or cooperative association.

Subd. 8. Ditch and watercourse work. The managers may construct, clean, repair, alter, abandon, consolidate, reclaim, or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the watershed district.

Subd. 9. Water control works. The managers may acquire, operate, construct, and maintain dams, dikes, reservoirs, water supply systems, and appurtenant works.

Subd. 10. Water use and conservation. The managers may regulate, conserve, and control the use of water within the watershed district.

Subd. 11. Acquisition of property. The managers may acquire by gift, purchase, taking under the procedures of this chapter, or by the right of eminent domain, necessary real and personal property. The watershed district may acquire property outside the watershed district where necessary for a water supply system.

Subd. 12. Acquisition of insurance. The managers may contract for or purchase insurance the managers find necessary for the protection of the watershed district.

Subd. 13. Construction or implementation contracts. The managers may enter into contracts of construction or implementation authorized by this chapter.

Subd. 14. Entry on lands. The managers may enter lands inside or outside the watershed district to make surveys and investigations to accomplish the purposes of the watershed district. The watershed district is liable for actual damages resulting from entry.

Subd. 15. Take over drainage system. The managers may take over when directed by a drainage authority all joint county or county drainage systems within the watershed district, together with the right to repair, maintain, and improve them.

Subd. 16. Sanitation and pollution prevention. The managers may provide for sanitation and public health and regulate the use of streams, ditches, or watercourses to dispose of waste and prevent pollution.

Subd. 17. Borrowing funds. The managers may borrow funds from an agency of the federal government, a state agency, a county where the watershed district is located in whole or in part, or a financial institution authorized under chapter 47 to do business in this state. A county board may lend the amount requested by a watershed district. A watershed district may not have more than a total of \$200,000 in loans from counties and financial institutions under this subdivision outstanding at any time.

Subd. 18. Floodplain maps. The managers may prepare a floodplain map of the lands of the watershed district that are in the floodplain of lakes and watercourses. The map must be made available to the counties and local municipalities for inclusion in floodplain ordinances. It must conform to rules of the commissioner setting standards for designation of floodplain areas.

Subd. 19. Open space and greenbelts. The managers may prepare an open space and greenbelt map of the lands of the watershed district that should be preserved and included in the open space and greenbelt land areas of the watershed district. The map must be made available to the counties and local municipalities for inclusion in floodplain and shoreland ordinances. The managers may control the use and development of land in the floodplain and the greenbelt and open space areas of the watershed district. The managers may adopt, amend, or repeal rules to control encroachments, the changing of land contours, the placement of fill and structures, and the placement of encumbrances or obstructions, and may require a landowner to remove fill, structures, encumbrances, or other obstructions and restore the previously existing land contours and vegetation. The managers may by rule provide a procedure for the watershed district to do the work required and assess its cost against the affected property as a special assessment. The rules apply only in the absence of county or municipal ordinances regulating the items set forth in this subdivision. The rules must be adopted in accordance with section 103D.341. Except as provided in section 103D.345, subdivision 3, rules adopted under this subdivision apply to the state.

Subd. 20. State association membership. The managers may appropriate necessary funds to provide for membership in a state association of watershed districts whose purpose is to improve watershed governmental operations.

Subd. 21. Contracts. The managers may make contracts or other arrangements with the federal government, persons, railroads or other corporations, political subdivisions, and the state or other states, with drainage authorities, flood control, soil conservation, or other improvement districts in this state or other states, for cooperation or assistance in constructing, maintaining, and operating the projects of the watershed district, or for the control of its waters, or for making surveys and investigations or reports on them.

Subd. 22. Projects in other states. The managers may purchase, lease, or acquire land or other property in adjoining states to secure outlets, to construct and maintain dikes or dams or other structures for the purposes of this chapter.

Subd. 23. Metropolitan watershed districts.

(a) A watershed district located wholly within the metropolitan area has the duties and powers in section 103B.211.

(b) Notwithstanding any contrary provision of this section, a watershed district located entirely within the metropolitan area may regulate the use and development of land only under the conditions specified in section 103B.211, subdivision 1.

Subd. 24. Exemption from political subdivision permit fees. A watershed district is exempt from fees charged by political subdivisions for permits required for activities conducted under subdivisions 8 to 10.

Subd. 25. Water resource management activities. The managers may conduct studies and monitoring of water resources within the watershed district and implement water resource management programs.

HIST: 1990 c 391 art 4 s 25; 1992 c 466 s 3; 1995 c 199 s

16-20; 1995 c 220 s 92

==103D.337

103D.337 Technical advisory committees.

For a district wholly within the metropolitan area, the board of managers shall establish a technical advisory committee consisting of representatives of affected statutory and home rule charter cities, counties, and soil and water conservation districts.

HIST: 1990 c 601 s 4

==103D.341

103D.341 Rules.

Subdivision 1. Requirement. The managers must adopt rules to accomplish the purposes of this chapter and to implement the powers of the managers.

Subd. 2. Procedure.

(a) Rules of the watershed district must be adopted or amended by a majority vote of the managers, after public notice and hearing. Rules must be signed by the secretary of the board of managers and recorded in the board of managers' official minute book.

(b) Prior to adoption, the proposed rule or amendment to the rule must be submitted to the board for review and comment. The board's review shall be considered advisory. The board shall have 45 days from receipt of the proposed rule or amendment to the rule to provide its comments in writing to the watershed district.

(c) For each county affected by the watershed district, the managers must publish a notice of hearings and adopted rules in one or more legal newspapers published in the county and generally circulated in the watershed district. The managers must file adopted rules with the county recorder of each county affected by the watershed district and the board.

(d) The managers must mail a copy of the rules to the governing body of each municipality affected by the watershed district.

Subd. 3. Notification for rule that affects city. A rule or resolution that affects land or water within the boundaries of a city is not effective within the city's boundaries until the governing body of the city is notified.

HIST: 1990 c 391 art 4 s 26; 1995 c 199 s 21

==103D.345

103D.345 Permits.

Subdivision 1. Application fee. A person applying for a permit required by the managers under a rule controlling the use and development of land in the floodplain, greenbelt, and open space areas of the watershed district must accompany the application with a permit application fee to defray the cost of recording and processing the application. The managers may set the fee not to exceed \$10.

Subd. 2. Field inspection fee. The managers may charge, in addition, a field inspection fee of at least \$35. The inspection fee must be used to cover actual costs related to a field inspection. Inspection costs include investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged and collected as necessary after issuance of the permit.

Subd. 3. Government agencies exempt. The fees in subdivisions 1 and 2 may not be charged to the federal government, the state, or a political subdivision.

Subd. 4. Bond. The managers may require an applicant for a permit to file a bond with the managers in an amount set by the managers and conditioned on performance by the applicant of authorized activities in conformance with the terms of the permit.

Subd. 5. Applicability of permit requirements to state. A rule adopted by the managers that requires a permit for an activity applies to the department of transportation.

HIST: 1990 c 391 art 4 s 27; 1996 c 407 s 42

==103D.351

103D.351 Annual report.

- (a) The managers must prepare a yearly report of the financial conditions of the watershed district, the status of all projects, the business transacted by the watershed district, other matters affecting the interests of the watershed district, and a discussion of the managers' plans for the succeeding year.
- (b) Copies of the report must be transmitted to the board of water and soil resources, the commissioner, and the director within a reasonable time.

HIST: 1990 c 391 art 4 s 28; 1995 c 199 s 22

==103D.355

103D.355 Annual audit.

Subdivision 1. Requirement. The managers must have an annual audit completed of the books and accounts of the watershed district. The annual audit may be made by a public accountant or by the state auditor. The annual audit must be made by a certified public accountant or the state auditor at least once every five years, or when cumulative district revenues or expenditures exceed an amount established by the board in consultation with the state auditor.

Subd. 2. Audit by state auditor.

- (a) If the annual audit is to be made by the state auditor, the audit must be initiated by a petition of the resident owners of the watershed district or resolution of the managers of the watershed district. The petition must request an annual audit pursuant to the authority granted municipalities under sections 6.54 and 6.55.
- (b) If the audit is made by the state auditor, the watershed district receiving the examination must pay the state the total cost and expenses of the examination, including the salaries paid to the examiners while actually engaged in making the examination. The general fund must be credited with all collections made for examinations under this subdivision.

Subd. 3. Reports for state auditor. The managers must make and submit reports demanded by the state auditor.

HIST: 1990 c 391 art 4 s 29; 1992 c 466 s 4

==103D.401

103D.401 Watershed management plan.

Subdivision 1. Contents.

- (a) The managers must adopt a watershed management plan for any or all of the purposes for which a watershed district may be established. The watershed management plan must give a narrative description of existing water and water-related problems within the watershed district, possible solutions to the problems, and the general objectives of the watershed district. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the board of water and soil resources.
- (b) The watershed management plan may include a separate section on proposed projects. If the watershed district is within the metropolitan area, the separate section of proposed projects or petitions for projects to be undertaken according to the watershed management plan is a comprehensive plan of the watershed district for purposes of review by the metropolitan council under section 473.165.

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

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

Subd. 4. Hearing notice.

- (a) The board must give notice and hold a watershed management plan hearing on the proposed watershed management plan by 45 days after receiving the director's and metropolitan council's recommendations.
- (b) The board must give notice of the watershed management plan hearing by publication in a legal newspaper that is published in counties affected by the watershed district. The last publication must occur at least ten days before the watershed management plan hearing.
- (c) The board must give notice of the watershed management plan hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.
- (d) The notice must include:
 - (1) a statement that a copy of the proposed watershed management plan has been filed with the board, the metropolitan council, where applicable, the auditors of counties affected by the proposed watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and the soil and water conservation districts affected by the watershed district;
 - (2) a general description of the purpose of the watershed district;
 - (3) a general description of the property included in the watershed district;
 - (4) a general description of the proposed watershed management plan;
 - (5) the date, time, and location of the hearing; and
 - (6) a statement that all persons affected or interested in the watershed district may attend and give statements at the watershed management plan hearing.

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

HIST: 1990 c 391 art 4 s 30; 1995 c 199 s 23,24

==103D.405

103D.405 Revised watershed management plan.

Subdivision 1. Requirements.

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

Subd. 2. Required ten-year revision.

- (a) After ten years and six months from the date that the board approved a watershed management plan or the last revised watershed management plan, the managers must consider the requirements under subdivision 1 and adopt a revised watershed management plan outline and send a copy of the outline to the board.
- (b) By 60 days after receiving a revised watershed management plan outline, the board must review it, adopt recommendations regarding the revised watershed management plan outline, and send the recommendations to the managers.
- (c) By 120 days after receiving the board's recommendations regarding the revised watershed management plan outline, the managers must complete the revised watershed management plan.

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

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

Subd. 5. Notice.

- (a) The board must give notice and hold a revised watershed management plan hearing on the proposed revised watershed management plan by 45 days after receiving the director's and metropolitan council's recommendation.
- (b) The board must give notice of the revised watershed management plan hearing by publication in a legal newspaper published in counties affected by the watershed district. The last publication must occur at least ten days before the revised watershed management plan hearing.
- (c) The board must give notice of the revised watershed management plan hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.
- (d) The notice must include:
 - (1) a statement that a copy of the proposed revised watershed management plan has been filed with the board, the metropolitan council, where applicable, the auditors of counties affected by the proposed watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and the soil and water conservation districts affected by the watershed district;
 - (2) a general description of the purpose of the watershed district;
 - (3) a general description of the property included in the watershed district;
 - (4) a general description of the proposed revised watershed management plan;
 - (5) the date, time, and location of the hearing; and
 - (6) a statement that all persons affected or interested in the watershed district may attend and give statements at the revised watershed management plan hearing.

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

HIST: 1990 c 391 art 4 s 31; 1995 c 199 s 25

==103D.411

103D.411 Amendment of watershed management plan and revised watershed management plan.

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

HIST: 1990 c 391 art 4 s 32

==103D.501

103D.501 Construction and administration.

This chapter shall be construed and administered so as to make effective the purposes of section 103D.201, subdivision 1.

HIST: 1990 c 391 art 4 s 33

==103D.505

103D.505 Reference to other drainage laws.

If this chapter refers to particular sections of the drainage laws of this state, the sections and provisions shall, if consistent with this chapter, be treated and construed as having the same effect, so far as the provisions of this chapter are concerned, as though set forth in this chapter. Amendments of those laws passed after August 1, 1990, are applicable to this chapter.

HIST: 1990 c 391 art 4 s 34

==103D.511

103D.511 Certain condemnation provisions do not apply.

Section 117.155 relating to payment of damages in a condemnation proceeding does not apply to a project financed by special assessment.

HIST: 1990 c 391 art 4 s 35

==103D.515

103D.515 Preexisting and improved water rights.

Subdivision 1. Preexisting water rights recognized. The rights of private or corporate landowners to use the waters of the watershed district for any purpose continue as the rights existed at the time of the organization of the watershed district.

Subd. 2. Watershed district possesses improved rights. All preexisting rights must be recognized by the managers, but if projects constructed by the watershed district make possible a greater, better, or more convenient use of or benefit from the waters of the watershed district for any purpose, the right to the greater use or benefit is the property of the watershed district.

Subd. 3. Compensation for improved rights. The watershed district may lease or assign the rights in return for reasonable compensation, as provided in this section.

Subd. 4. Approval of rights transfer. Leases, assignments, permits, or contracts for the use of water shall be entered into only after the managers have reported to the board the terms and conditions of the lease, permit, or contract relative to the use of any watershed district property. The board shall give notice of the contract to all parties interested, by mail, and shall have notice of the application published. The notice must state the purpose of the application and the time and place of hearing on it. At the time of hearing the board shall hear all interested persons for or against the proposed contract and make an order accordingly on conditions and restrictions necessary to protect the interest of the watershed district and of the public.

HIST: 1990 c 391 art 4 s 36; 1995 c 199 s 26

==103D.521

103D.521 Rights assured due process of law.

A person may not be deprived or divested under this chapter of a previously established beneficial use or right without due process of law.

HIST: 1990 c 391 art 4 s 37

==103D.525

103D.525 Proceedings after faulty notices are given.

Subdivision 1. Jurisdiction retained. If a notice is required for a hearing or proceeding before the board, managers, or district court, and the board, managers, or court find that proper notice was not given, the board, managers, or court do not lose jurisdiction and the proceedings are not invalid.

Subd. 2. Proper notice to be given. If the notice was defective, the board, managers, or court shall order proper notice to be given. The board, managers, or court shall continue the hearing until notice is properly given and then proceed as though notice had been properly given in the first instance.

Subd. 3. Defective published notice. If the original notice was faulty only with reference to publication as to certain tracts, only the persons interested in those particular tracts need be notified by a later notice. If the publication of a notice in a county was defective or not made in time, notice need be given only within the county where notice was defective.

HIST: 1990 c 391 art 4 s 38

==103D.531

103D.531 Continuance of hearings.

If an order has been made and notice given for a hearing in a proceeding under this chapter, and the board, managers, or court fail to appear at the time and place specified, the board or the managers, or the court administrator of the district court shall continue the hearing to another date as necessary and notify the board, managers, or the court of the continuance and the date of hearing. The matter shall be continued to that date without affecting the jurisdiction of the board, the managers, or the court.

HIST: 1990 c 391 art 4 s 39; 1995 c 199 s 27

==103D.535

103D.535 Appellate procedures and review.

Subdivision 1. What can be appealed.

(a) Any party alone or jointly may appeal to the district court or to the board an order of the managers made in a proceeding relating to a project and entered in the watershed district's record that determines:

- (1) the amount of benefits determined;
- (2) the amount of damages allowed;
- (3) the allowance of fees or expenses in any proceedings;
- (4) a matter in the proceeding that affects a substantial right; or
- (5) an order of the managers authorizing or refusing to establish a project in whole or in part.

(b) Actions of the managers that do not relate to projects, including actions related to permits and actions to enforce watershed district rules, are not reviewable under this section.

(c) Projects initiated and financed by watershed districts, wholly within the metropolitan area, under a state-approved and locally adopted surface water management plan under section 103B.201 are not reviewable under this section.

Subd. 2. Amounts awarded on appeal are substituted. On appeal, the amount awarded by the jury or the board as finally determined shall stand for and in the place of the amount from which the appeal was taken.

Subd. 3. Appeals from managers' orders.

(a) If an appeal is taken from an order authorizing a project, a trial of an appeal of benefits or damages from the proceedings must be stayed until the appeal is decided. If the order authorizing the project is affirmed, a trial of an appeal of benefits or damages may commence.

(b) If the appeal is from an order refusing to authorize a project and the court or the board later orders the project, the secretary of the watershed district shall give notice by publication of the filing of the order. The notice is sufficient if it refers to the proposed project by general description and recites the substance of the order and the date of filing in the court.

Subd. 4. Appeals can involve property other than appellant's own.

(a) A person or political subdivision appealing the amount of benefits or damages may include and have considered and determined benefits or damages affecting property other than that person's or political subdivision's own property.

(b) Notice of the appeal must be served on:

- (1) the owner or occupant of the property not owned by the appellant or on the attorney who represented the other owner in the proceedings;
- (2) the auditor of the county where the property is located; and
- (3) on the court administrator of the district court of the county where the principal place of business of the watershed district is located, or on the board.

Subd. 5. Notice of appeal.

(a) Before the appeal is heard by the court or board, the appellant must file a notice of appeal with the court administrator of the district court or the secretary of the board. The appeal must:

- (1) be filed within 30 days of the date of the final order;
- (2) state the grounds upon which the appeal is taken; and
- (3) be accompanied by an appeal bond of at least \$250 to the watershed district where the property is located.

(b) The bond must be approved by the court administrator of the district court or the board where the appeal is filed. The bond must be conditioned that the appellant will:

- (1) make the appeal;
- (2) pay all costs and disbursements that may be adjudged against the appellant; and
- (3) comply with the order of the court or of the board where the appeal is filed.

Subd. 6. Time and place of trial.

(a) The appeal must be tried by a jury, or by the board at a time and place set by the court or board. If the appeal is tried by a jury, the appeal must be tried and determined at the next term of the district court held within the county where the notice of appeal was filed, or in other counties where the appeal is heard, beginning after the filing of the appeal.

(b) An appeal takes precedence over all other civil matters.

(c) If there is more than one appeal to the board involving the same project, or if there is more than one appeal triable in one county, the court or the board may consolidate the appeals and try them together, but the rights of the appellants must be determined separately. Consolidation of the appeals may be made on the court's or board's own motion or on the motion of a party in interest.

Subd. 7. Benefits outside county of district's office. If there is an appeal relating to damages or benefits to property in a county other than the county where the principal place of business of the watershed district is located, on request of the appellant, the trial must be held at the next term of the district court of the county where the benefited or damaged property is located. The court administrator of the district court where the appeal is filed shall make a transcript of the papers and documents on file in the court administrator's office in the proceeding as they pertain to the matter for which the appeal is taken. The court administrator shall certify the transcript and file it in the office of the court administrator of the district court in the county where the appeal will be tried. After the final determination of the appeal, the court administrator of the district court where the action is tried shall certify and return the verdict to the district court of the county where the proceedings were initiated.

Subd. 8. Appeal to board. If the appeal is to the board, the board shall file its decision with the board's secretary. If the appeal is taken to the board from the order of the managers, the decision of the board may be reviewed by certiorari proceedings in the district court of a county where the proposed project lies in whole or in part.

Subd. 9. Court referral of questions to board. If an appeal is from the order of the managers and made to the district court, and the court determines that there are involved facts, circumstances, or matters especially within the knowledge, functions, or duties of the board, the court may refer to the board as referee questions of fact within the scope of the board's knowledge, functions, and duties. The board shall make its findings of fact upon the questions and report them back to the court.

Subd. 10. Trial record. The board shall make a record of all matters tried by the board on appeal or referred to it by the district court for findings of fact under this section. The record must meet the requirements of a record of the trial of a matter in district court.

Subd. 11. Board must follow administrative procedure. Proceedings before the board must conform to sections 14.57 to 14.62.

HIST: 1990 c 391 art 4 s 40; 1992 c 466 s 5; 1995 c 199 s 28-30

==103D.537

103D.537 Appeals of rules, permit decisions, and orders not involving projects.

(a) Except as provided in section 103D.535, an interested party may appeal a permit decision or order made by the managers by a declaratory judgment action brought under chapter 555. An interested party may appeal a rule made by the managers by a declaratory judgment action brought under chapter 555 or by appeal to the board. The decision on appeal must be based on the record made in the proceeding before the managers. An appeal of a permit decision or order must be filed within 30 days of the managers' decision.

(b) By January 1, 1997, the board shall adopt rules governing appeals to the board under paragraph (a). A decision of the board on appeal is subject to judicial review under sections 14.63 to 14.69.

HIST: 1992 c 466 s 6; 1995 c 199 s 31

==103D.539

103D.539 Informal resolution of disputes.

An interested party may request a meeting with the dispute resolution committee of the board of water and soil resources to informally resolve a dispute before initiating a declaratory judgment action or an appeal under sections 103D.535 and 103D.537.

HIST: 1995 c 199 s 32

==103D.541

103D.541 Appeal of court order.

Subdivision 1. Appeal authorized. A party may appeal a court order as in other civil cases if aggrieved by a final order or judgment given on appeal to the district court or by the original order of the court made in proceedings heard and tried before the court.

Subd. 2. Appeal of proceeding before managers. In a proceeding before the managers for the repair, improvement, maintenance, consolidation, or abandonment of a project of the watershed district, the right of appeal is the same as in other civil cases.

HIST: 1990 c 391 art 4 s 41

==103D.545

103D.545 Enforcement.

Subdivision 1. Misdemeanor. A violation of a provision of this chapter, a rule, order, or stipulation agreement made or a permit issued by the managers under this chapter is a misdemeanor.

Subd. 2. Methods of enforcement. A provision of this chapter, a rule, order, or stipulation agreement made or a permit issued by the managers under this chapter may be enforced by criminal prosecution, injunction, action to compel performance, restoration, abatement, and other appropriate action.

Subd. 3. Attorney fees and costs. In any civil action arising from or related to a rule, order, or stipulation agreement made or a permit issued or denied by the managers under this chapter, the court may award the prevailing party reasonable attorney fees and costs.

HIST: 1990 c 391 art 4 s 42; 1992 c 466 s 7

==103D.551

103D.551 Enforcement of rules and orders.

The district court may enforce the provisions of this chapter, and a rule adopted or order issued by the managers under this chapter by injunction or other appropriate order.

HIST: 1990 c 391 art 4 s 43

==103D.601

103D.601 Establishment of project by majority of managers.

Subdivision 1. Requirements.

- (a) The managers may initiate a project by resolution of at least a majority of the managers if:
 - (1) the project is financed by grants totaling at least 50 percent of the estimated project cost; and
 - (2) the engineer's estimate of costs to parties affected by the watershed district, including assessments against benefited properties but excluding state, federal, or other grants, is not more than \$750,000 for the project.
- (b) A resolution under this subdivision may not be used to establish a project that has drainage as its essential nature and purpose.

Subd. 2. Preliminary resolution hearing notice.

- (a) The managers must set the time and location for a preliminary resolution hearing on the proposed resolution for the project.
- (b) The managers must give notice of the preliminary resolution hearing by publication in a legal newspaper published in the counties affected by the watershed district. The last publication must occur at least ten days before the preliminary resolution hearing.
- (c) The preliminary resolution hearing notice must contain:
 - (1) the date, time, and place of hearing;
 - (2) the substance of the proposed project resolution;
 - (3) the means of financing the project; and
 - (4) a statement that all persons who might be affected by the proposed project or who may be interested in the proposed project may appear and be heard.
- (d) Defects in the notice do not invalidate the proceedings.

Subd. 3. Preliminary report and information.

- (a) The managers must have the watershed district engineer or another competent person prepare a preliminary report advising the managers whether the proposed project is feasible and estimating the cost of the project. An error or omission in the preliminary report does not invalidate the proceeding.
- (b) The managers may have other helpful information prepared that will aid in determining the desirability and feasibility of the project.

Subd. 4. Unfavorable preliminary report. If the preliminary report is unfavorable, the managers must set a time and location for a hearing in the manner provided for the preliminary resolution. After the hearing, the project may be referred back to the watershed district engineer or another competent person for further study and report, or the managers may dismiss the proceeding.

Subd. 5. Final resolution. If, after the hearing, the managers determine that the proposed project promotes the public interest and welfare and is practicable and in conformity with the watershed management plan of the watershed district, the managers must adopt a final resolution approving the project and identify the proceeding by name and number.

Subd. 6. Further procedure.

- (a) When a final resolution is adopted, the proceeding must continue as provided for a project initiated by a petition.
- (b) After the managers file a statement listing the property benefited, damaged, or otherwise affected by a project with the auditors of counties affected by the project, the proceedings for the project must continue under section 103D.901.

HIST: 1990 c 391 art 4 s 44

==103D.605

103D.605 Project constructed with government aid or as part of plan.

Subdivision 1. Procedure requirement. The procedure in this section must be followed if:

- (1) a project is to be constructed within the watershed district under an agreement between the managers and the state or federal government and the cost of the project is to be paid for in whole or in part by the state or federal government, but the rights-of-way and the cost of the project are assumed by the watershed district; or
- (2) the managers are undertaking all or a portion of the basic water management project as identified in the watershed management plan.

Subd. 2. Board's and director's reports. A copy of the project plan must be transmitted to the board and the director. The board and the director must review the project plan and prepare reports on the project. The reports must be transmitted to the managers.

Subd. 3. Project hearing notice.

- (a) After receiving the board's and the director's reports, the managers must set a time and location for a hearing on the proposed project.
- (b) The project hearing notice must state:
 - (1) the time and location of the project hearing;
 - (2) the general nature of the proposed project;
 - (3) the estimated cost of the proposed project; and
 - (4) the method by which the cost of the proposed project is to be paid, including the cost to be allocated to each affected municipality or the state government.
- (c) The managers must give notice by publication before the date of the hearing in a legal newspaper, published in the counties where property is to be improved by the proposed project. The last publication must occur between 30 days and ten days before the project hearing.
- (d) At least ten days before the project hearing, notice by mail must be given to the director and the municipalities entirely or partly within the project area.
- (e) Failure to give mailed notice or defects in the notice do not invalidate the proceedings.

Subd. 4. Project hearing. At the project hearing, the managers must hear all parties interested in the proposed project.

Subd. 5. Project establishment. After the project hearing, if the managers find that the project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan and the provisions of this chapter, the board must, by order, establish the project. The establishment order must include the findings of the managers.

HIST: 1990 c 391 art 4 s 45

==103D.611

103D.611 Construction by government agencies.

Subdivision 1. Project plan to director and board. If a project is to be constructed within the watershed district under a contract between the watershed district and the state or the federal government, and the cost of construction or implementation is to be paid by the governmental agency but the rights-of-way, legal, and general expenses of the improvement are to be paid by the watershed district, the managers shall forward a copy of the project plan to the board and the director. The director shall prepare a director's advisory report and the board shall prepare a board's advisory report.

Subd. 2. Hearing notice.

- (a) The managers shall hold a public hearing on the proposed contract following publication of the hearing notice.
- (b) The hearing notice must be published once each week for two successive weeks before the date of the hearing in a legal newspaper published in the counties where a part or all of the affected waters and lands are located. The last publication must occur at least ten days before the hearing. The notice must state the time and place of hearing, the general nature of the proposed improvement, its estimated cost, and the area proposed to be assessed.
- (c) At least ten days before the hearing, notice must be mailed to each resident owner, as shown on the county auditor's most recent records maintained for taxation purposes, within the area proposed to be assessed, and to the director, and to each public body within the area to be assessed and likely to be affected. Failure to give mailed notice or defects in the notice do not invalidate the proceedings.

Subd. 3. Hearing. At the time and place specified in the notice, the managers shall hear all interested parties for and against the proposed project. All questions relative to the project must be determined on evidence presented at the hearing. If the managers

find that the project will be conducive to public health and will promote the general welfare, and that it complies with this chapter, the managers shall make findings accordingly, authorize the project, and make the proposed contract or other arrangement.

Subd. 4. Appraisal.

- (a) After authorizing the project, the managers shall appoint three disinterested resident owners of the state to act as appraisers.
- (b) After the appraisers sign an oath to faithfully and impartially perform their duties, they shall, with or without the engineer, determine the benefits and damages to property affected by the proposed project. The appraisers shall make a detailed statement and file the statement with the managers showing:
 - (1) the actual damages that have resulted or will result to individuals, property, or corporations from the construction or implementation of the project; and
 - (2) a list of property, including highways and corporations, receiving actual benefits by way of drainage, control of flood waters, or other means authorized in this chapter.

Subd. 5. Hearing on appraisers' report.

- (a) After the appraisers' report and the plans and engineering data prepared by the governmental agency are filed with the managers, the managers shall prepare a detailed statement of all costs, including damages, to be incurred by the watershed district in construction or implementation of the project.
- (b) The managers shall order a time and place within the watershed district for a hearing on the appraisers' report by 35 days after the detailed statement of costs is prepared. The managers shall give notice by publication and mailing as provided in subdivision 1 for a hearing on a petition. At the time and place specified in the notice, the managers shall hear all parties interested for and against confirming the appraisers' report.
- (c) The managers may order and direct the modification of the assessment of benefits and damages, and amend or change the list of properties reported as benefited or damaged. If the amended reports include property not included in the original report, the managers shall adjourn and publish and mail in the manner for the original notice, the proper notice concerning the property not included in the previous notice.
- (d) If upon full hearing the managers find that the benefits resulting from the construction or implementation will be greater than the assessments including damages they shall confirm the appraisers' report.
- (e) Persons or political subdivisions affected by the order may appeal the order under this chapter.

Subd. 6. Assessments and levies. Proceedings for assessments and levies may be brought under section 103D.901 after the managers file a statement with the auditor of a county that lists the property and corporations benefited or damaged or otherwise affected by a project as found by the appraisers and approved by the managers.

Subd. 7. Normal project initiation does not apply. Section 103D.701 relating to project initiation does not apply to projects of the watershed district constructed under contract as provided in this section.

Subd. 8. Acquisition of property.

- (a) If the watershed district is required to acquire an interest in real property under this section or convey an interest in real property to the federal government, the managers shall, before the filing of the appraisers' report, record a notice of the pendency of a proceeding initiated by the managers to acquire the lands to be conveyed to the federal government. The notice of pendency must be recorded in the office of the county recorder of the affected county. The notice must state the purpose for which the lands are to be taken.
- (b) By 20 days before the hearing on the appraisers' report, in addition to the notice required by subdivision 2, the notice of the hearing must be served on the owners of the property to be acquired, in the same manner as the summons in a civil action. The notice must:
 - (1) describe the property;
 - (2) state by whom and for what purpose the property is to be taken;
 - (3) give the names of all persons appearing of record or known to the managers to be the owners;
 - (4) state that appraisers have been appointed as provided by subdivision 4, to determine the benefits and damages; and
 - (5) state that a hearing will be held by the managers on the appraisers' report at the time and place specified in the notice.
- (c) After the managers have confirmed the appraisers' report listing the property to be benefited or damaged as provided in subdivision 5, the managers have all rights of possession and entry conferred in other cases of condemnation by chapter 117.
- (d) After confirmation of the appraisers' report, the attorney for the managers shall make a certificate describing the property taken and the purpose for the taking, and reciting the fact of payment of all awards determined by the appraisers appointed by

the managers or judgments in relation to the land. When approved by the managers, the certificate establishes the right of the watershed district in the property taken. The certificate must be filed for record with the county recorder of the county where the property is located. The filing constitutes notice to all parties of the title of the watershed district to the property described in the certificate.

(e) After the certificate is filed, the managers may convey the property and interests in the property acquired to the federal government, if necessary.

HIST: 1990 c 391 art 4 s 46; 1995 c 199 s 33-35

==103D.615

103D.615 Emergency projects.

Subdivision 1. Declaration of emergency. If the managers find that conditions exist that present a clear and imminent danger to the health or welfare of the people of the watershed district, and that to delay action would prejudice the interests of the people of the watershed district or would be likely to cause irreparable harm, the managers may declare the existence of an emergency and designate the location, nature, and extent of the emergency.

Subd. 2. Project order. If an emergency has been declared to the extent necessary to protect the interests of the watershed district, the managers may order that work be done under the direction of the managers and the engineer, without a contract.

Subd. 3. Assessment. The cost of work undertaken without a contract may be assessed against benefited properties or, if the cost is not more than 25 percent of the most recent administrative ad valorem levy of the watershed district and the work is found to be of common benefit to the watershed district, funding may be raised by an ad valorem tax levy upon all taxable property within the watershed district, or both.

HIST: 1990 c 391 art 4 s 47

==103D.621

103D.621 Drainage improvements.

Subdivision 1. Findings. The legislature finds that because of urban growth and development in the metropolitan area problems arise for the improvement and repair of drainage systems which were originally established for the benefit of land used for agriculture. The procedure for improvement and repair of drainage systems now in the metropolitan area should be simplified to more adequately and economically improve and repair drainage systems.

Subd. 2. Definitions.

(a) The terms in this section have the meanings given them in this subdivision.

(b) "Drainage system" has the meaning given in section 103E.005, subdivision 12.

(c) "Watershed district" means any watershed district established under this chapter, wholly or partially in a metropolitan county.

(d) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

(e) "Metropolitan area" means the combined area of the metropolitan counties.

Subd. 3. Drainage improvements. With the concurrence of the governing bodies of the cities and the town boards of the towns where the drainage system is located, the managers of a watershed district where there is a drainage system may improve and repair any drainage system transferred to the watershed district under section 103D.625 by conforming to sections 429.031; 429.041, subdivisions 1 and 2; 429.051; 429.061; and 429.071.

Subd. 4. Alternative power. With the concurrence of the governing bodies of the cities and the town boards of the towns where the drainage system is located, the managers may improve and repair a drainage system under the power granted to them in this chapter notwithstanding any provision of chapter 103E.

Subd. 5. Appeal. A person aggrieved by an order for improvement or repair by the managers or by an assessment may appeal as provided in sections 103D.535 and 103D.541.

==103D.625

103D.625 Drainage systems within watershed district.

Subdivision 1. Watershed district assumption of drainage system.

(a) The managers shall take over a joint county or county drainage system within the watershed district and the right to repair and maintain the drainage system if directed by a joint county drainage authority or a county board. The transfer may be initiated by:

- (1) the joint county drainage authority or county board;
- (2) a petition from a person interested in the drainage system; or
- (3) the managers.

(b) The transfer may not be made until the joint county drainage authority or county board has held a hearing on the transfer. Notice of the proposed transfer with the time and place of hearing must be given by two weeks' published notice in a legal newspaper of general circulation in the area where the transfer is to occur. All interested persons may appear and be heard.

(c) After the hearing, the joint county drainage authority or county board shall order the watershed district to take over the joint county or county drainage system, unless it appears that the takeover would not serve the purpose of this chapter and would not be for the public welfare or be in the public interest.

Subd. 2. Drainage systems are works of watershed district. A joint county or county drainage system that is taken over in whole or in part is part of the works of the watershed district to the extent taken over.

Subd. 3. Procedure for repair or improvement. After the transfer is ordered, all proceedings for repair and maintenance must conform to chapter 103E, except for repairs and maintenance done pursuant to section 103D.621, subdivision 4.

Subd. 4. Construction or improvement. Construction of new drainage systems or improvements of existing drainage systems in the watershed district must be initiated by filing a petition with the managers. The proceedings for the construction or improvement of drainage systems in the watershed district must conform to chapter 103E, except for repairs and maintenance done pursuant to section 103D.621, subdivision 4.

HIST: 1990 c 391 art 4 s 49; 1995 c 199 s 37,38

==103D.631

103D.631 Maintenance of projects.

Subdivision 1. Maintenance required. The managers are responsible for maintaining the projects of the watershed district in a condition so that they will accomplish the purposes for which they were constructed.

Subd. 2. Maintenance fund.

(a) The cost of normal or routine maintenance of the projects of the watershed district, and the cost of removing obstructions and accumulations of foreign substances from a drainage system, shall be paid from the maintenance fund on the order of the managers.

(b) The managers may assess all the parcels of property and municipal corporations previously assessed for benefits in proceedings for the construction or implementation of the project, to establish a maintenance fund for the project. The assessment must be made pro rata according to benefits determined. An assessment for the benefit of the maintenance fund may not be made when the fund exceeds 20 percent of the original cost of construction or implementation of the project. The auditors of the affected counties shall file a tabular lien statement covering the assessment in the office of the county recorder for the county when the assessment order from the managers is received.

(c) The assessment shall be collected as provided in the order in the same manner as provided in section 103E.731.

(d) Before ordering the levy of an assessment for the benefit of the maintenance fund, the managers may give notice of a hearing on making the assessment and establishing the maintenance fund.

==103D.635

103D.635 Repairs and improvements exceeding normal maintenance.

Subdivision 1. Technical and cost specifications. The managers shall order the engineer to prepare and submit to the managers technical and cost specifications on the work necessary to restore or improve the project to the desired level of operating efficiency before ordering repairs other than normal and routine maintenance if the engineer certifies to the managers, in the annual report or otherwise, that:

- (1) a project of the watershed district is in such a state of disrepair that the project cannot be restored by normal and routine maintenance to the same condition as when it was originally constructed or subsequently improved;
- (2) a ditch or channel must be widened or deepened; or
- (3) a project of the watershed district must be altered or improved to attain the level of operating efficiency contemplated at the time of the original construction or implementation.

Subd. 2. Hearing. The managers shall set a date for a hearing on the report and give notice of the hearing in the same manner as in the original proceeding on the construction of the improvement after receiving the engineer's report.

Subd. 3. Assessment.

(a) The managers may order the repair or improvement and assess the cost against the benefited properties if, after a hearing, the managers find that the repair or improvement is in compliance with the plan, is necessary to accomplish the purposes of this chapter, and that the cost of the repair or improvement will not exceed its benefits. The cost of the repair or improvement shall be apportioned and assessed pro rata upon all property that was assessed for the construction or implementation of the project.

(b) A single levy for the repair or improvement may not exceed the amount of benefits originally determined. The managers shall file a copy of the order for levy with the auditor of each affected county. The auditor shall extend the levy against affected properties as in proceedings for the levy, assessment, and collection of assessments in drainage proceedings conducted under sections 103E.601 to 103E.631.

==103D.641

103D.641 Work without bid.

If the managers find that the estimated cost of repair, including all fees and costs incurred for proceedings relating to it, is less than \$25,000, it may have the work done by contract without advertising for bids.

==103D.701

103D.701 Project initiation.

Projects may not be initiated until the board approves a watershed management plan for the watershed district. The projects of the watershed district that are to be paid for by assessment of the benefited properties must be initiated:

- (1) by a project petition filed with the managers;
- (2) by unanimous resolution of the managers; or
- (3) as otherwise prescribed by this chapter.

103D.705 Project petition.

Subdivision 1. Requirements. A project within the watershed district that generally conforms with the watershed management plan may be initiated by a project petition. A project petition must contain:

- (1) a description of the proposed project and the purpose to be accomplished;
- (2) a description of the property where the proposed project passes over or is located;
- (3) a general description of the part of the watershed district that will be affected, if less than the entire watershed district;
- (4) the necessity for the proposed project;
- (5) a statement that the proposed project will be conducive to public health, convenience, and welfare; and
- (6) a statement that the petitioners will pay all costs and expenses that may be incurred if the proceedings are dismissed or a construction or implementation contract is not awarded for the proposed project.

Subd. 2. Signatures.

(a) The project petition must be signed by:

- (1) at least 25 percent of the property owners or the owners of more than 25 percent of the property within the limits of the area proposed to be improved, unless the project consists of the establishment of a new drainage system as defined in section 103E.005, subdivision 12, or the improvement of an existing drainage system;
- (2) if the project consists of the establishment of a new drainage system as defined in section 103E.005, subdivision 12, a majority of the owners of the property that the proposed project passes over or is located on, or the owners of at least 60 percent of the area of the property that the proposed project passes over or is located on;
- (3) if the project consists of the improvement of an existing drainage system as defined in section 103E.215, subdivision 2, at least 26 percent of the owners of the property proposed to be improved by the project or that the proposed project passes over, or the owners of at least 26 percent of the area proposed to be improved by the project or that the proposed project passes over;
- (4) a county board of a county affected by the watershed district; or
- (5) the governing body of a city entirely or partly within the area proposed to be improved.

(b) If a proposed project improves property entirely within a city, a petition must originate from the governing body of the city.

(c) For a signature on a project petition, holders of easements for electric or telephone transmission or distribution lines are not considered owners.

Subd. 3. Petitioners' deposit or bond.

(a) When a project petition is filed and before the managers take action on the project petition, one or more of the petitioners must deposit at least \$2,000 with the managers. The deposit must be conditioned to pay all costs and expenses incurred if the project petitioned for is not constructed.

(b) Alternatively, with the approval of the managers, one or more of the petitioners may make and file a bond payable to the watershed district named in the petition. The bond must be for at least \$2,000 with adequate sureties, subject to the approval of the managers of the watershed district where the bond is filed. The bond must be conditioned to pay all costs and expenses incurred if the proceedings are dismissed or a contract is not entered into to construct the project petitioned for.

(c) If, before a project is established, the petitioner's deposit or bond is insufficient to protect the watershed district from loss from the costs or expenses incurred or to be incurred, the watershed district must require an additional deposit or bond. Further proceedings must be stopped until an adequate deposit or bond is furnished. If the additional deposit or bond is not furnished within a time set by the managers, the proceedings may be dismissed.

(d) In proceedings to establish a project, the expenses incurred before the project is established may not exceed the deposit or the bond furnished by the petitioners. A claim in excess of the amount of the petitioners' deposit or bond may not be audited or paid by the watershed district unless the petitioners file an additional deposit or bond within a time and in an amount directed by the managers.

(e) If a project petition is signed by a county board or governing body of a city, a bond is not required.

Subd. 4. Petitioners may dismiss petition. The petitioners may dismiss the petition upon payment of costs and expenses.

HIST: 1990 c 391 art 4 s 54; 1995 c 199 s 42

103D.711 Engineer's report.

Subdivision 1. Determination. If the managers determine that a proper project petition has been filed, the proposed project promotes the public interest and welfare, is practicable and conforms with the watershed management plan of the watershed district, the managers must:

- (1) identify the project proceeding by name and number; and
- (2) designate an engineer to make surveys, maps, and a report on the proposed project.

Subd. 2. Requirements.

(a) The engineer's report must include findings and recommendations about the proposed project. If the engineer finds the project feasible, the engineer must provide a plan of the proposed project as part of the report. The plan must include:

- (1) a map of the project area, drawn to scale, showing the location of the proposed improvements, if any;
- (2) the estimated total cost of completing the project including construction, operation, implementation, supervision, and administrative costs;
- (3) the acreage required as right-of-way listed by each lot and 40-acre tract or fraction of the lot or tract under separate ownership, if required to implement the project; and
- (4) other details and information to inform the managers of the practicability and necessity of the proposed project with the engineer's recommendations on these matters.

(b) The map of the area must include:

- (1) the location and adequacy of the outlet, if the project is related to drainage;
- (2) the watershed of the project area;
- (3) the location of existing highways, bridges, and culverts;
- (4) the property, highways, and utilities affected by the project with the names of the known property owners;
- (5) the location of public land and water affected by the project; and
- (6) other physical characteristics of the watershed necessary to understand the area.

Subd. 3. State and federal projects may be included. The engineer may adopt, approve, and include as a part of the engineer's report a project of the state or federal government that is pertinent to the project and may accept data, plats, plans, details, or information pertaining to the state or federal project given to the engineer by the state or federal agency. The engineer shall omit the items required in subdivision 2 from the engineer's report if the data given by the state or federal government is sufficient to meet the requirements of subdivision 2.

Subd. 4. Hearing after unfavorable engineer's report.

(a) If the engineer's report is unfavorable, the managers shall, by order, within 35 days set a time and place within the watershed district for a hearing for the petitioners to demonstrate why the managers should not refer the petition back to the petitioners for further proceedings or dismiss the petition.

(b) The hearing notice must state:

- (1) that the engineer's report is unfavorable;
- (2) that the engineer's report is on file with the managers and may be reviewed; and
- (3) the time and place for the hearing.

(c) The managers shall mail a copy of the notice to each of the petitioners at least 14 days before the hearing.

Subd. 5. Advisory reports.

(a) When the engineer's report is filed with the managers, the managers shall send a complete copy to the director and to the board.

(b) The director and the board shall examine the engineer's report and by 30 days after receiving the report, the director shall make a director's advisory report and the board shall make a board's advisory report which must include:

- (1) a statement on whether the engineer's report is incomplete and not in accordance with this chapter;
- (2) a statement of whether the engineer's report is approved as being a practical plan;
- (3) if the project as planned does not meet approval, recommendations for changes considered advisable must be stated or an opinion that the proposed project or improvement is not practical; and
- (4) a recommendation as to whether a soil survey appears advisable.

(c) The director's advisory report and the board's advisory report shall be directed to and filed with the managers.

(d) The director's advisory report and the board's advisory report shall be considered advisory only.

Subd. 6. Advisory reports must be filed before notice. A notice may not be issued for the final hearing until the board's advisory report and the director's advisory report are filed or the time for filing the reports with the managers has expired.

Subd. 7. Form. The findings, recommendations, and content of the engineering report shall conform as nearly as practicable to the requirements of this section.

Subd. 8. Soil survey. If a soil survey is recommended to be made in the director's advisory report or the board's advisory report, the engineer shall make the soil survey and a soil survey report. The soil survey report must be submitted to the managers before the final hearing.

HIST: 1990 c 391 art 4 s 55; 1995 c 199 s 43

==103D.715

103D.715 Appraisers.

Subdivision 1. Appointment. After the engineer's report is filed, the managers shall, with the least possible delay, appoint three disinterested resident owners of the state as appraisers.

Subd. 2. Oath. An appraiser must subscribe to an oath to faithfully and impartially perform the appraiser's duties.

Subd. 3. Duties. The appraisers shall with or without the engineer determine the benefits and damages to property affected by the proposed project, including property owned by the state or a state agency, highways, and other property likely to be affected by the proposed project or that may be used or taken for construction, implementation, or maintenance.

Subd. 4. Benefits and damages to state land. For all watershed district projects, benefits and damages to property owned by the state or a state agency, held and used for the purposes described in sections 103E.025 and 103E.315, subdivision 1, must be determined using the procedure provided in sections 103E.025 and 103E.315, subdivision 1. If a state permit is required from the commissioner to construct the project, state land may not be taken, damaged, or benefited until the permit is issued.

Subd. 5. Compensation. An appraiser may be paid on a per diem basis for each day the appraiser is necessarily engaged in the performance of duties and for actual and necessary expenses. The compensation shall be set by the managers, paid by the watershed district, and included in the cost of the project.

HIST: 1990 c 391 art 4 s 56; 1995 c 199 s 44,45

==103D.721

103D.721 Determination of benefits and damages by managers.

Subdivision 1. Authority. The managers may, in their discretion, use the procedure in this section to determine benefits and damages.

Subd. 2. Determination. After the engineer's report is filed, the managers, with the assistance of the engineer, shall determine the benefits or damages to the property affected by the proposed project, including property owned by the state or a state agency, highways, and other property likely to be affected by the proposed improvement or that may be used or taken for construction, implementation, or maintenance.

Subd. 3. State property. For all watershed district projects, benefits and damages to property owned by the state or a state agency that is held and used for the purposes described in sections 103E.025 and 103E.315, subdivision 1, shall be determined using the procedure provided in sections 103E.025 and 103E.315, subdivision 1. If a state permit is required from the commissioner to construct the project, state land may not be taken, damaged, or benefited until the permit is issued.

Subd. 4. Water management assessment portion. The managers must determine the amount to be paid and generally assessed by the watershed district for the basic water management portion of the improvement projects.

HIST: 1990 c 391 art 4 s 57; 1995 c 199 s 46,47

==103D.725

103D.725 Benefited property, determination.

Subdivision 1. Appraisers' standards. If the proposed project includes the construction or improvement of a ditch, stream, river, or watercourse, or structures for the control or alleviation of damages from flood waters, the appraisers shall be governed by sections 103E.311 to 103E.321.

Subd. 2. Determination of benefits. In proceedings under this chapter, assessments for benefits shall be made based on the benefits to the property because of the project affecting the property. Benefited property must include:

- (1) all property, including property owned by the state or a political subdivision receiving direct benefits, including assessments for drainage, recreation, commercial navigation, disposal of sewage or waste material, bank stabilization, flood control, land reclamation, prevention of siltation, control of erosion, and maintenance of lake levels;
- (2) all property that is contributing water or is furnished an improved drainage outlet and all property that contributes waters that are stored, handled, or controlled by the proposed project;
- (3) all property that is not receiving but needs drainage and that is furnishing waters handled or controlled by the proposed project;
- (4) benefits to the state by reason of the improvement of lakes, streams, or other bodies of water as a place for propagation, protection, and preservation of fish and other forms of wildlife, that are assessable against the state to the extent and in the manner provided in section 84A.55, subdivision 9, and within the available appropriation;
- (5) benefits to municipal corporations that occur to the property in the municipality generally and that may be in addition to special benefits to specific property within the municipality; and
- (6) benefits that will result to property used for railway or other utility purposes.

HIST: 1990 c 391 art 4 s 58

==103D.729

103D.729 Water management district.

Subdivision 1. Water management district. A watershed district may establish a water management district or districts in the territory within the watershed, for the purpose of collecting revenues and paying the costs of projects initiated under section 103B.231, 103D.601, 103D.605, 103D.611, or 103D.730.

Subd. 2. Procedure. A watershed district may establish a water management district only by amendment to its plan in accordance with section 103D.411, or 103B.231 for watershed districts in the metropolitan area, and compliance with subdivisions 3 and 4. The amendment shall describe with particularity the territory or the area to be included in the water management district, the amount of the necessary charges, the methods used to determine charges, and the length of time the water management district will remain in force. After adoption the amendment shall be filed with the county auditor and county recorder of each county affected by the water management district. The water management district may be dissolved by the procedure prescribed for the establishment of the water management district.

Subd. 3. Notification. The managers shall, ten days prior to a hearing or decision on projects implemented under this section, provide notice to the city, town, or county within the affected area. The city, town, or county receiving notice shall submit to the managers concerns relating to the implementation of the project. The managers shall consider the concerns of the city, town, or county in the decision on the project.

Subd. 4. Resolution of disputes. Unresolved differences between local governments and the managers may be brought before the committee on dispute resolution under section 103B.101, subdivision 10. Within 45 days of receiving the request for dispute resolution, the committee must consider the concerns of the local government. The committee has 30 days after meeting to issue a recommendation to the board for final decision.

HIST: 1996 c 471 art 8 s 1

==103D.730

103D.730 Storm water facilities.

- (a) Any watershed district may build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain storm water systems, including mains, holding areas and ponds, and other appurtenances and related facilities for the collection and

disposal of storm water, maintain and operate the facilities, and acquire by gift, purchase, lease, condemnation, or otherwise any and all land and easements required for that purpose.

(b) The authority granted is in addition to all other powers with reference to the facilities otherwise granted by the laws of this state or by this chapter.

HIST: 1996 c 471 art 8 s 2

==103D.731

103D.731 Appraisers' report, examination.

- (a) The appraisers shall prepare an appraisers' report of the benefits and damages determined and file the report with the managers.
- (b) After the appraisers' report is filed, the managers shall examine the report and determine whether:
 - (1) the report was made in conformity with the requirements of this chapter; and
 - (2) the total benefits are greater than the total estimated costs and damages.
- (c) If the managers determine the appraisers' report is inadequate in any manner, the managers may return the report to the appraisers for further study and report.

HIST: 1990 c 391 art 4 s 59

==103D.735

103D.735 Hearing on petition and reports.

- (a) The managers shall order a final hearing by 35 days after:
 - (1) the engineer's report is filed;
 - (2) the appraisers' report is filed; and
 - (3) the director's advisory report and the board's advisory report are filed or the time for that filing has expired.
- (b) The order for a final hearing must set a time and place within the watershed district for a hearing upon the petition or resolution and reports.

HIST: 1990 c 391 art 4 s 60

==103D.741

103D.741 Hearing notice.

Subdivision 1. Published final hearing notice. The managers shall give notice by publication of the final hearing.

The final hearing notice must contain:

- (1) a statement of the pendency of the petition or resolution;
- (2) the time and place for hearing;
- (3) a statement that the engineer's report and appraisers' report, including the plans, have been filed with the managers and are subject to inspection;
- (4) a brief description of the proposed project;
- (5) a description of the properties benefited or damaged, the names of the owners of the properties, the public and other corporations affected by the project as shown by the engineer's report and appraisers' report or may include a map of the affected area in lieu of the names of the owners and of the descriptions of the properties affected by the project; and
- (6) a statement requiring all parties interested in the proposed project to appear before the managers at the time and place designated in the final hearing notice to present objections, and to show why an order should not be made by the managers granting the petition, confirming the reports of the engineer and appraisers, and ordering the establishment and construction or implementation of the project.

Subd. 2. Mailed final hearing notice.

- (a) The managers shall give the final hearing notice by mail, within one week after the beginning of publication, to the director and to each person, corporation, and public body that owns property benefited or damaged by the proposed project as shown by the engineer's and appraisers' report.
- (b) The mailed final hearing notice must contain:
 - (1) a brief description of the proposed project;
 - (2) a statement that the engineer's report and appraisers' report are on file with the managers and available for public inspection;
 - (3) the time and place of hearing; and
 - (4) a statement that the addressee's name appears as an affected party.

Subd. 3. Notice of property acquisition by watershed district.

- (a) If the watershed district must acquire the ownership of real property, the managers must record a notice of pendency of the watershed district's proceeding to acquire property in the office of county recorder of the county where the property is located before the appraisers' report is filed. The pendency notice must state the purpose for which the property is to be acquired.
- (b) By 20 days before the final hearing, the final hearing notice, in addition to being given in the manner required in subdivisions 1 and 2, must be served on the owners of the property to be acquired, in the same manner as a summons in a civil action. In addition to the other requirements of the final hearing notice, the notice to property owners must:
 - (1) describe the property to be acquired;
 - (2) state by whom and for what purpose it is to be taken;
 - (3) give the names of all persons appearing of record or known to the managers to be the owners;
 - (4) state that benefits and damages have been determined; and
 - (5) state that the final hearing will be held by the managers at the time and place specified in the notice.

Subd. 4. Final hearing notice in more than one county. If a project affects the property in more than one county, separate final hearing notices must be prepared and published in each county affected showing only the general description of the proposed project and the names and descriptions of the property affected in the county or, instead of the names and descriptions, a map of the area affected in the county.

HIST: 1990 c 391 art 4 s 61; 1995 c 199 s 48

==103D.745

103D.745 Final hearing.

Subdivision 1. Hearing.

- (a) At the time and place specified in the final hearing notice, the managers must hear all parties interested for and against the establishment of the proposed project and confirm the engineer's report and the appraisers' report.
- (b) Questions about the proposed project including jurisdiction, sufficiency of the petition or resolution, practicability, and necessity shall be determined by evidence presented at the hearing. Findings made by the managers before the final hearing are not conclusive but are subject to further investigation, consideration, and determination at the final hearing.

Subd. 2. Modification of reports.

- (a) The managers may order and direct the modification of:
 - (1) the engineer's report within the scope of the watershed management plan for the watershed district;
 - (2) the assessment of benefits and damages; and
 - (3) amendment or change of the list of property reported as assessable for construction or implementation and maintenance.
- (b) If the amended engineer's report and appraisers' report includes property not included in the original reports, the managers shall adjourn the hearing and have an amended notice published and mailed with the proper reference to all property as amended by the managers.

Subd. 3. Establishment of project.

(a) The managers shall make findings, order and direct construction or implementation of the project, and confirm the engineer's report and the findings of the appraisers and the appraisers' report if, at the end of the final hearing, the managers find that the project will:

- (1) be conducive to public health;
- (2) promote the general welfare;
- (3) be in compliance with this chapter; and
- (4) result in benefits that will be greater than the cost of the construction or implementation and damages.

(b) The order may authorize the construction or implementation of the project as a whole or authorize different parts of the project to be constructed separately.

(c) The managers shall order the engineer to proceed with making the necessary surveys and preparing plans and specifications that are needed to construct the project and report the results of the surveys and plans to the managers.

Subd. 4. Recess until awarding contract. The final hearing shall be recessed until the engineer's report and the bids are received. The hearing may be recessed to allow compliance with section 103D.801 if it becomes applicable.

HIST: 1990 c 391 art 4 s 62; 1995 c 199 s 49,50

==103D.801

103D.801 Procedure when contract is not let.

If all of the bids received are for a price more than 30 percent greater than the engineer's estimate in the engineer's report, or for a price in excess of the benefits less damages and other costs, the managers shall follow the procedure described in section 103E.511.

HIST: 1990 c 391 art 4 s 63

==103D.805

103D.805 Filing order of managers establishing project.

An order of the managers establishing the project and authorizing construction must immediately be filed with the secretary of the watershed district, and a certified copy of the order must be filed with the auditor of each county affected, the board, the commissioner, the director, the pollution control agency, and the commissioner of health.

HIST: 1990 c 391 art 4 s 64

==103D.811

103D.811 Bids for construction.

Subdivision 1. Call for bids. After an establishment order has been made by the managers directing the establishment of a project, the managers shall call for bids for the construction or implementation of the work and give notice by publication specifying the time and place when the bids will be opened for awarding a contract for the construction or implementation of the project. The contract may be awarded in sections or as a whole, as directed by the managers.

Subd. 2. Bid notice. A bid notice shall be published in at least one of the newspapers in the state where notices are usually published.

Subd. 3. Awarding of contract.

(a) At a time and place specified in the bid notice, the managers may accept or reject any or all bids and may award the contract to the lowest responsible bidder. The bidder to whom the contract is to be awarded must give a bond, with ample security, conditioned by satisfactory completion of the contract.

(b) Bids must not be considered which in the aggregate exceed by more than 30 percent the total estimated cost of construction or implementation.

- (c) The contract must be in writing and be accompanied by or refer to the plans and specifications for the work to be done as prepared by the engineer for the watershed district. The plans and specifications shall become a part of the contract.
- (d) The contract shall be approved by the managers and signed by the president, secretary, and contractor.

HIST: 1990 c 391 art 4 s 65; 1995 c 199 s 51,52

==103D.815

103D.815 Control of contracts.

Subdivision 1. Managers' control of contracts. The managers have full control of contracts of the watershed district and matters pertaining to the contracts.

Subd. 2. Extension of contracts. If a contractor fails to complete a project within the time or in the manner specified in the contract, the managers may:

- (1) extend the time for completion;
- (2) refuse an extension of time;
- (3) cancel the contract, readvertise, and award a new contract;
- (4) require surety for the contractor to complete the project;
- (5) proceed to have the contract otherwise completed at the expense of the contractor and the surety; or
- (6) take other action with reference to the contract in the interest of the watershed district.

Subd. 3. Engineer's authority over contractor. Applicable provisions of chapter 103E govern the relations between the engineer and the contractor, including the examination and report of the engineer and the amount and time of payment.

Subd. 4. Expense record.

(a) The managers shall keep an accurate account of all expenses incurred, including:

- (1) the compensation of the engineer and the engineer's assistants;
- (2) the compensation and expenses of the appraisers as provided in section 103D.715, subdivision 5;
- (3) the compensation of the petitioners' attorney;
- (4) the cost of petitioners' bond;
- (5) the fees of all county officials necessitated by the project, which are in addition to all fees otherwise allowed by law; and
- (6) the time and expenses of all employees of the watershed district, including the expenses of the managers, while engaged in an authorized project.

(b) Fees and expenses shall be audited, allowed, and paid upon the order of the managers and shall be charged to and be treated as a part of the cost of the project.

HIST: 1990 c 391 art 4 s 66

==103D.821

103D.821 Damage to highway or bridge by passage of equipment.

Subdivision 1. Notice. If it is necessary to pass a dredge or other equipment through a bridge or grade of a highway or railroad owned by a corporation, county, town, or municipality, the managers shall give notice to the owner of the bridge or grade by 20 days before the removal so the bridge or grade may be removed temporarily to allow the passage of the equipment, or an agreement may be immediately entered into to allow the passage.

Subd. 2. Cost paid by watershed district. The owner of the bridge or grade shall keep an itemized account of the cost of removal and if necessary, of replacing of the bridge or grade. The actual cost must be paid by the watershed district.

Subd. 3. Managers may remove bridge or grade. If the owner of the bridge or grade refuses to provide for the passage of the equipment, the managers may remove the bridge or grade at the expense of the watershed district, interrupting traffic in the least degree consistent with good work and without delay or unnecessary damage.

Subd. 4. Owners liable for delay. If the managers are prevented from moving the equipment, the owner of the bridge or grade is liable for the damages resulting from the delay.

==103D.901

103D.901 Assessments, levies.

Subdivision 1. Assessment.

(a) After the managers file an approved assessment statement listing the property and corporations benefited or damaged or otherwise affected by a project with the auditor of an affected county, the auditor shall assess the amount specified in the assessment statement against the property, municipalities, or other corporations as specified in the pertinent provisions of chapter 103E.

(b) For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to property owners and corporations benefited and damaged before the assessment is made under paragraph (a). The assessment notice must include:

- (1) the amount to be specially assessed against the property;
- (2) the right of the property owner to prepay the entire assessment and to whom prepayment must be made;
- (3) whether partial prepayment of the assessment is authorized;
- (4) the time within which prepayment may be made without interest being charged; and
- (5) the rate of interest to be charged if the assessment is not prepaid within the required time period.

Subd. 2. County funding. After the assessment statement is filed with the auditor, the county board of each affected county shall provide funds to meet its proportionate share of the total cost of the project, as shown by the engineer's report and order of the managers. The county may issue bonds of the county in the manner provided by section 103E.635. If an improvement is to be constructed under section 103D.611, the provisions of section 103E.635 requiring the county board to award a contract for construction or implementation before issuing bonds is not applicable to bonds issued to provide the funds required to be furnished by this section.

Subd. 3. Levy and collection.

(a) The respective county auditors and county treasurers shall levy and collect the amount shown in the tabular statement and lien as provided in sections 103E.601 to 103E.631.

(b) For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to the owners of affected property as provided in subdivision 1, paragraph (b), before the assessment is levied. The assessment may be prepaid as provided in paragraphs (c) and (d).

(c) For a watershed district entirely within the metropolitan area, a property owner or corporation may prepay the entire assessment at any time before the first installment of the assessment is entered on the tax lists for the year with the interest that has accrued to the date of payment, except that interest may not be charged on an assessment that is prepaid within 30 days after the assessment notice is mailed.

(d) After the first installment of an assessment is entered on the tax list, a property owner or corporation may prepay the entire assessment remaining due before November 15 with interest accrued to December 31 of the year in which the prepayment is made.

(e) The money received by the treasurer of a county from the sale of bonds, assessments, or otherwise, for the benefit of the watershed district shall be accounted for by the auditor and paid to the treasurer of the watershed district.

Subd. 4. Assessment may not exceed benefits.

(a) An assessment may not be levied against property or corporations benefited under this chapter in excess of the amount of benefits received as set by the order of the managers authorizing the construction or implementation of the project or subsequently determined on appeal.

(b) If the damages for a project financed by special assessment are awarded and confirmed, the managers must determine that the project's benefits exceed the total costs, including damages awarded.

(c) The managers shall amend the project's statement filed with the county auditor to reflect the amount of damages awarded.

Subd. 5. Damages paid before entering property. Before entering property for which damages were awarded to begin construction or implementation of the project, the managers shall pay the amount of damages awarded less any assessment against the property from the funds provided by the county board under subdivision 3. If the amount of damages is appealed, damages may not be paid until the final determination of the appeal.

==103D.905

103D.905 Funds of watershed district.

Subdivision 1. Generally. The money of a watershed district consists of the funds established in this section.

Subd. 2. Organizational expense fund.

- (a) An organizational expense fund, consisting of an ad valorem tax levy, shall not exceed 0.01596 percent of taxable market value, or \$60,000, whichever is less. The money in the fund shall be used for organizational expenses and preparation of the watershed management plan for projects.
- (b) The managers may borrow from the affected counties up to 75 percent of the anticipated funds to be collected from the organizational expense fund levy and the counties affected may make the advancements.
- (c) The advancement of anticipated funds shall be apportioned among affected counties in the same ratio as the net tax capacity of the area of the counties within the watershed district bears to the net tax capacity of the entire watershed district. If a watershed district is enlarged, an organizational expense fund may be levied against the area added to the watershed district in the same manner as provided in this subdivision.
- (d) Unexpended funds collected for the organizational expense may be transferred to the administrative fund and used for the purposes of the administrative fund.

Subd. 3. General fund. A general fund, consisting of an ad valorem tax levy, may not exceed 0.048 percent of taxable market value, or \$250,000, whichever is less. The money in the fund shall be used for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district. The managers may make an annual levy for the general fund as provided in section 103D.911. In addition to the annual general levy, the managers may annually levy a tax not to exceed 0.00798 percent of taxable market value for a period not to exceed 15 consecutive years to pay the cost attributable to the basic water management features of projects initiated by petition of a political subdivision within the watershed district or by petition of at least 50 resident owners whose property is within the watershed district.

Subd. 4. Bond fund. A bond fund consists of the proceeds of special assessments, storm water charges, loan repayments, and ad valorem tax levies pledged by the watershed district for the payment of bonds or notes issued by the watershed district. The bond fund is to be used for the payment of the principal of, premium or administrative surcharge, if any, and interest on the bonds and notes issued by the watershed district and for payments required to be made to the federal government under section 148(f) of the Internal Revenue Code of 1986, as amended through December 31, 1996.

Subd. 5. Construction or implementation fund.

- (a) A construction or implementation fund consists of:
 - (1) the proceeds of watershed district bonds or notes or of the sale of county bonds;
 - (2) construction or implementation loans from the pollution control agency under sections 103F.701 to 103F.761, or from any agency of the federal government; and
 - (3) special assessments, storm water charges, loan repayments, and ad valorem tax levies levied or to be levied to supply funds for the construction or implementation of the projects of the watershed district, including reservoirs, ditches, dikes, canals, channels, storm water facilities, sewage treatment facilities, wells, and other works, and the expenses incident to and connected with the construction or implementation.
- (b) Construction or implementation loans from the pollution control agency under sections 103F.701 to 103F.761, or from an agency of the federal government may be repaid from the proceeds of watershed district bonds or notes or from the collections of storm water charges, loan repayments, ad valorem tax levies, or special assessments on properties benefited by the project.

Subd. 6. Preliminary fund. A preliminary fund consists of funds authorized to be provided. The preliminary fund is to be used for preliminary work on proposed works of the watershed district.

Subd. 7. Repair and maintenance funds. Repair and maintenance funds are established under section 103D.631, subdivision 2.

Subd. 8. Survey and data acquisition fund.

- (a) A survey and data acquisition fund is established and used only if other funds are not available to the watershed district to pay for making necessary surveys and acquiring data.
- (b) The survey and data acquisition fund consists of the proceeds of a property tax that can be levied only once every five years. The levy may not exceed 0.02418 percent of taxable market value.
- (c) The balance of the survey and data acquisition fund may not exceed \$50,000.

(d) In a subsequent proceeding for a project where a survey has been made, the attributable cost of the survey as determined by the managers shall be included as a part of the cost of the work and the sum shall be repaid to the survey and data acquisition fund.

Subd. 9. Project tax levy. In addition to other tax levies provided in this section or in any other law, a watershed district may levy a tax:

- (1) to pay the costs of projects undertaken by the watershed district which are to be funded, in whole or in part, with the proceeds of grants or construction or implementation loans under sections 103F.701 to 103F.761;
- (2) to pay the principal of, or premium or administrative surcharge, if any, and interest on, the bonds and notes issued by the watershed district pursuant to section 103F.725; or
- (3) to repay the construction or implementation loans under sections 103F.701 to 103F.761.

Taxes levied with respect to payment of bonds and notes shall comply with section 475.61.

HIST: 1990 c 391 art 4 s 69; 1995 c 199 s 56,57; 1997 c 231 art 2 s 2-4; 1Sp2001 c 5 art 3 s 4

==103D.911

103D.911 Budget.

Subdivision 1. Hearing.

- (a) Before adopting a budget, the managers shall hold a public hearing on the proposed budget.
- (b) The managers shall publish a notice of the hearing with a summary of the proposed budget in one or more newspapers of general circulation in each county consisting of part of the watershed district. The notice and summary shall be published once each week for two successive weeks before the hearing. The last publication shall be at least two days before the hearing.

Subd. 2. Adoption. On or before September 15 of each year, the managers shall adopt a budget for the next year and decide on the total amount necessary to be raised from ad valorem tax levies to meet the watershed district's budget.

HIST: 1990 c 391 art 4 s 70; 1994 c 416 art 1 s 2

==103D.915

103D.915 Tax levy.

Subdivision 1. Certification to auditor. After adoption of the budget and no later than September 15, the secretary of the watershed district shall certify to the auditor of each county within the watershed district the county's share of the tax, which shall be an amount bearing the same proportion to the total levy as the net tax capacity of the area of the county within the watershed bears to the net tax capacity of the entire watershed district. The maximum amount of a levy may not exceed the amount provided in section 103D.905.

Subd. 2. Levy. The auditor of each county in the watershed district shall add the amount of a levy made by the managers to the other tax levies on the property of the county within the watershed district for collection by the county treasurer with other taxes. The county treasurer shall make settlement of the taxes collected with the treasurer of the watershed district in the same manner as other taxes are distributed to the other political subdivisions. The levy authorized by this section is in addition to other county taxes authorized by law.

HIST: 1990 c 391 art 4 s 71; 1994 c 416 art 1 s 3

==103D.921

103D.921 District court to create preliminary fund.

Subdivision 1. Petition.

- (a) If a petition has been filed with the managers for the construction or implementation of a project within the watershed district, the managers may file a petition with the district court in the county where the watershed district has its principal place of business asking that a preliminary expense fund be created for the watershed district.
- (b) The managers may subsequently amend or supplement the petition if necessary. At least ten days' notice of a petition or amended or supplementary petition must be given to the auditor of each county affected by the proposed project.
- (c) The preliminary fund must be of a size that is proportionate to the needs of the watershed district for preliminary work on the proposed project.

Subd. 2. Court order of amount. The district court after the hearing may designate the amount of the fund and set the proportionate amount that each county affected by the improvement shall pay, in proportion to the area in the county affected by the proposed project. The court shall order the auditor of each county to draw a warrant on the treasurer of the county for the payment of the amount specified in the order, payable to the treasurer of the watershed district. The sum advanced by the county shall be charged to the watershed district and must be repaid with interest as soon as the watershed district has funds for that purpose.

Subd. 3. Use of fund. The preliminary fund must be used by the managers for preliminary work. If the managers incur expenses for surveys or other preliminary work on a proposed project, all expenses connected with the work shall be included in the cost of construction or implementation of the proposed project. If construction or implementation of the project is authorized by the managers, the money advanced from the preliminary fund shall be repaid from assessments for the project.

Subd. 4. Appropriations from governmental bodies. The state, state agencies, and political subdivisions may appropriate money necessary to pay their proportionate share of the preliminary expenses, determined by the managers according to the benefits that will probably accrue from the proposed project.

Subd. 5. Preliminary fund. The district court may order a preliminary fund for all works of the watershed district instituted under section 103D.701.

HIST: 1990 c 391 art 4 s 72; 1995 c 199 s 58,59

==103D.925

103D.925 Warrants.

The managers may issue warrants of the watershed district to pay contracts for the construction or implementation of projects, ordinary general expenses, and expenses incurred in making repairs that have been approved by the managers, only if there are sufficient funds available for payment in the watershed district treasury.

HIST: 1990 c 391 art 4 s 73; 1995 c 199 s 60

April 2003

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, APRIL 23, 2003**

AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of March 26, 2003

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

Reports

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

Agency Reports

- Minnesota Department of Agriculture – Perry Aasness
- Minnesota Department of Health – Dan Wilson
- Minnesota Department of Natural Resources – Gene Merriam
- Minnesota Extension Service – Jim Anderson
- Minnesota Pollution Control Agency – Lisa Thorvig

Committee Recommendations

Metro Water Planning Subcommittee

1. City of Lakeville Wetland Management Plan – *Decision Item*

Southern Water Planning Subcommittee

1. Kanaranzi Little Rock Watershed District Revised Watershed Management Plan – *Decision Item*
2. Okabena-Ocheda Watershed District Revised Watershed Management Plan – *Decision Item*

3. Lyon County Comprehensive Local Water Plan – *Decision Item*
4. Nobles County Comprehensive Local Water Plan – *Decision Item*

Old Business

1. Budget Overview and Legislative Issues – Ron Harnack –
Information Item

New Business

1. Proposed '04 Wetland Conservation Act (WCA) Base Grant – John Jaschke – *Decision Item*

Advisory Comments

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

Upcoming Meetings

- State Envirothon, May 21, 2003, Minnesota Zoo, Apple Valley
- Next BWSR Meeting, May 28, 2003, St. Paul

Adjourn



DATE: April 14, 2003

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

FROM: Ronald D. Harnack, Executive Director

SUBJECT: April 23rd Board Meeting

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 23, 2003, beginning at 9:00 a.m. The meeting will be held in the BWSR conference room, lower level, at One West Water Street, St. Paul. Parking is available across the street from the building. Please display the enclosed "temporary parking permit" on your vehicle's dashboard.

The following information pertains to agenda items:

Committee Recommendations

Metro Water Planning Subcommittee

1. City of Lakeville Wetland Management Plan – On March 26, 2003, the BWSR Metro Subcommittee recommended approval of the City of Lakeville Wetland Management Plan, the BWSR Metro Region Staff also recommends approval of the Plan. The Plan does comply with Minnesota Rules 8420 and the fundamental wetland planning expectations articulated by BWSR. Here is the link to the WCA Rules:
<http://www.revisor.leg.state.mn.us/arule/8420/0650.html>

The Wetland Management Plan was developed with assistance from the local/state agency technical panel, Environmental Affairs Committee and the Parks Committee. The Plan has also been adopted by ordinance and is to be used in conjunction with the City Stormwater Management Plan and Comprehensive Land Use Plan. See attached. *Decision Item*

Southern Water Planning Subcommittee

1. Kanaranzi Little Rock Watershed District Revised Watershed Management Plan – see attached. *Decision Item*
2. Okabena-Ocheda Watershed District Revised Watershed Management Plan – see attached. *Decision Item*
3. Lyon County Comprehensive Local Water Plan – see attached. *Decision Item*

Bemidji 17 Bemidji Avenue N. Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	Brainerd 217 S. 7th Street Suite 202 Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	Duluth 394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	Fergus Falls 413 W. Stanton Avenue Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	Marshall 1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	New Ulm 261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	Rochester 40 16th Street S.E. Suite A Rochester, MN 55904 phone (507) 285-7458 fax (507) 280-2875	Saint Paul One West Water Street Suite 250 Saint Paul, MN 55107 phone (651) 282-9969 fax (651) 284-0000
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4. Nobles County Comprehensive Local Water Plan – see attached. *Decision item*

Old Business

1. Budget Overview and Legislative Issues – Budget information is now available on BWSR's web page – see the link from BWSR's home page:
<http://www.bwsr.state.mn.us> *Information/Discussion Item*

New Business

1. Proposed '04 Wetland Conservation Act (WCA) Base Grants - The Minnesota Association of Soil and Water Conservation Districts and the Association of Minnesota Counties requested that the Board of Water and Soil Resources re-evaluate the allocation of the Wetland Conservation Act grant funding to reflect updated workload factors. BWSR staff convened a group of soil and water conservation district and county representatives in 2002 to discuss the reallocation criteria. The group developed a proposal using six numeric criteria as the basis for determining workload and developed a weighting factor for each of those variables. Policy considerations related to minimum and maximum caps, soil and water conservation district portion, future formula adjustments, and grant proposals were reviewed by the BWSR Wetland Committee on March 26, 2003, and a recommendation for funding allocation was developed. The proposed allocation for Wetland Conservation Act grant funding is contingent on appropriation of the amount proposed in the Governor's FY 04-05 Budget. See attached. *Decision Item*
2. The 1997 flood disaster in northwestern Minnesota resulted in significant rural related damages. Historically, there has not been a significant effort toward inventorying and assessing the damages and related impacts. The inadequacy of rural flood damages assessment was clearly evident as part of discussion with Minnesota Recovers. BWSR, in cooperation with disaster area SWCDs undertook a project to inventory and assess these damages so that they could be effectively included in future decision making towards more comprehensive flood damage reduction in the area. Staff will present the results of that inventory and assessment. See attached. *Information Item*

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. I look forward to seeing you on April 23!

**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, APRIL 23, 2003**

PRELIMINARY AGENDA

9:00 a.m. Call Meeting to Order

Pledge of Allegiance

Adopt Agenda

Minutes of March 26, 2003

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

Reports

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

1. City of Lakeville Wetland Management Plan – *Decision Item*

Southern Water Planning Subcommittee

1. Kanaranzi Little Rock Watershed District Revised Watershed Management Plan – *Decision Item*
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3. Lyon County Comprehensive Local Water Plan – *Decision Item*
4. Nobles County Comprehensive Local Water Plan – *Decision Item*

Old Business

1. Budget Overview and Legislative Issues – Ron Harnack –
Information Item

New Business

1. Proposed '04 Wetland Conservation Act (WCA) Base Grant – John Jaschke – *Decision Item*
2. Northwest Red River Valley Rural Flood Damage Inventory and Assessment – Curt Borchert, Norman SWCD, and Bill Best – see attached. *Information Item*

Advisory Comments

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

Upcoming Meetings

- State Envirothon, May 21, 2003, Minnesota Zoo, Apple Valley
- Next BWSR Meeting, May 28, 2003, St. Paul

Adjourn

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
APRIL 23, 2003**

TEMPORARY PARKING PERMIT

**BWSR Meeting
One West Water Street
Lower Level Conference Room
APRIL 23, 2003**

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
MARCH 26, 2003**

BOARD MEMBERS PRESENT: Lee Coe, Darrell Bruggman, Jack Frost, Karen Harder, Ginny Imholte, Char Kahler, Paul Krabbenhoft, Clair Nelson, Victor Ormsby, Dwain Otte, Perry Aasness/Becky Balk, Department of Agriculture (MDA); Wayne Edgerton, Department of Natural Resources (DNR); Dan Wilson, Department of Health (MDH)

BOARD MEMBERS ABSENT: Jerome Deal
Jim Anderson, Minnesota Extension Service (MES)
Lisa Thorvig, Minnesota Pollution Control Agency (MPCA)

STAFF PRESENT: Ron Harnack, Mary Jo Anderson, Ron Struss, Jim Haertel

OTHERS PRESENT:
Pat Huelman, Minnesota Extension Service
Sandy Hooker, Minnesota Association of Townships
John Wells, Minnesota Planning
Brian Watson, MACDE

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March 26, 2003
Page Two

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

Pledge of Allegiance

- **** **Adopt Agenda** – Beltrami County Comprehensive Local Water Plan Update will
03-20 be removed from the agenda today because a quorum of the subcommittee was not present to review the plan. Moved by Victor Ormsby, seconded by Char Kahler, to approve the agenda as presented. Motion passed on a voice vote.

- Minutes of February 26, 2003** – A correction is made on page three under Agency Reports – the last sentence under Dan Wilson's report should read, "Dan stated that many counties will be reducing or eliminating well sealing cost-share grants." Moved by Jack Frost, seconded by Clair Nelson, to approve the minutes
03-21 of February 26, 2003, as corrected. Motion passed on a voice vote.

Reports

Chair's Report – Chair Coe attended the EQB meeting and reported on action taken regarding nuclear power plant activities.

Executive Director's Report – Ron Harnack reported that Doug Thomas and Tammy McGlone are giving BWSR's budget overview before the Senate Environment, Agriculture and Economic Development Budget Division this morning. Ron stated that no final word yet on board appointments. A number of hearings have been held on HF414, SWCD's bill -- there's controversy regarding the levy issue. A number of meetings have been held regarding wetlands. Ron stated that there is a lot of interest from new legislators regarding water resource issues around the state. Ron attended the MAWD legislative breakfast last week. There was good legislative attendance.

Dispute Resolution Committee (DRC) – Chair Coe referred to the DRC report included in board members' packets. Jim Haertel stated that the appeal involving the Shingle Creek WMO will be heard again later in May. Jim stated that he anticipates resolution and possibly withdrawal of the two appeals in Douglas County (Alexandria). Jim gave an update on the Albert Lea petition for establishment of a watershed district. Jim expects to have a subcommittee meeting in mid-April to review the issue. Ron stated that the subcommittee will make a final recommendation to the full Board.

Wetlands Committee – Darrell Bruggman stated that the Wetlands Committee will meet immediately following the Board meeting today.

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March 26, 2003
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Cost-Share/Soil Conservation Committee – Dwain Otte reported that the Committee met immediately following the Board meeting on February 26. The Committee heard four recommendations from staff regarding the Wabasha SWCD Feedlot Water Quality Management Grant Program. A letter was sent to the Wabasha SWCD Board, this issue will be brought before the full Board for approval after review by the Wabasha SWCD Board. The Committee also discussed the issue of reducing Joint Powers Boards from eleven to seven.

Education and Public Relations Committee – Paul Krabbenhoft stated that the Education Committee met this morning. Paul introduced Pat Huelman, MES Natural Resources and Environment Capacity Area Leader, and Ron Struss, MES/BWSR Regional Extension Educator. Ron distributed MES's response to program recommendations made by BWSR and gave an overview of what the Education Committee has been working on. Pat thanked BWSR for this coordinated partnering effort with MES. Pat stated that he looks forward to continuing this collaborate effort and is ready to move ahead on this endeavor. Ron Harnack suggested having a short-term plan with a listing of priorities. Wayne Edgerton suggested bringing all agencies together to work on this effort. The Board concurred to have a multi-agency meeting to identify critical issues, share priorities, focus, and what is the next step, where to go from here. Chair Coe thanked Pat Huelman and Ron Struss for their efforts and work on this report.

Paul Krabbenhoft stated that the Committee plans to discuss drainage education issues in the state at an upcoming meeting.

Agency Reports

Becky Balk, representing Department of Agriculture on behalf of Perry Aasness, distributed information on the "Watershed Heroes Conference", June 18-20 in St. Peter. Becky stated that a news release announced a Minnesota biodiesel task force, to advise MDA on biodiesel in Minnesota.

Dan Wilson, Minnesota Department of Health (MDH), reported on two legislative bills that MDH is following; 1) well disclosure in Baytown (Washington County) regarding special well construction areas, focusing on purchaser HF276 (Lipman), SF163 (Wiger). And, 2) septic bill – requirements of client status of septics, combined disclosure with well disclosure – MDH is looking at implications and the issue of data entry; working on this with MPCA, SF503 (Murphy) HF501 (Tinglestad).

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Wayne Edgerton, Department of Natural Resources (DNR), announced the Big Woods Dairy Tour at Nerstrand State Park. The legislative/agency tour will be held on August 8; board members are invited to attend. Public tours will be held on August 7 and August 9. Wayne reported on the Chronic Wasting Disease (CWD) wild deer testing. Just under 5,000 brain stems were tested, all negative. Additional testing will continue, 40 herds nationally have tested positive for CWD. A legislative bill contains language to make testing mandatory rather than voluntarily, and transfers the testing from DNR to the Board of Animal Health. Wayne reported that Senator Norm Coleman would like a tour of Minnesota to become informed and educated about Farm Bill issues.

Chair Coe called for a break at 10:40 a.m. The meeting reconvened at 10:55 a.m.

Old Business

Budget/Legislative Overview – Ron Harnack stated that with the budget reductions come the need for changes in statutes. Ron distributed the proposed changes and gave an overview of the proposed policy changes as part of the '04-05 budget. Ron distributed proposed Wetland Conservation Act (WCA) amendments, alternative language for HF846/SF656. Discussion followed. Ron anticipates this language or some other streamlining and accountability language will likely be incorporated into the House Transportation Finance bill. The Board concurred with the 1:1.5 mitigation option pending a final decision or position from the Governor's office. Moved by Dwain Otte, seconded by Karen Harder, to support the concept of the alternative language conditioned as proposed. Motion passed on a voice vote.

**
03-22

Ron will keep board members informed as other legislative policy bills move forward.

Overview of the "Minnesota Water Priorities 2003 – 2005" Biennial Report of the Environmental Quality Board – John Wells, EQB Water Planning Director distributed the report; this report has just been submitted to the Governor. John stated that Minnesota Statutes direct the Environmental Quality Board to coordinate state water programs and develop biennial reports on water policy and priorities, including recommendations for funding the identified needs. This report presents the EQB's suggested priorities for the 2004-2005 biennium. Chair Coe thanked John for presenting this informative overview.

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Advisory Comments

Brian Watson, Minnesota Association of Conservation District Employees (MACDE) reported that the next meeting of MACDE is April 2. Brian stated that the wetland issues discussed today with the proposed amendments are headed in the right direction.

Sandy Hooker, Minnesota Association of Townships (MAT), stated that grant funds and low-interest loans are vital to upgrading septic systems which would clean-up water sources for lakes, streams, and groundwater.

Ginny Imholte, Minnesota Association of Watershed Districts (MAWD), commented on the excellent attendance of legislators at the MAWD legislative breakfast meeting. The MAWD summer tour and training will be held June 19-21 in St. Cloud.

Upcoming Meetings

- Next BWSR meeting, April 23, 2003, in St. Paul.

****** Moved by Dwain Otte, seconded by Victor Ormsby, to adjourn the meeting at
03-23 12:50 p.m. Motion passed on a voice vote.

Respectfully submitted,

Leland Coe
Chair

Dispute Resolution Report
April 11, 2003
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. The first two appeals are new since the last report of March 13.

There is an appeal of an exemption decision and a no-loss decision made by Middleville Township in Wright County. No decision has been made on accepting the appeal.

There is an appeal of a no-loss decision and two exemption decisions made by the Vadnais Lake Area Water Management Organization in Vadnais Heights, Ramsey. The proposed project is for a residential development. No decision has been made on accepting the appeal.

There is an appeal of a no-loss decision in Douglas County. An agreement has been mediated that should resolve the appeal this summer.

There is an appeal of a restoration order in Douglas County. An agreement has been mediated that should resolve the appeal this summer.

There are two appeals of a replacement plan decision made by the Shingle Creek WMO in Brooklyn Center. These two appeals were previously heard by the DRC and remanded. The WMO conducted a new public hearing, made the same decision as before, and the same appellants have filed new appeals. The appeals have been accepted and a pre-hearing conference has been scheduled for April 11.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The appeal is being held in abeyance pending further technical evaluation work, however, it appears a settlement agreement may be reached between the county attorney and the landowner.

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

Another appeal is of a replacement plan denial in Stearns County. The appeal involves a single family dwelling site near the Mississippi River. The appeal has been accepted, a pre-hearing was held and the appeal is in abeyance pending the results of a lawsuit between the landowner and the county.

Appeals Filed in 2003 (All WCA)

File No.	LGU Action	County (City)	LGU	Status
03-				
1	Replacement Plan	Hennepin (Brooklyn Center)	Shingle Creek WMO	Pending, pre-hearing held
2	Replacement Plan	Hennepin (Brooklyn Center)	Shingle Creek WMO	Pending, pre-hearing held
3	Replacement Plan	Stearns (St. Joseph)	County Board	Denied as meritless
4	Replacement Plan	Lake of the Woods	County Board	Denied as meritless
5	Restoration Order	Douglas (Alexandria)	SWCD	Pending, mediated agreement to resolve appeal
6	Exemption/NoLoss	Douglas (Alexandria)	SWCD	Pending, mediated agreement to resolve appeal
7	Exemption/NoLoss	Ramsey (Vadnais Heights)	Vadnais Lake Area WMO	Pending
8	Exemption/NoLoss	Wright	Middleville Township	Pending
9				
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4/11/03

EXECUTIVE ORDER

City of Lakeville Wetland Management Plan

Background

On March 26, 2003, the BWSR Metro Subcommittee recommended approval of the City of Lakeville Wetland Management Plan to the BWSR Board. The BWSR Metro Region Staff also recommends approval of the City of Lakeville Wetland Plan.

Summary of Plan Review Process and Plan Strengths

In a letter dated March 4, 2003, the BWSR commented that: 1) The Plan addresses all the issues necessary for effective wetland management in a rapidly developing community, 2) The final plan submitted to BWSR must be accompanied by an approved City Wetland Ordinance, 3) The wetland management plan has been effectively designed to be implemented in conjunction with the City of Lakeville stormwater management plan, comprehensive land use plan and consistent with several natural resource based municipal programs including erosion and sediment control policy, and public education program, 4) The GIS Database for wetland management provides a "business management" mechanism for implementation of wetland management standards through the local zoning ordinances, 5) The Plan has established tangible and realistic standards for a comprehensive list of implementation "tools" including wetland buffers, stormwater management, wetland mitigation and sequencing. The City of Lakeville Final Wetland Management Plan dated March 2003, included changes in the Plan related to issues defined in the final BWSR draft plan review letter.

Highlights of the Plan include: Definition of specific projects/actions, responsible parties and set time line, Identification of wetland management classifications determined through citizen involvement and agency participation, Concise implementation section with identified management standards and activities, Communication among the various responsible departments within the City of Lakeville and partnership with other local technical and regulatory partners and programs.

The Plan does comply with Minnesota Rules 8420 and the fundamental wetland planning expectations articulated by BWSR. The Wetland Management Plan was developed with assistance from the local/state agency technical panel, Environmental Affairs Committee and the Parks Committee. The Plan has also been adopted by ordinance and is to be used in conjunction with the City Stormwater Management Plan and Comprehensive Land Use Plan.

Background of the City

The City of Lakeville is located in western Dakota County. There are approximately 350 wetlands within the 2020 Metropolitan Urban Services Area with the City limits. Wetlands and other natural resources of special interest within the City are South Creek Trout Stream, North Creek, Crystal Lake, Golf Course Fen, Marion Lake, Orchard Lake, Kingsley Lake, and Crystal Lake.

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

In the Matter of the review of the Wetland
Management Plan for the **City of Lakeville**
pursuant to Minnesota Statutes
Section 103G.2242 Subd. 1 (c.)

**ORDER
APPROVING
WETLAND
MANAGEMENT PLAN**

Whereas, the City of Lakeville submitted a Wetland Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.), and;

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

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

FINDINGS OF FACT

1. **Requirement to Plan.** Minnesota Statutes Section 103G.2242 Subd. 1 (c.) allows the Board to approve a comprehensive wetland protection plan developed by a local government unit provided that the Plan is incorporated into sections 103A.201, Subd. 2 and 103G.222, is adopted as part of an approved local water plan under section 103B.231 and is adopted as part of the local government's official controls.

The intent of the Plan is to provide the means for the City to protect and manage its wetlands by utilizing the flexibility within the Wetland Conservation Act. The Plan provides guidelines for wetland protection and management, assistance with the Wetland Conservation Act, and acts as a reference guide to developers to use when working near wetlands. The development of protection and management strategies for wetlands within the City stems from the function and values assessment completed as part of the Plan. These management strategies allow the City to protect and manage wetland resources by implementing flexibility in the Wetland Conservation Act.

2. **Background of the City.** The City of Lakeville is located in western Dakota County. There are approximately 350 wetlands within the 2020 Metropolitan Urban Services Area in the City limits. Wetlands and other natural resources of special interest within the City are South Creek Trout Stream, North Creek, Crystal Lake, Golf Course Fen, Marion Lake,

Orchard Lake, Kingsley Lake, and Crystal Lake.

3. **Local Review.** The Wetland Management Plan (Plan) was developed with assistance from the local/state agency technical panel, Environmental Affairs Committee and the Parks Committee. The Plan has also been adopted by ordinance and is to be used in conjunction with the City Stormwater Management Plan and Comprehensive Land Use Plan.
4. **Metropolitan Council Review.** In the Plan review letter dated January 30, 2003, the Council found the Plan consistent with the Council's Water Resources Management Policy Plan and other policy documents. The Council further commented that the Plan is very proactive and was pleased with the City's continued commitment to work toward protecting the valued water resources in the City and region. The Council is also encouraged that the City is aggressively pursuing strong wetland protection ordinances that will allow the City to implement and enforce the proposed buffer and pre-settlement requirements for each of the wetland management categories set forth in the Plan.
5. **Department of Agriculture Review.** The MDA did not provide comments on the City of Lakeville Wetland Management Plan.
6. **Department of Health Review.** The MDH did not provide comments on the City of Lakeville Wetland Management Plan.
7. **Department of Natural Resources Review.** In an email dated February 20, 2003, the DNR recommended that the City might want to start thinking about how wetlands fit into the landscape approach to planning through identification of the regionally significant ecological areas, greenways and natural corridors. The DNR also stated that the Plan was good and contained all the elements common to other plans.
8. **Pollution Control Agency Review.** The MPCA did not provide comments on the City of Lakeville Wetland Management Plan.
9. **Dakota County Soil and Water Conservation District Review.** In a letter dated February 19, 2003, the Dakota County SWCD had the following comments and recommendations: 1) Orchard, Kingsley, and Crystal Lakes have also been identified as priority water bodies by the Black Dog Lake Watershed Management Organization, 2) considerations should be given to incorporate the assessment methodology by reference to wetlands outside the 2020 MUSA, 3) that the Plan should ensure all wetlands within the City will be assessed if and when land is altered, 4) the City should inform the DSWCD if and when significant changes are made to the Plan.
10. **Board Review.** In a letter dated March 4, 2003, the BWSR commented that: 1) The Plan

addresses all the issues necessary for effective wetland management in a rapidly developing community, 2) The final plan submitted to BWSR must be accompanied by an approved City Wetland Ordinance, 3) The wetland management plan has been effectively designed to be implemented in conjunction with the City of Lakeville stormwater management plan, comprehensive land use plan and consistent with several natural resource based municipal programs including erosion and sediment control policy, and public education program, 4) the GIS Database for wetland management provides a "business management" mechanism for implementation of wetland management standards through the local zoning ordinances, 5) the Plan has established tangible and realistic standards for a comprehensive list of implementation "tools" including wetland buffers, stormwater management, wetland mitigation and sequencing. The City of Lakeville Final Wetland Management Plan dated March 2003, included changes in the Plan related to issues defined in the final BWSR draft plan review letter.

On March 26, 2003, the BWSR Metro Subcommittee recommended approval of the City of Lakeville Wetland Management Plan to the BWSR Board. The BWSR Metro Region Staff recommends approval of the City of Lakeville Wetland Plan.

Highlights of the Plan. The critical elements included in the Plan are:

- a. Definition of specific projects/actions, responsible parties and set time line,
- b. Identification of wetland management classifications determined through citizen involvement and agency participation,
- c. Concise implementation section with identified management standards and activities,
- d. Communication among the various responsible departments within the City of Lakeville and partnership with other local technical and regulatory partners and programs.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Wetland Management Plan for the City of Lakeville pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.).
3. The City of Lakeville Final Wetland Management Plan attached to this Order provides a function and value assessment for all wetlands within the City of Lakeville's 2020 MUSA

boundary and defines all wetland-related problems within the City of Lakeville boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373.

ORDER

The Board hereby approves the attached Plan dated March 2003, and Local Wetland Management Ordinance approved March 17, 2003 for the City of Lakeville.

Dated at Saint Paul, Minnesota this 23rd day of April, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Leland G. Coe, Chair

OVERVIEW
Kanaranzi-Little Rock Watershed District
REVISED WATERSHED MANAGEMENT PLAN
BWSR Board Meeting April 23, 2003

WATERSHED DESCRIPTION

The Kanaranzi-Little Rock Watershed District (KLRWD) is located within Nobles and Rock Counties in southwestern Minnesota. The KLRWD is composed primarily of natural and grass waterways, with no formal ditches or lakes. The water resources managed by the district ultimately outflow into the state of Iowa. The majority of the watershed is managed for agricultural production (*livestock and row-crops*). A four-member board of managers serves the KLRWD.

PLAN DEVELOPMENT AND HISTORY

The BWSR approved Kanaranzi-Little Rock Watershed District Management Plan was an integral component of the 1998 Nobles County Comprehensive Local Water Plan (CLWP). The 2002 threshold for revision of the Nobles CLWP compelled a re-examination of the OOWD Management Plan.

On January 17, 2002 and February 19, 2002, Kanaranzi-Little Rock Watershed District Managers concurred with minor modifications to the formally adopted 1998 plan.

On March 5, 2003, the BWSR Southern Region Ad Hoc Committee met in Worthington, Minnesota with BWSR staff, Kanaranzi-Little Rock Watershed District representatives, and Nobles County and SWCD staff to review and discuss the revised plan. The review committee discussed past accomplishments, resource issues and needs, and to hear comments on the planning process.

The Water Plan Review Committee determined that all relevant law and rule requirements had been met by the revised plan. The Committee voted unanimously to recommend that the Board approve the revised Kanaranzi-Little Rock Watershed District Management Plan.

SUMMARY OF PLAN AND STRENGTHS

The KLRWD was established in October of 1981 for the purposes of managing the waters of the district for the protection of the public health and welfare, provident use of the natural resources, to prevent recurring damage to property and resources caused by uncontrolled erosion, flooding, and siltation. The first KLRWD management Plan was approved in 1982, followed by adopted improvements for the aforementioned 1998 Nobles CLWP.

The following is a brief list of some of the strengths of the plan:

The PL-566 project continues to be a successful initiative amongst several LGU entities. Revised and improved KLRWD Rules were adopted in June of 1997.

Local cost-share, BMP, and other land use initiatives have proven to be successful and self-supporting.

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

In the Matter of Prescribing a Revised Watershed Plan for the
Kanananzi-Little Rock Watershed District (Minnesota Statutes 1990,
Section 103D.405)

ORDER
PRESCRIBING
WATERSHED PLAN

The board of managers of the Kanananzi-Little Rock Watershed District (District) filed a revised watershed management plan with the Minnesota Board of Water and Soil Resources (BWSR).

Having considered the entire record, the BWSR makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. The District filed with the BWSR on July 25, 2002, a revised watershed management plan dated July 2002.
2. The District participated in a public information meeting on January 10, 2002, for purposes of gaining public input into the plan.
3. On January 17, 2002 and February 19, 2002, Kanananzi-Little Rock Watershed District Managers concurred with minor modifications to the formally adopted 1998 plan.
4. On July 25, 2002, the updated plan was submitted to affected local units of government for preliminary review and comment (cities, townships, counties, and soil & water conservation districts).
5. On July 25, 2002, the updated plan was submitted to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Geological Survey, and Environmental Quality Board for preliminary review and comment.
6. On November 16, 2002, the District published in the Worthington Globe newspaper, a public notice inviting local participation, suggestions, and/or comments regarding the updated plan.
7. On November 16, 2002, the District sent an invitation to surrounding county auditor offices, pertinent city clerks, and township officials requesting participation, suggestions, and/or comments regarding the updated plan.
8. On November 25, 2002, the District participated in a public hearing for the purpose of obtaining public input into the updated plan.
9. On December 04, 2002, the District submitted a final plan dated December 2002 to the BWSR and also to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Geological Survey, and Environmental Quality Board for final review.

10. On March 5, 2003, the BWSR Southern Region Ad Hoc Committee met in Worthington, Minnesota with BWSR staff, Watershed District representatives, and Nobles County staff to review and discuss the December 2002 final plan. Those in attendance were Victor Ormsby (SWCD member), Mark Dittrich (MDA member), Terry Bovee (MDH member) and Char Kahler (citizen member) of the BWSR Board; BWSR regional supervisor, Jeff Nielsen; BWSR board conservationist Tom Kresko; Nobles County water plan coordinator, Wayne Smith; Nobles County Commissioners Diane Their, Marvin Zylstra, and Claire Gerber; Nobles SWCD Manager, Dan Livdahl; Nobles SWCD Supervisors Jim Knips, Mike Perkins, Paul Langseth and Lynn Darling; Heron Lake Watershed District Administrator, Jan Voit; Nobles County Environmental Specialist, Al Langseth; Nobles County Public Works Administrative Assistant, Kathy Henderschiedt; Water Plan task force member, Jack Slater; Okabena-Ocheda Watershed District Manager, Les Johnson; and Kanaranzi-Little Rock Watershed District Managers Rod Bonsma, Connie Frahm, and Tim Blume. The review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the December 2002 final plan; and to hear comments on the planning process.
11. On March 5, 2003, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Watershed Management Plan dated December 2002 of the Kanaranzi-Little Rock Watershed District.

CONCLUSIONS

1. All relevant, substantive, and procedural requirements of law have been fulfilled. The BWSR has proper jurisdiction in the matter of prescribing a revised watershed management plan for the District.
2. The updated plan dated December 2002 states water and water-related problems in the District; possible solutions; and general goals, objectives, and actions of the District. The updated plan is in conformance with the requirements of Minnesota Watershed District Act, BWSR Guidelines for Watershed District Plan content, and is consistent with affected county water plans.

ORDER

The Board prescribes the attached document as the revised Watershed Management Plan for the Kanaranzi-Little Rock Watershed District.

Dated at St. Paul, Minnesota, this 23rd day of April, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland G. Coe, Chair

OVERVIEW
Okabena-Ocheda Watershed District
REVISED WATERSHED MANAGEMENT PLAN
BWSR Board Meeting April 23, 2003

WATERSHED DESCRIPTION

The Okabena-Ocheda Watershed District (OOWD) is located entirely within Nobles County in southwestern Minnesota. The OOWD has three lake systems including Okabena, Ocheda, and the artificially created Lake Bella. The water resources managed by the district ultimately outflow into the state of Iowa. The city of Worthington is the only major municipality within the district, with the greater part of the watershed under agricultural management practices. A five-member board of managers serves the OOWD.

PLAN DEVELOPMENT AND HISTORY

The 1998 BWSR approved watershed management plan for the Okabena-Ocheda Watershed District was an integral component of the 1998 Nobles County Comprehensive Local Water Plan (CLWP). The 2002 threshold for revision of the Nobles CLWP compelled a re-examination of the OOWD Management Plan.

Plan assessment and development was part of regular OOWD meeting agendas on 06/04/02, 10/01/02, 11/05/02, and 12/03/2002. On June 11, 2002, the Okabena-Ocheda Watershed District held a special meeting to review the revised plan. District Managers concurred with only minor modifications to the formally adopted 1998 plan.

On March 5, 2003, the BWSR Southern Region Ad Hoc Committee met in Worthington, Minnesota with BWSR staff, Okabena-Ocheda Watershed District representatives, and Nobles County and SWCD staff to review and discuss the revised plan. The review committee discussed past accomplishments, resource issues and needs, and to hear comments on the planning process.

The Water Plan Review Committee determined that all relevant law and rule requirements had been met by the revised plan. The Committee voted unanimously to recommend that the Board approve the revised Okabena-Ocheda Watershed District Management Plan.

SUMMARY OF PLAN AND STRENGTHS

The OOWD was established in 1961, with the Worthington Drainage and Conservancy District preceding it (established 1954). The major management objective of the OOWD is to improve the quantity and the quality of the water resources within the district. The first OOWD management Plan was approved in 1962, followed by adopted improvements in 1965, 1972, and the aforementioned 1998 version.

Some of the strengths of the plan include:

Revised and improved OOWD Rules were adopted in May of 2002.

An Okabena-Ocheda-Bella Clean Water Partnership Joint Powers Board assists in many complimentary water resource management initiatives.

The OOWD manages several areas of the district for wellhead protection, stormwater treatment, flood management, and wildlife habitat.

The OOWD was awarded several BMP grants through partnering with the County and SWCD.

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

In the Matter of Prescribing a Revised Watershed Plan for the
Okabena-Ocheda Watershed District (Minnesota Statutes 1990,
Section 103D.405)

ORDER
PRESCRIBING
WATERSHED PLAN

The board of managers of the Okabena-Ocheda Watershed District (District) filed a revised watershed management plan (plan) with the Minnesota Board of Water and Soil Resources (BWSR).

Having considered the entire record, the BWSR makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. The District filed with the BWSR on July 25, 2002, a revised watershed management plan dated July 2002.
2. The District participated in a public information meeting on January 10, 2002, for purposes of gaining public input into the plan.
3. Plan assessment and development was part of regular District meeting agendas on 06/04/02, 10/01/02, 11/05/02, and 12/03/2002.
4. On June 11, 2002, the Okabena-Ocheda Watershed District held a special meeting to review the plan. District Managers concurred with minor modifications to the formally adopted 1998 plan.
5. On July 25, 2002, the updated plan was submitted to affected local units of government for preliminary review and comment (cities, townships, counties, and soil & water conservation districts).
6. On July 25, 2002, the updated plan was submitted to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Geological Survey, and Environmental Quality Board for preliminary review and comment.
7. On November 16, 2002, the District published in the Worthington Globe newspaper, a public notice inviting local participation, suggestions, and/or comments regarding the updated plan.
8. On November 16, 2002, the District sent an invitation to surrounding county auditor offices, pertinent city clerks, and township officials requesting participation, suggestions, and/or comments regarding the updated plan.
9. On November 25, 2002, the District participated in a public hearing for the purpose of obtaining public input into the updated plan.

10. On December 04, 2002, the District submitted a final plan dated December 2002 to the BWSR and also to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Geological Survey, and the Environmental Quality Board for final review.
11. On March 5, 2003, the BWSR Southern Region Ad Hoc Committee met in Worthington, Minnesota with BWSR staff, Watershed District representatives, and Nobles County staff to review and discuss the December 2002 final plan. Those in attendance were Victor Ormsby (SWCD member), Mark Dittrich (MDA member), Terry Bovee (MDH member) and Char Kahler (citizen member) of the BWSR Board; BWSR regional supervisor, Jeff Nielsen; BWSR board conservationist, Tom Kresko; Nobles County water plan coordinator, Wayne Smith; Nobles County Commissioners Diane Their, Marvin Zylstra, and Claire Gerber; Nobles SWCD Manager, Dan Livdahl; Nobles SWCD Supervisors Jim Knips, Mike Perkins, Paul Langseth and Lynn Darling; Heron Lake Watershed District Administrator, Jan Voit; Nobles County Environmental Specialist, Al Langseth; Nobles County Public Works Administrative Assistant, Kathy Henderschiedt; Water Plan task force member, Jack Slater; Okabena-Ocheda Watershed District Manager, Les Johnson; and Kanaranzi-Little Rock Watershed District Managers Rod Bonsma, Connie Frahm, and Tim Blume. The review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the December 2002 final plan; and to hear comments on the planning process.
12. On March 5, 2003, the BWSR Water Plan Review Committee voted unanimously to recommend that the Board approve the Watershed Management Plan dated December 2002 of the Okabena-Ocheda Watershed District.

CONCLUSIONS

1. All relevant, substantive, and procedural requirements of law have been fulfilled. The BWSR has proper jurisdiction in the matter of prescribing a revised watershed management plan for the District.
2. The updated plan dated December 2002 states water and water-related problems in the District; possible solutions; and general goals, objectives, and actions of the District. The updated plan is in conformance with the requirements of Minnesota Watershed District Act, BWSR Guidelines for Watershed District Plan content, and is consistent with affected county water plans.

ORDER

The Board prescribes the attached document as the revised Watershed Management Plan for the Okabena-Ocheda Watershed District.

Dated at St. Paul, Minnesota, this 23rd day of April 2003.

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**

LYON COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Background

Lyon County has a Comprehensive Local Water Plan was approved by the BWSR on December 19, 1996. Lyon County submitted its third generation Plan to the BWSR on May 30, 2002. The ninety-day state agency final review process began on May 30, 2002, and ended on August 01, 2002.

On October 15, 2002, and again on March 12, 2003 brief information regarding the Lyon County Plan Update was provided to the Board for their review.

On March 05, 2003, the BWSR Water Plan Review Committee met in the City of Worthington with BWSR staff and representatives from Lyon County to review and discuss the third generation five-year Comprehensive Local Water Plan.

For the April 23, 2003 BWSR Board meeting, two items have been provided for board member information. The first item is a copy of the Executive Summary section of the Lyon County Water Plan, which briefly describes some major accomplishments in the past ten years and a brief outlook for the upcoming five years. The second item is a board order for the Lyon County Water Plan, which provides additional background information.

Highlights

The county developed this plan through coordination, communication, and prioritization of "action priorities" amongst the task force and multiple public entities. Each group identified their three highest priorities and specified their level of commitment (*monetary, staffing, etc.*) Each interest group also identified immediate goals for the calendar year 2003. Quantitative goals, objectives, and actions are also identified for each "Action Priority" under the heading "Measurable Outcomes".

The "Calendar-Year 2003 Summary Point List" identifies one high priority objective to be completed by each entity during 2003. Future water plan taskforce meetings intend to re-examine these priorities annually to measure success and re-direct resources and staff. Overall, each of the Action Priorities pave the way for successful implementation strategies.

Required items (*resource data, assessments, trends/issues, goals & objectives, implementation*) are not specifically packaged in a watershed context. However, the executive summary is presented individually, by watershed, and strives to exemplify the diverse resource issues in relation to an overall watershed context. This was also achieved through specific documentation within each Action Priority (*also denoting responsibilities for particular interest groups*). *Newly generated maps are an overwhelming improvement from previous plans; simply awesome!*

Where the previous versions of the water plan exhibited extremely broad goals, objectives and actions. This third generation plan "cuts through the fat" in order to identify preferred measures with watershed references. BWSR staff reviewed the Lyon County Water Plan and found that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Lyon County 2003-2007 five-year Comprehensive Local Water Plan.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at the April 23, 2003 meeting.

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Lyon County Board of Commissioners adopted a Comprehensive Local Water Plan (Plan) on July 03, 1996, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on December 19, 1996, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

Whereas, the Lyon County Board of Commissioners submitted a Comprehensive Local Water Plan Update (Plan Update) to the Board on September 09, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On November 07, 2000, Lyon County Board of Commissioners passed a resolution requesting an extension in the expiration date for the Lyon County Comprehensive Local Water Plan.
3. On December 13, 2000, the BWSR passed a resolution to approve the extension of the Lyon County Comprehensive Local Water Plan until December 31, 2002.
4. On September 04, 2001, Lyon County Board of Commissioners passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
5. Lyon County held a public information meeting on February 28, 2002, for purposes of gaining public input into the Plan Update.
6. On May 30, 2002, Lyon County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.

7. On May 30, 2002, Lyon County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Pollution Control, Geological Survey, and Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.
8. On August 01, 2002, Lyon County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On September 10, 2002, Lyon County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On September 10, 2002, the Board distributed notification of the official 90-day state review and a copy of the Lyon County Plan Update to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Environmental Quality Board, and Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On October 15, 2002, and again on March 12, 2003 brief information regarding the Lyon County Plan Update was provided to the Board for their review.
12. **Individual Comments:** No individual written comments were received.
13. **County Response to Individual Comments:** Not applicable.
14. **Local Government Unit (LGU) Comments:** Lyon SWCD (Lyon County Soil and Water Conservation District)
Draft plan comments: (received August 15, 2002) Lyon SWCD Manager Rose Anderson requested some clarifications regarding the programs and accomplishments administered by the SWCD. She also suggested renewing efforts to build productive partnerships between the SWCD, watershed districts, and other County Offices.
Final comments: None submitted.
15. **County Response to LGU Comments:** (reply October 18, 2002) Lyon County staff stated that the changes requested were incorporated into the final version of the plan.
16. **Minnesota Department of Agriculture (MDA) Review:**
Draft plan comments: None submitted.
Final comments: (received October 28, 2002) Commissioner Gene Hugoson commended Lyon County on the development of their third generation water plan and on the progress made in implementation of previous plans. He noted several areas where the MDA may be able to coordinate efforts with Lyon County including: including pesticides and fertilizer management issues, nitrate testing, low interest Ag BMP loans, agricultural drainage issues, and Best Management Practices for agricultural operations.
17. **County Response to Minnesota Department of Agriculture (MDA):** reply not necessary.
18. **Minnesota Department of Health (MDH) Review:**

Draft plan comments: (received July 24, 2002) Terry Bovee of MDH made several editorial changes and recommendations to the Plan in areas of drinking water, ground water quantity/quality, and various overviews.

Final comments: Received approval in February 2003 via personal discussion with Terry Bovee.

19. Minnesota Department of Natural Resources (DNR) Review:

Draft plan comments: None submitted.

Final comments: (received September 25, 2002) No additional comments at this time. DNR was supportive and encouraged by this plan and looks forward to working with Lyon County and others involved in water management to improve and protect the natural resources.

20. County Response to DNR Comments: Not applicable.

21. Minnesota Pollution Control Agency (MPCA) Review:

Draft plan comments: (received July 18, 2002) MPCA Southwest regional staff provided a list of MPCA key components for Lyon County to consider including the goals and objectives of the Plan, and the 2002 303(d) list of impaired waters for counties in southwestern Minnesota. They included a list "Where to Find MPCA Information on the Internet for Water Plans" for current available Internet information.

Final comments: (received November 19, 2002) MPCA review was done to ensure continuity of approach with MPCA programs and identify any inconsistencies that may exist between the plan recommendations or planned activities, state statutes or MPCA rules and policies. MPCA recommends that BWSR give final approval to the Plan.

22. County Response to MPCA Comments: (reply November 25, 2002) Lyon County staff stated that the changes requested were addressed in the final version of the plan.

23. Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:

Draft plan comments: None submitted.

Final comments: None submitted.

24. County Response to EQB Comments: Not applicable.

25. Minnesota Geological Survey (MGS) Review:

Draft plan comments: None submitted.

Final comments: None submitted.

26. County Response to MGS Comments: Not applicable.

27. Minnesota Board of Water and Soil Resources (BWSR): Board staff attended Lyon County's task force meetings during the months of February and August of 2002.

Draft plan comments: (Received August 01, 2002) Board Conservationist Tom Kresko stated the BWSR new strategy that data requirements of the water plan revision will be reduced while a significantly greater emphasis will be placed upon the resource assessments; offered suggestions for improvement and enhancement to the draft water plan concerning the executive summary, assessments, maps, watershed goals and other measurable goals.

Final comments: Not necessary.

28. County Response to BWSR Comments: (reply October 18, 2002) Lyon County staff incorporated the suggestions and added other appropriate text.

29. **Board Water Plan Review Committee Meeting:** On March 5, 2003, the Board committee met in Worthington, Minnesota with Board staff and representatives from Lyon County to review and discuss the Plan Update. Those in attendance were Victor Ormsby (SWCD member), Mark Dittrich (MDA member), Terry Bovee (MDH member) and Char Kahler (citizen member) of the BWSR Board; BWSR regional supervisor, Jeff Nielsen; BWSR board conservationist, Tom Kresko; water plan coordinator, Roger Schroeder; Lyon SWCD Manager, Rose Anderson; and Yellow Medicine Watershed District Supervisor, Terry Renken. The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from Lyon County on the planning process.
30. On March 5, 2003, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Lyon County 2003-207 five-year Comprehensive Local Water Plan Update.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached plan as the Comprehensive Local Water Plan of Lyon County. Dated at St. Paul, Minnesota, this 23rd day of April, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland G. Coe, Chair

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Water.

Human beings have a strong connection to water. Not surprising when you consider that the human brain is about 75 percent water. We are drawn to it for play, relaxation, and to sustain our lives. To enjoy peaceful moments along a languid river or a cold refreshing glass on a hot day. Children splash in puddles after a warm rain, while adults attempt to reveal hidden secrets beneath the surface with a rod and reel. Floating in aimless relaxation in the summer heat. The ultimate elixir. Water.



Water maintains natural ecosystems, which sustain biodiversity, help to regulate the hydrological cycle and bring value to people in the form of goods and service derived from activities in these ecosystems. Use of groundwater for industrial processes has skyrocketed in this area, improving our diversifying local economy. It supplies our booming agricultural area with timely rains for crops, and supplies animals with a necessary component for growth. Water comes into our homes for cleaning and consuming, and passes through a wastewater plant or septic system to return to river or ground. If too much water comes too fast, it is tiled and ditched away, or pooled in basins for a gradual release. Water takes care of us, and provides for us, and sometimes temporarily defeats us. Cooling. Drinking. Exploring. Mixing. Growing. Processing. Irrigating. Treating. Supplying. Carrying. Water.

This resource once thought to be so vast that it could accommodate an unlimited amount of untreated waste, or consumed without recycling, or drained away to provide for a better way of life is becoming the source of conflict all over the world. To be sure, most areas of the world are in greater conflict than Lyon County, Minnesota, yet Lyon County has its share of water resource issues. Some, such as municipalities that require a large supply of quality water, are increasing in intensity and importance.

Groundwater Protection

Groundwater is becoming an increasingly important management issue because of the relative ease and flexibility with which it can be tapped; making it far more attractive to many groups of users to the point where water quality deterioration is beginning to be experienced. In addition, industrial facilities and animal feedlots that need large quantities of high quality water to meet their needs are searching for new resources, while some cities expect residents to limit water use during summer months to avoid

experiencing water shortage problems. Section VIII details concerns related to observed groundwater use trends.



Wellhead protection is evolving into a priority concern for area residents, and an important management tool for communities to ensure future safe drinking water supplies. Limiting land surface storage of potential pollutants, and land use practices that lead to excessive nutrient inputs in wellhead protection zones will play an important role in limiting groundwater contamination potential of municipal wells. As of April 2001, two communities have initiated wellhead protection processes for their community wells; Marshall, and Balaton. Support via Water Task Force participation in wellhead protection (WHP) processes, and funding of WHP efforts will assist Lyon County communities to accomplish necessary WHP tasks.

Unused wells that have not been properly sealed can also be a source of groundwater contamination, potentially affecting nearby drinking water supplies. They may threaten the quality of the water in both municipal and private wells. Providing cost share dollars for the sealing of abandon or unused wells has been a successful program of the water plan. Success has come taking a first come, first serve approach to promotion of this concept, with minimal outside promotion except for occasional news articles in newsletters or newspapers. That in mind, the Lyon County Environmental Office will target critical areas (such as WHP zones) for well sealing cost share promotion, and will explore the idea of a sliding scale for sealing depending on the necessity of sealing a well based on environmental factors.

Regarding groundwater quality, the Lyon County Groundwater Monitoring Program has been an exceptional project, providing a wealth of information that have been useful to understanding the groundwater resources in this area. Additional, more focussed efforts will undoubtedly be necessary, especially in the areas of pesticide screening and monitoring, and work conducted in groundwater recharge zones, and efforts to better understand connections between ground and surface water systems. Based on previous water well analysis results, LLMP Public Health will conduct pesticide screening on existing County groundwater monitoring wells, and will pursue funding sources for both Arsenic and Radon water testing on susceptible wells. PHS will to provide groundwater education on important issues, focussing on water conservation practices for city residents.

Erosion and Receiving Waters

Water is the carrier of potential pollutants, while land use and our human actions are the source. These pollutants can attach themselves to sediments that are transported by erosion, or dissolve into water that may ultimately reach groundwater aquifers. Tillage, residue management, timely fertilization, and crop or lawn management techniques that prevent erosion are examples of techniques that keep sediments and surface borne pollutants from entering precious water resources. This has been a primary focus of the local Watershed Districts, and major successes have been made in the area of sedimentation reduction. Even so, this is still an area of concern, as the acceleration of erosion by human activity continues. In the past decade of watershed management of the Redwood River watershed, a decline in the annual load of total suspended solids has been observed despite equal or average amount of precipitation. Since a connection between Phosphorus and Total Suspended Solids is well established, phosphorus levels have also declined over the same time period, giving hope that further reductions are possible. Water Plan Partners such as Lyon SWCD, RCRCA, and YMRWD will continue to aggressively promote erosion control BMPs, buffer strips, grass waterways, and the installation of blind field tile inlets.



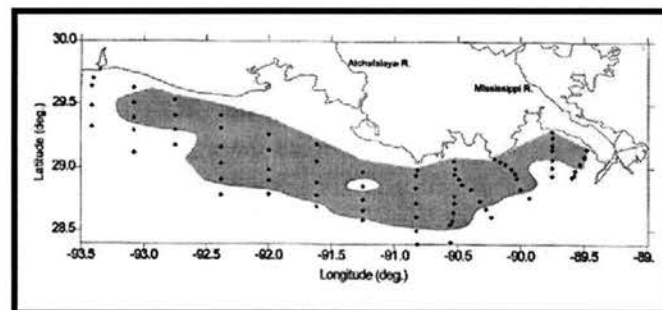
Surface Water Quality

During spring and summer especially, water quality in area rivers can be severely impacted by pathogens, sediment, phosphorus, and nitrogen that can create water borne health hazards, and can negatively affect recreational use, wildlife and fisheries, and even drinking water quality during flood conditions. Concerted efforts are needed by city residents, farmers, municipalities, and industries to reduce nutrient inputs to surface waters. Best Management Practices (BMPs) for land use (especially

near areas with poor surface water quality) are essential to preventing any further degradation of these waters. Feedlot, agricultural land use, and shoreland BMPs can significantly reduce the effects of non-point source pollution; an area of great concern with respect to surface water pollution. Focussed efforts in local watersheds have significantly helped BMP implementation - especially regarding fertilizer use in cities, and various farming practices.

Feedlot Best Management Practices and Nutrient Management

Degraded water quality in area rivers has a significant impact locally, as well as regionally and nationally. Hypoxia is an emerging concern in the Gulf of Mexico that refers to dissolved oxygen concentrations less than 2 milligrams per liter (mg/L). Hypoxia can cause stress or death in bottom-dwelling organisms that can not leave the zone, such as crabs and clams. Nitrogen from the Mississippi River Basin has been implicated as one of the principal causes for the expanding hypoxic



zone that develops each spring and summer on the Louisiana-Texas shelf of the Gulf of Mexico. The midsummer extent of the hypoxic zone has more than doubled since it was first systematically mapped in 1985. The largest hypoxic zone measured to date occurred in the summer of 1999, when its size was reported to be 20,000 km² (square kilometers), or about the size of the State of New Jersey.¹ Unfortunately, Minnesota contributes its share of nutrients to Gulf of Mexico, an estimated 7 % of the oxygen depleting nutrients arrive via the Mississippi River from Minnesota.

Management of animal manure and wastewater is an integral part of a total farm management plan. Nutrient or manure management is a primary concern; especially with respect to operators in sensitive surface water areas, and wellhead protection zones. Land application of animal manure is an efficient use, however, over-application can easily occur in situations where no effort is taken to determine the amount of manure needed, or when chemical fertilizers are used in addition to manure. Over-application is a major concern, especially if the excess nutrients have the potential of reaching surface water, or groundwater sources. The Water Task Force will develop a cost share program for developing nutrient management plans, and will seek additional funding sources as they become available. In addition, partners will fully utilize and implement the Conservation Security Program of the 2002 Farm Bill if that provision is successfully passed by the United States Congress.

Feedlots have been high profile news during the past five years since the last update of this water plan, during which time a lot of negative press has been seen locally with manure spills, and the increased focus on the link between feedlot management and non-point source pollution. Since groups such as RCRCA have acquired data to suggest that improperly managed feedlots can pose an



¹ Rabalais, et. al., *Characterization of Hypoxia*, National Oceanic and Atmospheric Association (NOAA.). 1999

environmental risk to both surface water and groundwater, and since feedlots are still the recipient of much attention, the current time period seems ideal to push for feedlot best management practices. Little action has been taken toward completing a feedlot inventory in Lyon County. The Yellow Medicine River Watershed has stepped forward to conduct a Level II inventory in the Yellow Medicine watershed, but that only includes five townships. Lyon County Public Works fully supports the completion of a feedlot inventory, and feels that the most appropriate entity to conduct the inventory is the regional Pollution Control Agency since that agency is the local feedlot authority. Data derived from a Level III inventory would benefit watershed management efforts, and priority should be given to its completion. Water Plan Partners will rely on Watershed Districts to provide critical areas of concern and opportunity for feedlot BMP implementation, and will coordinate a Stormwater Management Workshop for feedlot owners/operators in addition to providing educational materials.

Individual Sewage Treatment Systems

Another potential source of hypoxia contributing nutrients comes from non-conforming individual sewage treatment systems (ISTS). The MPCA estimates that between 50% - 60% of all septic systems in the county do not conform to current technical standards. Coliform Bacteria, Phosphorus and Nitrate-Nitrogen are the primary components that can have a potential adverse affect on public health and the environment by exposing people and animals to unsanitary conditions, polluting receiving surface water with excessive nutrients, or contaminating groundwater sources close to the failing system. Currently, Lyon County ordinance requires that septic systems be in compliance with current standards when a parcel of land changes ownership. However, more must be done to assure voluntary compliance. Planning and Zoning will utilize all septic loan program funding before the expiration date, and will achieve 90% compliance of county septic systems by 2007. This aggressive goal is dependent on cooperation between watershed districts, and funding for this initiative.

Stormwater Management

The recognition of non-point source pollution as today's primary spoiler of surface waters is propelling another water management strategy - stormwater pollution prevention - to the forefront of environmental planning. Surface waters are a key indicator of ecological health, and stormwater management is a key factor in attempting to limit the amount of sediment and accompanying pollutants from reaching surface waters. In urban areas such as the City of Marshall, impervious surfaces such as rooftops, roads, parking lots, and driveways no longer allow rainfall to soak into the ground. Consequently, most rainfall is converted directly to runoff. The increase in stormwater can occasionally be too much for the existing natural drainage system to handle. As a result, many natural drainage systems are often altered to rapidly collect runoff and quickly move it away. The stormwater runoff is subsequently discharged immediately to downstream waters such as streams, rivers, lakes or ditches. Water quality can then be impacted by the accumulation of motor oil, fertilizers and pesticides applied to lawns, sediment from bare or poorly vegetated ground. Lyon County has taken small steps toward minimizing deleterious stormwater impacts by requiring sedimentation basins in new developments, but more can be done to restructure existing stormwater pathways that empty directly into surface waters.

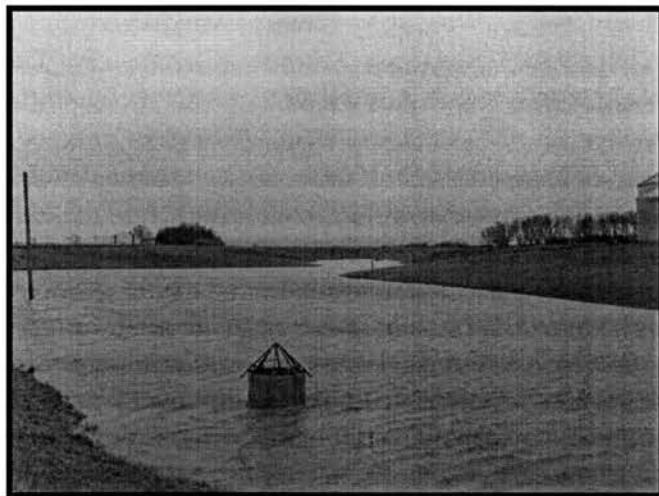
For rural areas on the other hand, heavy rain events and fast, or large quantity snowmelts are the main concern for significant stormwater impacts. The runoff from snowmelt can often be increased because of saturated or frozen soils present during the spring melt.² Understanding this hydrologic cycle is critical

² Westerstrom, G., *Stormwater for Cold Climates*. 1999.

when sizing stormwater management basins both for flooding and water quality because the most significant runoff event may be snowmelt rather than rainstorm events. Flows caused by rain-on-snow events can create extraordinary flooding. These rain events fall on relatively impervious soils because of frozen ground conditions, and warm rains can cause rapid melting of the snow pack. Another compounding problem can occur when many impediments, such as frozen ground for infiltration basins or frozen permanent pools and clogged outlets for pond systems, may be at their worst. Thus, the effectiveness of these tools is often compromised during this critical runoff event. These considerations are essential to producing an effective stormwater management system. Lyon County Public Works Department will hire a consultant to produce a stormwater management plan, which will outline opportunities for improved management. Water Plan Partners will then produce educational materials based on the recommendations in the stormwater management plan.

Flood Control

The Lyon County Board of Commissioners has allocated \$100,000 annually to the Environmental, Natural Resource and Flood Control fund, which has been accessed as matching funds by the Area II Engineers on flood control projects. The past practice of evaluating the potential for incorporating flood control benefits into road or bridge improvements is expected to continue. With cooperation between Area II, and the local watershed districts within Lyon County these projects can more readily be constructed. Lyon County looks to the watershed districts to provide priority sites, cooperates with Area II on design and engineering, and with adjoining counties on projects providing mutual benefits. In addition to the aforementioned stormwater management plan, Public Works will solicit the opinion of DNR or US FWS for recommendations to enhance wildlife opportunities on future impoundments. Lyon County will continue to actively pursue dialogue with adjoining counties to understand where mutually beneficial projects may be located.



A key expectation of this "Third Generation" water plan is to use prioritization tools. One area where this will prove helpful is in determining additional needs for flood control structures. To date, Lyon County has not conducted an evaluation of the combined beneficial effect of the existing flood control structures, and has not established a prioritized list of future sites, though the county can rely on watershed districts to assist in that area. Significant flood control structures have been implemented since the 1993 flooding. However, the questions 1) Are they enough? and 2) Where are more needed? cannot be precisely answered at this time due to the lack of knowledge. The past practice of waiting to be approached by those interested in flood control on their land rather than approaching specific land owners with the idea of using their land for flood control must be changed.

Flood Prone Lands

Also of concern with respect to flooding is the issue of frequently flooded land still in agricultural production. As outlined in the Lyon County Comprehensive Land Use Plan, Floodplain Districts are proposed with the intent of controlling development or use of areas prone to flooding in order to

minimize the losses associated with such disasters. The damage or loss of personal property or crops in many flood zones of the county could easily be avoided by eliminating the use of those areas for personal residence, future development, or agricultural uses. The Comprehensive Land Use Plan also identifies rivers and streams as primary areas for future Conservation Districts, especially when such land is typified by steep topography, or contains forested area. Flood prone lands that are not agriculturally productive more than once every 2 - 3 years may prove to be more useful as reclaimed wetland habitat, or public park areas. Lyon County Public Works will identify flood prone land deemed most useful for enrollment in conservation program, and will work toward establishing a Floodplain District conservation program.

Impaired Surface Waters

Because of the natural ecology of the region, local rivers have certainly had a long history of appearing to be not much more than flowing mud. Human settlement and poor land uses have created a situation where nutrient inputs now easily reach surface watercourses with accompany sediment from eroding lands during storm events. Nutrients such as Phosphorus and Nitrogen over-saturate the river system, and provide an environment by which algae, and aquatic plant life thrive. This can lead to deteriorating water quality caused by the rapid use of available oxygen when aquatic plant die off and decompose. Within Lyon County, several areas of severe concern exist.



Studies by various entities have listed several river and stream reaches on the United State Environmental Protection Agency (EPA) Section 303d list of the Clean Waters Act. Aquatic life, and swimming impairments exist on the South Branch of the Yellow Medicine River; caused by excessive turbidity, and fecal coliform bacteria. Aquatic life is impaired on the main stem of the Redwood River by several factors including ammonia, fecal coliform bacteria, and turbidity. The majority of Lyon County lakes are also impaired as a result of excessive nutrient inputs. The lack of sufficient water quality makes it difficult for area lakes to maintain a successful fishery without relying on the assistance continual fish stocking. Management reports for many lakes include continued stocking of game fish species, plus encouraging shoreland owners and lake watershed residents to incorporate best management practices (BMPs) such as filter/buffer strips, using no/low phosphorus lawn fertilizers, updating non-conforming septic systems, and incorporating conservation tillage. Water Plan Partners will prioritize impaired surface waters for aggressive BMP education and action, and will develop a publishing campaign for BMP promotion.

Game and Fish Habitat

Most Water Task Force partners would agree that the primary action needed to improve game and fish habitat in Lyon County lakes and rivers would be to improve water quality. The question, of course, is how do we best accomplish cleaning up our surface waters for the purpose of improving game and fish habitat. Although structural bottom cover solutions aimed at providing additional fry and spawning success may be helpful, water clarity, and removal of unwanted rough fish species are of primary concern. Many of the other objectives in this water plan are designed to address surface water quality improvement, which will certainly benefit game and fish habitat in lakes and rivers. Since most respondents to our informal Water Resources Survey indicated that they felt hunting opportunities were very good, while fishing resources were not good, Water Plan Partners will identify the fisheries with

the greatest potential for sustainability, and will promote the development of Lake Associations and voluntary lake monitoring programs. In addition, Planning and Zoning will review County ordinances to ensure protection or suitable, remaining shoreland vegetation in conservation districts. Efforts to reclaim wetland areas have resulted in the conversion of many marginal agricultural lands into useful wildlife habitats, however, without a suitable amount of nesting habitat in upland grassy areas, usefulness of these reclaimed wetland areas is limited. A long range planning goal of the Minnesota DNR is to be able to connect existing public wildlife lands via native wetland or grassland complexes so that contiguous habitat can be achieved. Restoring native upland acres benefits mammals, butterflies, and grassland nesting birds that rely on this type of habitat. Lyon County GIS will work with DNR and US FWS to identify wetland acres lacking adjacent, suitable upland acres, while Lyon SWCD, and NRCS will achieve a 10% increase in CRP enrollments each year, targeting identified wetland complex areas.

Wetland and Lakebed Reclamation

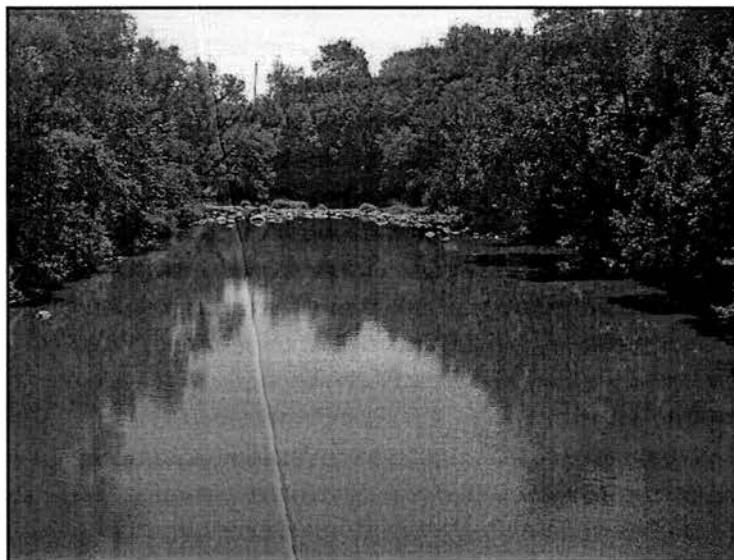
The most dramatic impact related to land use in the last 50 years is the draining of wetlands. It is estimated that 80% of the original wetlands in Lyon County have been drained; primarily for agricultural development. Historically, the choice was clear; drain the wetland to access highly productive soils in order to support the family. Currently, however, agricultural productivity is much higher than even a generation ago. Unfortunately, high operating costs and low crop prices leave many farmers with a feeling that every inch of land must be farmed in order to make ends meet. This mentality makes it difficult to promote BMPs that will benefit the environment unless strong economic benefits are delivered to the landowner. Even so, groups such as the RCRCA have shown great success in encouraging land owners to incorporate BMPs. Reviewing a map of former Lyon County lakebeds and wetlands it is clear to see that numerous reclamation opportunities exist. These habitats - if restored - could provide additional flood control, sediment reduction, and wildlife habitat. Lyon GIS will identify and prioritize sizeable reclamation opportunities so that Water Plan Partners can work toward securing commitments from landowners to reclaim three lakebed/wetland areas each year; hopefully utilizing the Lyon County Environmental, Natural Resource and Flood Control.

A point to consider in this effort is that much of the focus on wetland replacement is centered on waterfowl nesting production. This management strategy has unfortunately excluded a significant population of migratory birds generally referred to as shorebirds. These birds need shallow open wetlands, often with large areas of exposed mudflats to forage for food sources on their migration routes. The wetland types these species use were some of the most easily converted to agricultural uses. Very few suitable acres remain across southwestern Minnesota resulting in few concentrations of these species. Water Plan Partners will identify likely locations for a migratory bird refuge, and will seek additional funding sources once an area is sited.

We have made our choice to utilize water for prosperity in our lives. We have learned (and are still learning) of its value and importance toward sustaining our communities. Like most areas of the world, we realize that the problems caused from our human connection to water are ours alone to reconcile.

YELLOW MEDICINE RIVER WATERSHED

The Yellow Medicine River watershed (Illustration 23) drains approximately 100,000 acres in the upper northwestern portion of Lyon County. Lake Shaokatan (Lincoln County) is considered the start of the river with North and South branches joining several miles downstream, along with Mud Creek from the west, flowing generally north east after running down the eastern slope of the Coteau des Prairies. The North Branch and South Branch of the Yellow Medicine River join together in Westersheim Township, Lyon County, and the river eventually empties into the Minnesota River below Hanley Falls in Yellow Medicine County. With a majority of the watershed consisting of agricultural land (82.3 % cropland, 8.9% pastureland/rangeland), specific problems associated with erosion and sediment control, runoff management, and wetland protection must be addressed.



Flooding, drainage, erosion, sedimentation and poor water quality are considered to be the foremost problems in this watershed. Existing river uses such as fishing and swimming are limited due to the poor water quality conditions, and recreational canoeing is also limited due to the obstructions along the river such as fallen trees, debris, and sediment accumulation. As in similar watersheds, water quality in streams and lakes is reduced from the sediment, plant nutrients, fertilizer, and other chemicals contained in runoff waters. Watershed goals include increasing the implementation of best management practices, enhancing water quality and overall benefits in the entire watershed by reducing soil erosion, improvement of water quality and reduction of flooding.

A major study of the Yellow Medicine watershed was conducted by the United States Army Corps of Engineers (COE) and the United States Natural Resource Conservation Service (NRCS) under the authority of Public Law 87-639.³ The studies indicate that the river has recently been subject to extreme water quality deterioration related to severe flooding problems associated with local catchment loss and subsequent increasing stream velocities. Nutrients, suspended solids, and dissolved oxygen data suggest the river is receiving excessive loading from its watershed.

A primary source of the loading comes from, sheet, till, and wind erosion; which currently exceed tolerable levels ("T" values⁴) on nearly 50% of all acres in the Yellow Medicine River Watershed. Almost 10% of acres exceed twice the tolerable level. The average annual reduction in net income due to sheet, till, and wind erosion on inadequately protected cropland amounts to \$3,450,000 on 221,300 acres. Future projections set the total average annual reduction at \$599,410.⁵

In Phase I of the Greater Yellow Medicine Clean Water Partnership project, aggressive sampling design was created involving the strategic location of fifteen automated sampling sites that effectively divided

³ U.S. Department of Army, Corps of Engineers, Upper Minnesota River Subbasins Study (Public Law 87-639), 1989

⁴ T-values here refer to the maximum erosion loss in tons per acre that can occur without negatively impacting productivity

⁵ YMRWD, Greater Yellow Medicine River Phase I Final Report. 2000.

the 685 square mile watershed into sub watersheds. The Phase II CWP will continue with the monitoring of 8 primary sites, to assess changes and improvements during the implementation phase. Water quality samples will continue to be collected during both dynamic and quiescent flow regimes along with continuous flow records. Dry mass loading and flow discharges are estimated for each of the sub watersheds and priority rankings have been determined for phosphorus, nitrogen, and suspended solids.

Two of the current eight sampling sites are affected by Lyon County land uses; Site 4 includes parts of Vallers and Lucas Township, and Site 5 encompasses only Lyon County Territory. Site 5; the South Branch of the Yellow Medicine River subwatershed, is primarily cropland, and receives one of the largest phosphorus concentrations in the entire watershed. Not surprisingly, this site also receives one of the highest Total Suspended Solid (TSS) concentrations. In 1997, during excessive flooding in the watershed, the South Branch subwatershed had the third highest flow weighted mean concentration for both total phosphorus and total nitrogen, and the second highest flow weighted mean concentration of total suspended solids. However, the following year, 1998, flow weighted mean concentrations slipped to 6th (total phosphorus) 8th (total nitrogen) and 4th (total suspended solids). Despite the slip, this site still represents an area of major concern for surface water contamination within the watershed.

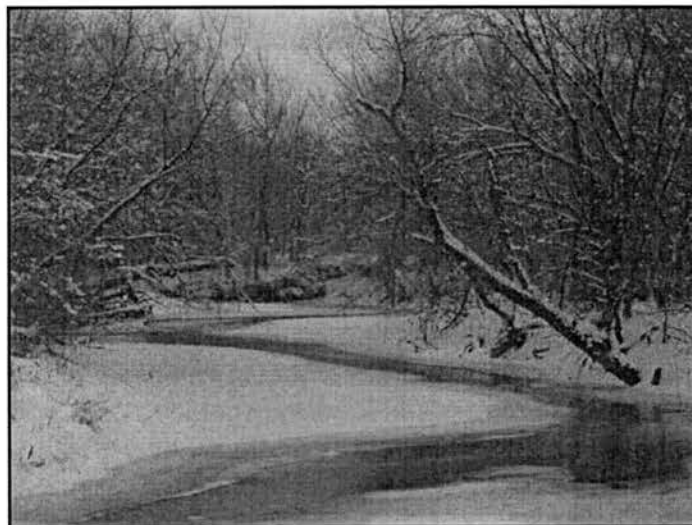
Several models were conducted to predict the benefit received from various land use best management practices. Several measures showed greater applicability including Conservation Reserve Program (CRP) grassland cover, buffer strips, residue cover, and manure management. A wetland component did not appear to be a cost-effective control given the amount of wetlands that would be required to produce significant beneficial effects. However, this alternative is essential, and will be used when landowners are receptive to this idea.

Cottonwood Lake is also an area of concern, since the MPCA lists swimming activity as "not supported". This lake has a very active beach in the summer months, and seems an important feature to the local community. Unfortunately, this lake received point source discharges of wastewater sewage effluent from the treatment plant between 1940 and 1970. County Ditch 69 has also contributed significantly to total suspended solid and phosphorus loading of the lake. As development increases along the northern portion of the lake, demand for suitable water quality will no doubt increase; placing more pressure for actions that produce improving results.

The desired uses of the water within the Yellow Medicine Watershed include developing local fisheries, and improving water quality conditions for swimming and other recreational uses. The Yellow Medicine River also contains some of the best white water conditions for canoeists and kayakers. This activity is a focus of district managers. In addition, the development of a robust recreational industry would be advantageous to the area due to the declining trend in agricultural-based incomes over the previous decades. It would be desirable to develop bird watching, fishing, hunting, and hiking activities and associated recreational industry (hotels, restaurants, outfitters, etc.) for this area.

REDWOOD RIVER WATERSHED

There isn't anything distinctive or spectacular about the Redwood River or its watershed. It isn't a world class trout stream, it's not suitable for whitewater rafting, it doesn't accommodate barge traffic, and like most rivers in southwest Minnesota, it isn't a tourist attraction. Mostly it supports a little fishing and canoeing and serves as a nice place to hike and observe wildlife, especially in Camden State Park. It is not much of an exaggeration to say the River's primary function in the past several generations is that of an outlet for drainage ditches and tile lines, but looking at the photo can we *truly* say there is nothing spectacular about the Redwood River?



The general topography of the Redwood River watershed (Illustration 24) is that of a rolling upland area. Altitudes descend from west to east with the Coteau des Prairies serving as a watershed divide. The Redwood River drops from an elevation of about 1,850 feet above sea level in northeastern Pipestone County to 1,140 feet at Marshall, an average of about eighteen feet per mile. The river slope then flattens to an average of about 4 feet per mile between Marshall and Redwood Falls. Natural drainage patterns in the area were established by river and valleys formed from glacial meltwater during the Pleistocene Epoch. End moraines, which were formed during the recession of the last glacier, are the most prominent features. They form a series of belts that mark some of the river basin boundaries generally running from northwest to southeast. Within Lyon County, the Redwood watershed drains approximately 195,000 acres with about 80 percent of these acres consisting of agricultural land. The watershed has an extensive artificial drainage system made up of subsurface tile lines and open ditches.

The upland plain is characterized by parallel glacial moraines and glacial till superimposed on bedrock. Natural drainage of the plain is relatively poor, and there are many small marshes, ponds and shallow lakes. Installation of widespread artificial drainage systems, however, has reduced today's numbers to only a fraction of what once existed. The lowland plain's geologic composition is glacial till derived from ground moraines overlying bedrock. The land is gently rolling to flat. Row crop agriculture is the predominant land use that has been greatly aided by use of extensive artificial drainage systems.

Past years had shown a decrease in cropland acreage, largely attributable to highly erodable land being enrolled in the Conservation Reserve Program (CRP). This is particularly true in the upper portions of the watershed where slopes tend to be steeper. In addition, utilization of rangeland for livestock production in the watershed has significantly decreased from the peak years of the 1950s and 1960s. This concept has been changing in recent years though. With the ever-evolving farm program guidelines, fewer acres are now being enrolled in natural resources land retirement programs, such as CRP, or Conservation Reserve Enhancement Program (CREP). More farmers are using Pesticide and Herbicide Best Management Practices (BMPs), because of stricter specifications for what type of land can be enrolled into a program. However, the acres that are being accepted into programs are located mostly in highly sensitive areas. Instead of placing whole fields into a program, only the parcels of land that specifically meet guidelines are accepted. The theory behind this is using the most economical

environmental benefit in the smallest geographic area for the greatest community good. It appears then that future trends show land use in the Redwood River watershed changing to more filter and buffer strips as natural resource programs guidelines become stricter.

The Redwood River has several segments that do not meet water quality standards according to Section 303(d) Clean Water Act. The *1996 305(b) Report to Congress* and the *1998 Notice of Total Maximum Daily Load List of Stream Segments and Lakes Which Have Impaired Uses* both list two reaches of the Redwood River; Three Mile Creek, and the main stem of the Redwood from Russell to Marshall. As with discharge, seasonal patterns of turbidity and fecal coliform are evident in the Redwood River. Levels of these parameters are generally greater during July and August than during April through June.

Research findings consistently point to off-site effects of soil erosion as the main problem. The Redwood River watershed is predominantly agricultural, and it is on these lands where efforts must be concentrated. The intent of the research during the diagnostic study was to narrow the focus within the watershed to those areas likely to contribute a disproportionate share of the sediment load. Water quality monitoring data, soil erosion potential, and land uses in selected portions of the watershed were reviewed to select priority areas for implementation activities.

In 1995 RCRCRA, as part of the Redwood River Clean Water Project, sponsored a Redwood River watershed survey, conducted by the University of Minnesota. The survey was initiated to assess awareness of the Redwood River Clean Water Project, provide an indication of how the Project was influencing resident's attitude and behavior in regards to water quality, and provide the opportunity for residents in the Redwood River watershed to voice their concerns. The results of the attitude and opinion survey revealed that 97 percent of Redwood River watershed residents think the Redwood River is worth protecting. Over 60 percent of in-town and rural respondents felt that the Redwood River is somewhat polluted and 90 percent felt something should be done to clean up the River.

Between 1990-1992 a diagnostic study was sponsored by RCRCRA on the Redwood River to evaluate water quality in the River, its tributaries and Lake Redwood. The study concluded that annual sediment delivery to Lake Redwood is over 140,000 tons per year. Most of the sediment load during the study period originated in the lower one-half of the watershed, from the city of Marshall to Lake Redwood. Recreational opportunities in the River and Lake are limited due to high sediment and nutrient loads.

In response to water quality problems identified during the diagnostic study the Redwood River Clean Water Project, a six-year program to restore the Redwood River and Lake Redwood, was officially launched in 1995. Goals of the Project include: reducing sediment loading by 15-30%, expanding game fishery habitat and fishing opportunities, reducing peak flows, and improving flow stability.

Today we see a marked decrease in the amount of loading reaching Lake Redwood in Redwood Falls. The average annual loading in the years 1990-1992 showed that 142,000 tons per year of sediment was reaching Lake Redwood. In the years 1998-2000 average loading had decreased to 29,137 tons per year. Taking into account that and estimated one third of any years loading is from stream bank or bed scour erosion, the decrease in annual loading results to 75,280 tons per year. This reduction trend has also been realized in phosphorus and nitrogen loading in the Redwood River. In all, since 1995 conservation minded landowners have voluntarily implemented best management practices that have treated approximately 48,523 acres of the Redwood River Watershed. This has been accomplished voluntarily with the assistance of local, state and federal agencies and the available conservation programs.

COTTONWOOD RIVER WATERSHED

The Cottonwood River Watershed (Illustration 25) encompasses 1,310 square miles, and is one of thirteen major watersheds in the Minnesota River Basin. The River originates on the Coteau des Prairies, flowing eastward approximately 150 miles to 750 feet, resulting in periodic spring and summer flooding. A related implication is rapid transport of sediment and attached nutrients from inadequately maintained cropland during spring snowmelt and spring and summer rainfall events. The watershed includes an area of approximately 146,500 acres in the lower southeastern portion of Lyon County, about 80 percent of these acres consist of agricultural land. Wetland acreage in the watershed has been in continual decline since settlement, with less than 4,000 acres of wetland types 1-4 currently existing.



According to survey notes of the early 1860s, many lakes and sloughs populated the watershed, and the landscape was dominated by tall grasses in the east and shorter grasses in the west. Trees, mostly cottonwood and willow, were seen along the Cottonwood River and its tributaries. The Dakota people called the Cottonwood River the "Waraju," because the cottonwood tree was so common along the banks. Many of the settlers traveled to the river, and transplanted cottonwood trees to their farms, settlements and towns. As the settling of the prairie continued, more land was put into production and tools became more efficient. Mechanization enabled most of the wetlands and sloughs to be drained, although the first drainage projects were completed by hand with a shovel in the early 1900s. Nearly all wetlands have been drained by a highly efficient and interconnected artificial drainage system. This drainage system has allowed agriculture, the primary land use, to flourish. Corn and soybeans are the main crops grown in the watershed. By 1948, silting and flooding were listed as major deterrents to fish populations in the Cottonwood River. Throughout the 1970s and 80s, fishery surveys and inventories repeatedly confirmed that polluted runoff was entering the river and adversely affecting fish populations.

Settlement, drainage, and agricultural development also brought about increased flooding and flood damages. Floods in 1957, 1969 and 1993 were the most severe, but annual spring flooding is very common and often results in road damages and spring planting delays. A related flooding concern of many watershed residents since the early 1970s is the redesign of the Marshall Flood Control Project that will divert excess floodwater from the Redwood River to a tributary of the Cottonwood River. After the U.S. Army Corps of Engineer levee project was completed in 2000 this issue is still relevant.

Water quality in the Cottonwood River and its tributaries is affected by suspended sediment, nutrients (phosphorus, nitrate-nitrogen), and bacteria. Recent studies, such as the Minnesota River Assessment Program (MRAP), show a strong positive correlation between stream flow and suspended solids. This indicates a large percentage of sediment carried by the Minnesota River and its tributaries originates from cropland, the primary land use in the Cottonwood watershed.

Recreational opportunities on the Cottonwood River are limited by degraded water quality, channel obstructions, limited access, and a general lack of awareness by watershed residents. Potentially, the

river is a major recreational resource. Ten-year goals and objectives were established in the areas of water quality, public participation, and recreation. Main stem and tributary water quality goals will require pollutant reductions of twenty-five to thirty percent. These will be accomplished by concentrating best management practices (BMPs) within priority management areas. The public participation goal will emphasize citizen involvement in watershed monitoring and observation activities. Developing means for people to personally experience the river will help achieve the recreational goal.

Project evaluation will be accomplished through continued water quality monitoring at five stations, citizen surveys, fishery and watershed inventories and assessments, and BMP tracking. Partnership low interest loans will be used to upgrade septic systems, increase residue management, and reduce livestock impacts on water quality. State and federal cost-share funds will be used to cover costs related to other best management practices listed in the plan. Additional staff positions will be created to assess needs within priority management areas and work with landowners to select and implement appropriate practices. For example, Lyon County has about 187 miles of drainage including 55 County Ditches and 34 Judicial Ditches. Several ditches do not have filter strips, though many state and local entities strongly recommend the existence of a 1 rod (17 foot) buffer strip.

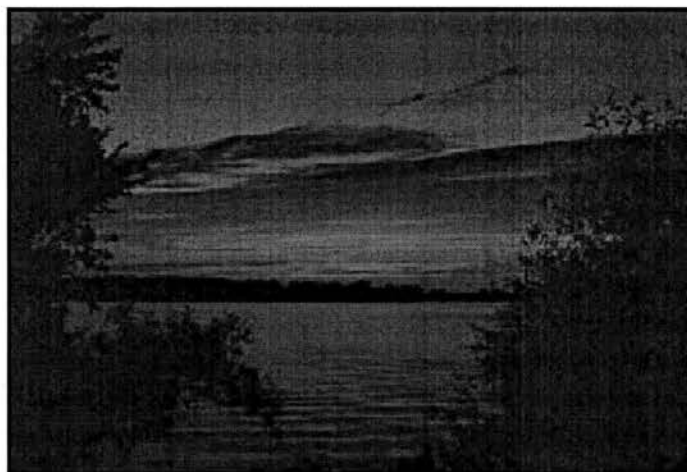
The Cottonwood River carries high sediment and phosphorus loads during the growing season. This is predominantly the result of rainfall-driven polluted runoff that occurs throughout most of the watershed. The lower reach is affected by bacteria, exceeding the fecal coliform standard, and is subject to a total maximum daily load study (TMDL). The usefulness and aesthetic qualities of the river are impaired, and conditions are unlikely to improve unless changes are made in land use and water management practices within the watershed. These changes can be accomplished through an implementation plan that reflects real problems occurring on the landscape, and clearly identifies solutions to those problems while developing and organizing sufficient resources to attain meaningful and effective solutions.

The best course of action for the Cottonwood River is to encourage land use changes within the watershed that will reduce sediment and nutrient discharges to the river. In 1995, the Redwood-Cottonwood Rivers Control Area (RCRCA) in cooperation with several local, state and federal agencies, submitted an MPCA Clean Water Partnership application. RCRCA is an eight county joint-powers organization that works to enhance and protect the Redwood and Cottonwood Rivers.

The Clean Water Partnership Grant, approved in the spring of 1996 provided funding for a diagnostic study of the watershed. Based on the findings, an implementation plan was developed to address the pollutant problems in the Cottonwood River Watershed. The diagnostic study revealed that there were three portions of the watershed that were contributing a disproportionate share of the non-point source pollutant loading in the watershed. These areas became priority areas where current conservation programs and best management practice cost-share dollars would be spent in order to achieve the highest reduction per dollar spent. In the spring of 2000 RCRCA received a Phase II Implementation Grant from MPCA. This launched the Cottonwood River Restoration Project. A six-year work plan was developed for securing cost share funding and providing technical support. The RCRCA Joint Powers Organization and the partner local, state and federal agencies have secured cost-share funding for BMPs and low interest loan dollars to repair non-compliant septic systems. This watershed wide effort will reduce non-point source pollutants in the Cottonwood River Watershed by 40% to coincide with the goals of the Minnesota River Basin.

DES MOINES RIVER WATERSHED

The West Fork of the Des Moines River (Illustration 26) originates in Lyon County, southeast of Lake Yankton. Though the total acreage of the Des Moines watershed is 802,000 acres, Lyon County's portion is very small; only 1,323 acres. Assessments of this portion of the Des Moines watershed have been conducted with no portion of the Des Moines in Lyon County listed as impaired source, a fact that would make sense considering this is the headwaters of the West Fork of the Des Moines River.



This is not to say there are no problems in our portion of the watershed. Visible effects on this watershed before leaving the county are not as readily observed. Like other areas of southwestern Minnesota the Lyon County portion of the Des Moines River watershed has been modified by ditches and draining of wetlands for conversion into agriculturally productive land. If we look a bit further south to Lake Shetek in Murray County, we see that numerous problems exist.

The Lake Shetek subwatershed includes the area of the Des Moines River that exists in Lyon County. MPCA monitoring in 2001 characterized Lake Shetek as hypereutrophic, based on trophic indicators (TSI = 70.0). Sources of nutrient loading from sub-watersheds into Lake Shetek were divided into eleven locations. The highest Total Suspended Solids (TSS) of 2,102 pounds per acre and Total Phosphorus (TP) of 3.03 pounds per acre were reported at the Beaver Creek (Murray County) test site. However, the sub-watersheds that enter Lake Shetek from the northwest and west via Lake Sarah (Murray County), collectively make up over 91 percent of the inflow water volume. Thus, these two sub-watersheds account for over 79 percent of the TSS and 72 percent of the TP loading in the Lake.

Research suggests the majority of deleterious inputs come from Murray County sources, however we cannot ignore that Lyon County is part of that watershed, and we need to work cooperatively with Murray County on protecting the Lake Shetek watershed. Several local and state agencies have organized the Lake Shetek Watershed Improvement Project to improve the recreational quality of the lake by decreasing sediment load, determining an optimum water quality management policy, and by identifying Best Management Practices (BMPs) necessary for an effective implementation plan.

Assessments of the Lyon County portion of the Des Moines watershed have been conducted with no portion of the Des Moines being listed as having impaired conditions. However, the stretch of the Des Moines from Windom to the southern portion of the watershed is an impaired reach due to excessive ammonia, and turbidity, and low dissolved oxygen. Since the drainage flows from Lyon County, we must certainly take some responsibility for the problem, and assist in correcting it when possible.

Closer to home, Lake Yankton near Balaton has been listed as a hypertrophic lake that does not support swimming. Several unintentional sewage overflows have entered the lake from the City of Balaton over the past decade. Hopefully, however, Balaton has successfully corrected the source of this problem, though more redesigning of the storm and sanitary sewer systems may be necessary.

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

NOBLES COUNTY COMPREHENSIVE LOCAL WATER PLAN (FOR BOARD ACTION)

Background

Nobles County has a Comprehensive Local Water Plan that was approved by the BWSR on June 23, 1998. Nobles County submitted its third generation Plan to the BWSR on December 04, 2002. The ninety-day state agency final review process began on December 04, 2002, and ended on March 04, 2003.

On March 12, 2003, brief information regarding the Nobles County Plan Update was provided to the BWSR Board for their review.

On March 05, 2003, the BWSR Water Plan Review Committee met in the City of Worthington with BWSR staff and representatives from Nobles County to review and discuss the third generation five-year Comprehensive Local Water Plan.

For the April 23, 2003 BWSR Board meeting, three items have been provided for board member information. The first item is the BWSR Newsletter article about the plan, a copy of the Executive Summary Water Plan, which briefly describes some major accomplishments in the past ten years and a brief outlook for the upcoming five years. The third item is a board order for the Nobles County Water Plan, which provides additional background information.

Highlights

The third generation plan for Nobles County has developed into a superior document; building on prior achievements, nurturing pertinent new data information, while sustaining a high level of priorities for the years ahead. Where the previous versions of the water plan displayed broad goals, objectives and actions; this third generation plan elevates only worthy initiatives to "High Priority Strategies".

Each Objective is presented and organized into multiple Policies with specific Management Strategies for each. It is easy to understand the intent of each goal. Words such as protect, improve, decrease, increase, and provide, are used much less in this update. Each action identifies the participant and lists other coordinating agencies involved with implementing the action. A schedule with a budget is also included.

As innovative as possible, this plan continues the remarkable inclusion of two watershed district plans and an SWCD plan, altogether toiling in a concerted coalition for success (*Okabena-Ocheda & Kanaranzi Little Rock Watershed Districts and Nobles SWCD*). Nobles County has taken the initiative to focus their efforts and capitalize on their success as a team. This idea is deliberately logical, while being frugal and sensible.

This third generation plan is a significant progression and extraordinary achievement of the local staff and task force. The working relationship that continues to develop in Nobles County amongst government agencies, residents, and local government units is exemplary. This plan has taken strides forward in getting down to the essential elements of water management; demonstrated by the taskforce and residents.

BWSR staff has reviewed the Nobles County Water Plan and find that all relevant requirements of law and rule have been fulfilled and it is in conformance with the requirements of Minnesota Statutes 1990, 103B and Minnesota Rules Chapter 9300. BWSR staff recommends approval of the Nobles County 2003-2007 five-year Comprehensive Local Water Plan.

The BWSR Water Plan Review Committee, chaired by Char Kahler, will make its approval recommendation to the full BWSR Board at the April 23, 2003 meeting.

On March 5th, the BWSR Southern Region CLWP Ad Hoc Committee affirmed their enthusiastic support for the third generation Nobles County Comprehensive Local Water Plan (*CLWP*). What makes the Nobles County CLWP different from all others statewide, is the fact that it includes additional plans from three other local government units (*LGUs*); the Kanaranzi-Little Rock Watershed District, the Okabena-Ocheda Watershed District, and the Nobles SWCD.

First and second generation Nobles County water plans were approved by the BWSR in May of 1990 and July 1998 respectively. Both plans met the appropriate standard 103B statute requirements, but the Nobles folks wanted their second plan (*1998*) to do more. This motivation developed into an intergovernmental discussion of common interests and more efficient usage of time and resources. After the appropriate meetings, hearings, and notices, the LGUs agreed to the completed plan.

This new plan was not a simple feat by any means, since the Environmental Office implements the water plan, the SWCD coordinates their conservation programs, and three watershed districts implement other water management initiatives within the county. Nonetheless, individual chapters of the CLWP were devoted to the goals and objectives of the Okabena-Ocheda and the Kanaranzi-Little Rock Watershed Districts. The third watershed district in Nobles County, Heron Lake, chose not to be included in the plan since their district encompasses three other counties as well. Another chapter of the CLWP includes the 103C requirements for the Nobles SWCD Plan.

In 2002, after four successful years of implementation, the Nobles County Board of Commissioners, the Nobles SWCD Supervisors, and the pertinent Watershed District Managers all re-affirmed their support for developing a new integrated third generation CLWP. After another round of hearings and meetings, the Nobles staff completed another superior document; building on prior achievements, developing pertinent new data information for resource assessments, while sustaining a high level of priorities for the years ahead. The working relationship that continues to develop in Nobles County amongst agencies and local government units is exemplary. This plan has takes noteworthy strides forward in getting down to the essential elements of water management, led by county staff, commissioners, supervisors, managers, the CLWP taskforce, and county residents.

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

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

ORDER
APPROVING
COMPREHENSIVE
WATER PLAN

Whereas, the Nobles County Board of Commissioners adopted a Comprehensive Local Water Plan (Plan) on December 8, 1998, under authority of Minnesota Statutes (M.S.) 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources (Board) on June 23, 1998, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

Whereas, the Plan provided for updating in 2003 pursuant to M.S. 1990, Section 103B.311, Subd. 4, and

Whereas, the Nobles County Board of Commissioners submitted a Comprehensive Local Water Plan Update (Plan Update) to the Board on December 04, 2002, pursuant to M.S. 1990, Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. M.S. 1990, Section 103B.311, Subd. 4, requires adopted Comprehensive Water Plans to be updated on a recurring basis.
2. On November 06, 2001, Nobles County passed a resolution to develop a Comprehensive Water Plan Update to meet the plan update requirements.
3. Nobles County held a public information meeting on January 10, 2002, for purposes of gaining public input into the Plan Update.
6. On July 25, 2002, Nobles County completed a draft Plan Update and submitted it to affected local units of government for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 1.
7. On July 25, 2002, Nobles County submitted a draft Plan Update to the Minnesota Departments of Agriculture, Health, and Natural Resources, Pollution Control, Geological Survey, and Minnesota Environmental Quality Board for preliminary review and comment pursuant to M.S. 1990, Section 103B.315, Subd. 5.

8. On November 25, 2002, Nobles County held a public hearing on the Plan Update pursuant to M.S. 1990, Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.
9. On December 04, 2002, Nobles County submitted its Plan Update along with all written comments received on the Plan Update and a record of the public hearing to the Board for final State review pursuant to M.S. 1990, Section 103B.315, Subd. 5.
10. On December 04, 2002, the Board distributed notification of the official 90-day state review and a copy of the Nobles County Plan Update to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control, Environmental Quality Board, and Geological Survey for their review and comment pursuant to Minnesota Rules, Chapter 9300.0170. The notification stated that each agency had 45 days from receipt of the notification to submit written comments to the Board.
11. On March 12, 2003, brief information regarding the Nobles County Plan Update was provided to the Board for their review.
12. **Individual Comments:** No individual written comments were received.
13. **County Response to Individual Comments:** Not applicable.
14. **Local Government Unit (LGU) Comments:** Heron Lake Watershed District
Draft plan comments: (received August 14, 2002) Jan Voit of the Heron Lake Watershed District asked for a clarification regarding their successful application for a Clean Water Partnership project and the subsequent hiring of technical staff.
Final comments: None submitted.
15. **County Response to LGU Comments:** (reply November 25, 2002) Nobles County staff changed the text accordingly.
16. **Local Government Unit (LGU) Comments:** SRDC (SW Regional Development Commission)
Draft plan comments: (received August 16, 2002) The SRDC Board found the Nobles Plan consistent with regional policies. The board made a few editorial suggestions and changes.
Final comments: None submitted.
17. **Minnesota Department of Agriculture (MDA) Review:**
Draft plan comments: (received September 30, 2002) Constance Holth suggested a clarification of a discrepancy in the number of permits and to indicate the affects of the phosphorus cycling process concerning the wetland restoration in the Whiskey Ditch sub-watershed in the Lake Okabena Implementation Plan; to give further explanation of the water quality table for the wells in the bedrock aquifers of Heron Lake Watershed District; and to include Minnesota Department of Agriculture, in the cooperation and support of the State's program to manage the storage, handling, and application of agricultural fertilizers and pesticides.
Final comments: (received January 17, 2003) Sharon Clark offered comments for the county to consider as it begins implementation of the Plan. They also encouraged the county to actively engage local farmers and producer groups as the plan is implemented.
18. **County Response to Minnesota Department of Agriculture (MDA):** (reply November 25, 2002) Nobles County staff responded with some changes to data tables and wetland concerns.

19. **Minnesota Department of Health (MDH) Review:**
Draft plan comments: None submitted.
Final comments: Received December 31, 2002. MDH recommended approval of Nobles County Water Plan after a change made in regards to their suggestion of the public water suppliers.
20. **Minnesota Department of Natural Resources (DNR) Review:**
Draft plan comments: None submitted.
Final comments: None submitted.
21. **County Response to DNR Comments:** Not applicable.
22. **Minnesota Pollution Control Agency (MPCA) Review:**
Draft plan comments: (received September 24, 2002) MPCA Southwest regional staff generated a list of priority goals regarding feedlots, total maximum daily load (TMDL), storm water, individual septic treatment systems (ISTS) and unsewered areas that they wished to be included in the Nobles Plan along with a few specific comments in these areas. They commended the county on their understanding and acting on what it takes to ensure that the County provides a quality feedlot program to serve landowners while also protecting the environment.
Final comments: (received December 16, 2002) MPCA review was done to ensure continuity of approach with MPCA programs and identify any inconsistencies that may exist between the plan recommendations or planned activities, state statutes or MPCA rules and policies. MPCA recommends that BWSR give final approval to the Plan.
23. **County Response to MPCA Comments:** (reply November 25, 2002) Nobles County staff stated that four changes requested were addressed in the final version of the plan.
24. **Minnesota Environmental Quality Board (EQB) / State Planning Agency Review:**
Draft plan comments: The County's plan appears to be consistent with the state laws. A key strength of the Nobles County plan is that it combines the plans and planning processes of several governmental units into one well written, easy to read document. Overall, this planning effort will benefit all groups' planning work and will help with implementation of each group's goals. The description of past accomplishments will add accountability and credibility to their work that will benefit future implementation efforts.
Final comments: None submitted.
25. **County Response to EQB Comments:** Not necessary.
26. **Minnesota Geological Survey (MGS) Review:**
Draft plan comments: None submitted.
Final comments: None submitted.
27. **County Response to MGS Comments:** Not applicable.
28. **Minnesota Board of Water and Soil Resources (BWSR):** Board staff attended Nobles County's task force meetings during the months of January and November of 2002.
Draft plan comments: (Received September 25, 2002) Board Conservationist Tom Kresko stated BWSR's new strategy that data requirements of the water plan revision will be reduced while a significantly greater emphasis will be placed upon the resource assessments; offered suggestions for improvement and enhancement to the draft water plan concerning the executive summary, assessments, maps, watershed goals and other measurable goals.

Final comments: Not necessary.

29. **County Response to BWSR Comments:** (*reply November 25, 2002*) Nobles County staff added an Executive Summary, Priority Goals, and added other appropriate text.
30. **Board Water Plan Review Committee Meeting:** On March 5, 2003, the BWSR Southern Region Ad Hoc Committee met in Worthington, Minnesota with BWSR staff, Nobles County staff and elected officials, and Watershed District representatives to review and discuss the Plan Update. Those in attendance were Victor Ormsby (SWCD member), Mark Dittrich (MDA member), Terry Bovee (MDH member) and Char Kahler (citizen member) of the BWSR Board; BWSR regional supervisor, Jeff Nielsen; BWSR board conservationist, Tom Kresko; Nobles County water plan coordinator, Wayne Smith; Nobles County Commissioners Diane Their, Marvin Zylstra, and Claire Gerber; Nobles SWCD Manager, Dan Livdahl; Nobles SWCD Supervisors Jim Knips, Mike Perkins, Paul Langseth and Lynn Darling; Heron Lake Watershed District Administrator, Jan Voit; Nobles County Environmental Specialist, Al Langseth; Nobles County Public Works Administrative Assistant, Kathy Henderschiedt; Water Plan task force member, Jack Slater; Okabena-Ocheda Watershed District Manager, Les Johnson; and Kanaranzi-Little Rock Watershed District Managers Rod Bonsma, Connie Frahm, and Tim Blume. The water plan review committee met to determine whether all relevant law and rule requirements had been met; to discuss past accomplishments; to discuss resource issues and needs; to review the proposed Plan Update; and to hear comments from Nobles County on the planning process.
31. On March 5, 2003, the Board Water Plan Review Committee voted unanimously to recommend that the Board approve the Nobles County 2003-2007 five-year Comprehensive Local Water Plan.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached plan as the Comprehensive Local Water Plan of Nobles County. Dated at St. Paul, Minnesota, this 23rd day of April, 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Leland G. Coe, Chair

WCA Revised Formula Explanation (3-18-03)

The data and formula used have not been updated since the early 1990s. There is a question as to whether these measures now accurately reflect existing workloads for the administration of the WCA. Staff has been asked to look at the formula to determine if there is a better way to allocate implementation dollars. Two options will be looked at:

- 1) Use the existing formula using the same variables with new data, or
- 2) Create a new formula using new variables and data.

A new formula has been proposed using the following variables.

W C A W O R K L O A D			
Variables	Weighting	Data Type	Data Source
Number of Landowner Contacts resulting in mitigation or replacement	15%	Qualitative	WCA Report (annual)
Number of Cease and Desist Orders & Restoration Orders issued	10%	Quantitative	WCA Report (annual)
Change in population	18%	Quantitative	State Demographer
Amount of wetlands on non-public lands	36%	Quantitative	NWI
Amount of poorly drained soils on non-public lands	8%	Quantitative	LMIC State-wide
Amount of Shoreland on non-public lands	13%	Quantitative	DNR PWI / LMIC

The new formula is based on the data having the following attributes:

- **Consistent** – This means the data is available for all WCA LGUs on frequent basis.
- **Correlated to actual or potential workload** – This means the data reflects the time or money expended by the WCA LGU by some direct measure. For example, the WCA LGU knows it averages 2 hours when reviewing a replacement plan application. Therefore, the number of replacement plan applications reviewed by the WCA LGU becomes a valid measure of workload.
- **Distinct or unique** – This means the data needs to provide unique workload information. For example, if the change of population and the number of construction permits issued are highly correlated, we would want to use only one of the measures so we do not skew the results by inadvertently weighting the same aspect of workload higher.
- **Qualitative v quantitative** – We need to be clear when each type of data is appropriately used. Preference is for quantitative data.

In order to analyze the data it is necessary to express each variable as a common unit. The unit chosen changes the acres, miles, or numbers of the variable to a percent of the total statewide workload per county for each variable in the formula. For example, if there are 100 acres of wetland in the state on private lands and County X has 5.3 acres, then County X would be allocated 5.3% of the total statewide workload for that variable.

The variables, themselves, were weighted to reflect how well the committee believed each correlated with actual workload. The result is a weighted average of the total statewide workload for each county. Finally, a qualitative factor based on BWSR Board Conservationist assessment allowed for small additions to the workload formula based on past and projected workload.

In addition to the above measures of workload, a number of policy issues were considered.

- Allocation Range: cap/maximum and minimum
- SWCD portion for workload required by statute and rule (TEP, Enforcement): fixed amount or percent of County allocation or combination of the two ("base plus")
- Future formula adjustments: frequency and basis, "buffering" via graduated changes
- Match requirements: amount and type
- Create incentives to pool resources (staff) among Counties/LGUs
- Create a competitive pool for "extras" such as wetland plan, DNR delegation, staff certifications, etc.

F:\LanWData\Grants Program\NRBG Grant\WCA Formula change overview.doc

PROPOSED 2004 BWSR WETLAND CONSERVATION ACT BASE GRANT

4/11/03

COUNTY	FY 02	FY 04	FY 04	
	WETLAND CONSERVATION ACT		WETLAND CONSERVATION ACT	
	BASE GRANT		INCREASE	MINIMUM SWCD TRANSFER
AITKIN	\$19,200	\$38,400	\$19,200	\$5,760
ANOKA	\$40,500	\$73,000	\$32,500	\$10,950
BECKER	\$24,200	\$28,000	\$3,800	\$5,000
BELTRAMI (1.5 SWCDs) **	\$36,000	\$70,000	\$34,000	\$8,800
BENTON	\$36,000	\$36,000	\$0	\$5,400
BIG STONE	\$10,000	\$10,000	\$0	\$5,000
BLUE EARTH	\$19,200	\$21,000	\$1,800	\$5,000
BROWN	\$10,000	\$10,000	\$0	\$5,000
CARLTON	\$19,200	\$26,000	\$6,800	\$5,000
CARVER	\$36,000	\$36,000	\$0	\$5,400
CASS	\$51,000	\$51,000	\$0	\$7,650
CHIPPEWA	\$10,000	\$10,000	\$0	\$5,000
CHISAGO	\$26,700	\$32,000	\$5,300	\$5,000
CLAY	\$16,700	\$19,000	\$2,300	\$5,000
CLEARWATER	\$19,200	\$23,000	\$3,800	\$5,000
COOK	\$12,200	\$15,000	\$2,800	\$5,000
COTTONWOOD	\$10,000	\$10,000	\$0	\$5,000
CROW WING	\$36,000	\$44,000	\$8,000	\$6,600
DAKOTA	\$41,000	\$61,000	\$20,000	\$9,150
DODGE	\$16,700	\$19,000	\$2,300	\$5,000
DOUGLAS	\$19,200	\$25,000	\$5,800	\$5,000
FARIBAULT	\$10,000	\$10,000	\$0	\$5,000
FILLMORE	\$10,000	\$10,000	\$0	\$5,000
FREEBORN	\$10,000	\$10,000	\$0	\$5,000
GOODHUE	\$16,700	\$19,000	\$2,300	\$5,000
GRANT	\$13,980	\$16,000	\$2,020	\$5,000
HENNEPIN	\$36,000	\$66,000	\$30,000	\$9,900
HOUSTON	\$12,200	\$15,000	\$2,800	\$5,000
HUBBARD	\$26,700	\$29,000	\$2,300	\$5,000
ISANTI	\$26,700	\$29,000	\$2,300	\$5,000
ITASCA	\$36,010	\$51,000	\$14,990	\$7,650
JACKSON	\$10,000	\$10,000	\$0	\$5,000
KANABEC	\$26,700	\$29,000	\$2,300	\$5,000
KANDIYOHI	\$19,200	\$25,000	\$5,800	\$5,000
KITTSOON	\$16,700	\$19,000	\$2,300	\$5,000
KOOCHICHING	\$19,200	\$33,400	\$14,200	\$5,010
LAC QUI PARLE	\$10,000	\$10,000	\$0	\$5,000
LAKE	\$16,700	\$19,000	\$2,300	\$5,000
LAKE OF THE WOODS	\$26,700	\$39,000	\$12,300	\$5,850
LE SUEUR	\$16,700	\$19,000	\$2,300	\$5,000
LINCOLN	\$10,000	\$10,000	\$0	\$5,000
LYON	\$10,000	\$10,000	\$0	\$5,000
MCLEOD	\$16,700	\$19,000	\$2,300	\$5,000
MAHNOMEN	\$12,200	\$15,000	\$2,800	\$5,000
MARSHALL (1.5 SWCDs) **	\$19,200	\$22,000	\$2,800	\$5,000
MARTIN	\$10,000	\$10,000	\$0	\$5,000
MEEKER	\$19,200	\$22,000	\$2,800	\$5,000
MILLE LACS	\$19,200	\$26,000	\$6,800	\$5,000
MORRISON	\$26,700	\$35,000	\$8,300	\$5,250
MOWER	\$12,200	\$15,000	\$2,800	\$5,000
MURRAY	\$10,000	\$10,000	\$0	\$5,000
NICOLLET	\$16,700	\$19,000	\$2,300	\$5,000
NOBLES	\$10,000	\$10,000	\$0	\$5,000
NORMAN	\$12,200	\$15,000	\$2,800	\$5,000
OLMSTED	\$26,700	\$29,000	\$2,300	\$5,000
OTTER TAIL (2 SWCDs) **	\$33,200	\$69,000	\$35,800	\$14,000

PROPOSED 2004 BWSR WETLAND CONSERVATION ACT BASE GRANT

4/11/03

COUNTY	FY 02		FY 04	
	WETLAND CONSERVATION ACT		WETLAND CONSERVATION ACT	
	BASE GRANT		INCREASE	MINIMUM SWCD TRANSFER
PENNINGTON	\$16,700	\$19,000	\$2,300	\$5,000
PINE	\$36,700	\$40,000	\$3,300	\$6,000
PIPESTONE	\$10,000	\$10,000	\$0	\$5,000
POLK (2 SWCDs) **	\$16,700	\$25,000	\$8,300	\$10,000
POPE	\$15,200	\$18,000	\$2,800	\$5,000
RAMSEY #	\$26,700	\$19,000	-\$7,700	\$5,000
RED LAKE	\$12,200	\$15,000	\$2,800	\$5,000
REDWOOD	\$10,000	\$12,000	\$2,000	\$5,000
RENVILLE	\$10,000	\$10,000	\$0	\$5,000
RICE	\$19,200	\$28,000	\$8,800	\$5,000
ROCK	\$10,000	\$10,000	\$0	\$5,000
ROSEAU	\$26,700	\$28,000	\$1,300	\$5,000
ST. LOUIS (2 SWCDs) **	\$36,700	\$87,400	\$50,700	\$20,760
SCOTT	\$36,000	\$48,000	\$12,000	\$7,200
SHERBURNE	\$36,000	\$36,000	\$0	\$5,400
SIBLEY	\$12,200	\$15,540	\$3,340	\$5,000
STEARNS	\$51,500	\$53,000	\$1,500	\$7,950
STEELE	\$12,200	\$14,000	\$1,800	\$5,000
STEVENS	\$10,000	\$10,000	\$0	\$5,000
SWIFT	\$12,200	\$14,000	\$1,800	\$5,000
TODD	\$19,200	\$25,000	\$5,800	\$5,000
TRAVERSE	\$10,000	\$10,000	\$0	\$5,000
WABASHA	\$12,200	\$14,000	\$1,800	\$5,000
WADENA	\$21,700	\$23,000	\$1,300	\$5,000
WASECA	\$12,200	\$14,000	\$1,800	\$5,000
WASHINGTON	\$36,000	\$48,000	\$12,000	\$7,200
WATONWAN	\$10,000	\$10,000	\$0	\$5,000
WILKIN	\$10,000	\$10,000	\$0	\$5,000
WINONA	\$12,200	\$14,000	\$1,800	\$5,000
WRIGHT	\$36,000	\$49,000	\$13,000	\$7,350
YELLOW MEDICINE	\$10,000	\$10,000	\$0	\$5,000
MARSHALL-BELTRAMI SWCD **	\$5,000	\$6,050	\$1,050	NA
TOTALS	\$1,744,790	\$2,196,790	\$452,000	

ALLOCATION PROPOSAL NOTES:

* NO DECREASE IN BASE GRANTS, \$10,000 MINIMUM

* BASE GRANTS CAPPED AT 2x FY 02 GRANT

* SWCD TRANSFER IS \$5,000 OR 15%, WHICHEVER IS GREATER

** MULTIPLE SWCD ADJUSTMENTS

VOLUNTARY REDUCTION

Board Resolution – 03-

Wetland Conservation Act Administration Grant Reallocation

WHEREAS, the Minnesota Association of Soil and Water Conservation Districts and the Association of Minnesota Counties requested that the Board of Water and Soil Resources re-evaluate the allocation of the Wetland Conservation Act grant funding to reflect workload factors.

WHEREAS, Board of Water and Soil Resources staff convened a group of soil and water conservation district and county representatives in 2002 to discuss the reallocation criteria.

WHEREAS, the group developed a proposal using six numeric criteria as the basis for determining workload and developed a weighting factor for each of those variables. (See attachment #1)

WHEREAS, policy considerations related to minimum and maximum caps, soil and water conservation district portion, future formula adjustments, and grant proposals were reviewed by the BWSR wetland committee on March 26, 2003 and a recommendation for funding allocation was developed. (See attachment #2)

NOW THEREFORE, the Board of Water and Soil Resources does hereby allocate the Wetland Conservation Act grant funding that has been proposed in the Governor's FY 04-05 Budget according to Attachment 2 with the following conditions: 1) that the funding is in an amount equal to \$2,196,790.00 (an increase of \$452,000 from FY 03), 2) that the funds distributed to local governments will be used for Wetland Conservation Act administration and any unused funds will be either (a) used for wetland activities identified in a comprehensive local water management plan or (b) returned to the state for redistribution to other units of government, 3) the formula will be reassessed after two years of reporting have been compiled in order to emphasize reported workload as a reflection of actual workload rather than the demographic and geographic information used to represent potential workload, and 4) the amount of Wetland Conservation Act funding that is shifted to comprehensive local water management activities will not be used to count as workload towards future Wetland Conservation Act administration formula adjustments.

Leland Coe, Chair
Board of Water and Soil Resources

Date: _____

2002/03 FLOOD DAMAGE MAPPING WORKPLAN

1. REFERENCE INFORMATION:

Project Manager and title: Curtis Borchert, District Manager
Mailing Address: PO Box 60 Twin Valley Mn 56584
Telephone and fax number: 218-584-5169 fax 218-584-5667
E-mail address: swcd@tvutel.com

2. AGENCY RESPONSIBILITIES:

BWSR--

send out grant agreement for Norman SWCD to sign
develop work agreement between Norman SWCD and other SWCD's
send a check to Norman SWCD for \$122,000.00
send out 36x36 paper maps to SWCD's
work with Norman SWCD to complete this project

NORMAN SWCD--

sign grant agreement and return to BWSR
send work agreement to SWCD's for approval and signature
send 11x17 township paper maps to SWCD's
work with SWCD's to implement procedures for data collection
collect maps from SWCD's
enter data into ArcView Program and create a database as needed
redistribute maps to SWCD's for a final review
send payment to SWCD's
Norman SWCD will supply; 197 36x36 paper maps by township, 19 36x36 paper maps by county and a digital format (.apr) by region with associated databases.

SWCD's--

sign and return work agreement with Norman SWCD
review damaged projects listed below and mark on the 36x36 maps;
RIM, cost share, water plan, feedlot, special projects, RRV set aside and watershed projects
distribute 11x17 paper maps to townships for road damages and potential flood storage sites
request county highway maps with marked damages
request FSA disaster maps by section
return all maps to Norman SWCD
review final product for any changes
send invoice to Norman for payment

3. BUDGET:

Total Project	\$122,000.00	
Data collection	\$ 39,400.00	197 townships @ \$200/ea
Mapping	\$ 55,160.00	7 hrs per township-197 twps @ \$40/hr
Training	\$ 12,160.00	19 counties, 2 days training @ \$40/hr
Printing	\$ 3,460.00	maps, paper, ink cartridges, etc.
Mailing and checking data	\$ 11,820.00	1 ½ hrs per township for quality control checks

4. TIMELINES:

ASAP- BWSR sends digital maps, agreement with Norman and work agreement with SWCD's to Norman and 36x36 paper maps to SWCD's.

October 1, 2002- Norman sends 11x17 paper maps to SWCD's for township damages, and request from each SWCD, county highway maps with marked damages and FSA disaster maps by section.

November 1, 2002- SWCD's return all maps to Norman for data entry.

January 1, 2003- Norman returns maps for final review to SWCD's.

January 15, 2003- SWCD's return any maps with changes to Norman.

January 30, 2003- Norman will make any changes and print final maps for the SWCD's, townships, counties and BWSR.

Chapter Four: Goals, Objectives and Action Steps (2003-2008)

This Chapter establishes Goals, Objectives and Action Steps for each of the County's high priority issues identified in Chapter Three. In review, the County's four priority issues are:

Education; Water Management; Reducing Priority Pollutants; and Surface Water Use

In addition to the four priority issues, Big Stone County has identified the Stoney Run Sub-Watershed as its primary emphasis for implementation activities between 2003 and 2013 (this Sub-Watershed is part of the Upper Minnesota River Watershed District). This does not mean, however, that implementation activities won't occur throughout the County.

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (**An *Asterisk, Underlined, and Bolded means lead action step responsibility**):

CB = County Board	BWSR = Board on Water and Soil Resources
CS = County Staff	DNR = Department of Natural Resources
DA = County Ditch Authority	FWS = U.S. Fish & Wildlife Service
ES = Environmental Services	ACE = U.S. Army Corps of Engineers
PZC = Planning & Zoning Commission	MDH = Minnesota Department of Health
WP = County Water Plan/Planner	MGS = Minnesota Geological Survey
WPTF = Water Planning Task Force	MPCA = Minnesota Pollution Control Agency
BdS = Bois de Sioux Watershed District	NRCS = Natural Resource Conservation Service
PdT = Pomme de Terre Watershed	SWCD = Soil and Water Conservation District
UMR = Upper MN River Watershed District	UMES = University of MN Extension
RDC = Upper MN Valley Regional Development Commission	MDOT = MN Department of Transportation
	BEC = Bonanza Educational Center

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE: WATER RESOURCE EDUCATION

EDUCATION GOAL: COLLECT, ANALYZE AND PROVIDE IMPORTANT WATER PLANNING INFORMATION.

Objective A: Continue to support the various monitoring and information gathering efforts in order to better understand and assess water planning issues.

Actions:

1. Proactively work with various state agencies, watersheds and citizens to identify gaps in the County's knowledge and understanding about the condition and the County's water resources. Learn how to best interpret and use information in the decision-making process (i.e., the Regional Hydrogeologic Assessment, monitoring data, etc.).

Who: *WP, WPTF, ES, BdS, MGS, **When:** 2003-2008 **Cost:** \$1,000
DNR, UMR, SWCD, NRCS

2. Continue to support watershed planning and implementation activities by providing financial and technical assistance.

Who: *CB, WP, WPTF, ES, UMR **When:** 2003-2008 **Cost:** \$30,000
SWCD, NRCS, DNR

3. Continue support of the various water quality monitoring efforts throughout the County. Annually review MPCA's "State of the Minnesota River" report documenting annual monitoring results and long-term trends. Work with the Minnesota Pollution Control Agency to increase monitoring and reporting efforts locally. Looks for other ways to expand the monitoring network where needed.

Who: *WPTE, WP, CWP, UMR, **When:** 2003-2008 **Cost:** \$5,000
SWCD, ES, DNR, MPCA

4. Periodically schedule the Upper Minnesota Valley Regional Development Commission to assist with the County's Geographic Information System (GIS) efforts, including training and data creation needs. Use GIS to track water planning data.

Who: *CS, CB, ES, RDC, UMR **When:** 2003-2008 **Cost:** \$10,000
SWCD, NRCS

5. Conduct a study to examine how programs, conservation efforts and land use affects the County's tax-base. For example, what economic/social/environmental affect does it have if land is restored to a wetland or if a State or Federal agency has an easement on a piece of property?

Who: *CB, WPTF, ES, DNR, UMR **When:** 2005 **Cost:** \$10,000
SWCD, FWS, NRCS & the
Upper Minnesota Headwaters Joint Powers Board

Objective B: Raise public awareness on a number of key water-planning issues.

Actions:

1. Create an outline in October each year on how the Water Planning Task Force and Big Stone County will focus extra-ordinary educational efforts on two to three water planning issues in the upcoming year.

Who: *WPTF, WP, ES, SWCD, CWP, WD **When:** Annually **Cost:** \$2,500

2. Use sub-watershed monitoring efforts to determine where financial and educational assistance is needed most each year. If possible, target these areas for a specific period of time or until the need is reduced to a satisfactory level. To begin with, target the Stoney Run Sub-Watershed (in the Upper Minnesota River Watershed) between 2003-2008

Who: *WPTF, WP, ES, SWCD, BdS, UMR, PdT **When:** Annually **Cost:** \$5,000

3. Continue working with the school districts on monitoring water quality in rural wells by providing equipment and other resources as needed. Develop an informational campaign on private wellhead protection. Encourage them to monitor Big Stone Lake and the Minnesota River if possible.

Who: *UMR, WP, ES, SWCD, BdS, MPCA **When:** Annually **Cost:** \$10,000

4. Publish the Environmental Newsletter at least twice a year. Encourage the use of guest authors and submit the articles to be included in newspapers and other newsletters (i.e., MPCA, BWSR, Watershed Districts, Clean Water Partnerships, etc.).

Who: *SWCD, WP, ES, CWP, WD, NRCS **When:** Annually **Cost:** \$5,000

5. Develop and/or use existing Public Service Announcements on key water planning issues.

Who: *ES, SWCD, NRCS **When:** 2003-2008 **Cost:** \$10,000

6. Develop a water quality curriculum for K-12 and family at the Bonanza Education Center.

Who: *BEC, ES, SWCD, WPTF **When:** Annually **Cost:** \$5,000

7. Continue to contract with the Bonanza Education Center for Solid Waste Management education.

Who: *ES, WPTF, BEC, CB **When:** Annually **Cost:** \$10,000

PRIORITY ISSUE: WATER MANAGEMENT

WATER MANAGEMENT GOAL: *PROTECT AND IMPROVE WATER QUALITY AND QUANTITY THROUGH WATER MANAGEMENT.*

Objective A: Identify and properly address drainage and flooding issues and opportunities.

Actions:

1. Work with watersheds to help implement Best Management Practices along ditches and recognize ditches as being tributaries (part of the larger surface water system).

Who: *CB, ES, UMR, PdT, BdS **When:** 2003 **Cost:** \$25,000

2. Develop a Geographic Information System (GIS) layer for public drainage systems showing watershed boundaries, open ditches and tile lines. Continue to build a database with other GIS layers to assist with water management decision making.

Who: *CB, RDC, ES, DA, UMR, PdT, BdS **When:** 2003 **Cost:** \$25,000

3. Work with various agencies to increase water retention in upstream reaches of the watershed. Target the Stoney Run and County Ditch #2 Sub-Watersheds

Who: *UMR, WPTF, DA, ES, **When:** 2004-2006 **Cost:** \$5,000

4. Continue to develop and build a summary of drainage system data in an electronic format (including system name, watershed size, outlets to, date established, system type, repair history, improvement history, flow data, demonstration capacity, monitoring data, etc.).

Who: *UMR, WPTF, DA, ES **When:** 2004-2006 **Cost:** \$5,000

5. Conduct a cost/benefit analysis on new ditching and tiling projects and proposed ditch improvements, including quantity and quality issues prior to issuing approval. The analysis must include an assessment of the additional and cumulative contributions of additional drainage to downstream flooding and resulting changes in existing stream flow, to minimize excessive drainage, destruction of stream habitat, erosion and sedimentation, and water flow onto adjacent property.

Who: *UMR, BdS, PdT, WPTF, DA, CB **When:** 2003-2006 **Cost:** \$8,000

6. Seek available funds to create a drainage study, identifying financial incentives for landowners to improve drainage management throughout the County. The Plan would, among other items, assess water storage opportunities, erosion and sedimentation problems, drainage system enhancements and win-win opportunities for improving the County's overall drainage system with an emphasis on reducing the County flooding potential.

Who: *CB, WP, ES, SWCD,
WD, CWP, UMR

When: 2004

Cost: \$12,000

7. The County may accept and process eligible applications for wetland preservation on a countywide basis. A wetland so enrolled is exempt from property tax, however, the State of Minnesota has a mandated fund to reimburse the tax loss to the County.

Who: *ES

When: Annually

Cost: \$500

Objective B: Protect and improve the quality of groundwater in the County.

BIG STONE COUNTY PUBLIC WATER SUPPLIERS

Wellhead Protection Status

(Information received from Minnesota Department of Health – June 2002)

1. Public water suppliers currently in the wellhead protection program: Ortonville, Odessa, Beardsley.
2. Public water suppliers to be brought into wellhead protection program within the next five years and current phasing number: Big Stone Hutterite Colony (237).
3. Other public water suppliers and current phasing number: Graceville (857), Clinton (914), Correll (1025), Lismore Hutterite Colony (1056), Johnson (1056).

Actions:

1. Invite key state agencies to assist the County with learning how to interpret and use the Upper Minnesota River Basin Regional Hydrogeologic Assessment and other key groundwater information. Examine ways to incorporate groundwater information into the land use decision-making process.

Who: *WP, MGS, DNR, MDH,
CB, ES, WPTF, PZC

When: Bi-annual

Cost: \$3,000

2. Work with the Minnesota Geological Survey and the Minnesota Department of Health on developing criteria to identify sensitive groundwater recharge areas. In addition, work with these agencies on developing land use incentives and possibly a protection strategy that can be incorporated in the County Zoning and Subdivision Ordinance.

Who: *ES, WPTF, CS, PC, CB **When:** 2006 **Cost:** \$2,000

3. Participate on wellhead/source water protection teams during the development and implementation of Wellhead Protection Plans. Examine and adopt key management strategies and review the Zoning Ordinance to look for innovative ways to assist with wellhead protection goals.

Who: *WP, ES, MDH, UMR, BdS **When:** 2003-2008 **Cost:** \$2,000

4. Show Wellhead Protection Areas (excluding the exact well location) on the County's Zoning Map and treat them as priority areas.

Who: *ES, MDH, RDC, PZC **When:** 2003-2008 **Cost:** \$500

5. Use GPS technology to help locate wells in Wellhead Protection Areas.

Who: *ES, MDH, WP, RDC **When:** 2003-2008 **Cost:** \$1,500

6. Prioritize sealing abandoned wells and promoting other Best Management Practices (BMPs) in Wellhead Protection Areas and other sensitive areas (i.e., Stoney Run Sub-Watershed, Floodplain, etc.).

Who: *SWCD, MDH, WP, ES **When:** 2003-2008 **Cost:** \$1,500

Objective C: Identify and properly address storm water issues.

Actions:

1. Offer to cost-share a Storm Water Feasibility Study with the City of Ortonville.

Who: *UMR, RDC, ES, CB, SWCD **When:** 2004 **Cost:** \$8,000

2. Identify storm water drains and outlets throughout the County and create a GIS database.

Who: *CB, RDC, ES, WP **When:** 2005 **Cost:** \$5,000

PRIORITY ISSUE: REDUCING PRIORITY POLLUTANTS

PRIORITY POLLUTANT GOAL: TO RESTORE, PROTECT AND MAINTAIN THE WATER QUALITY, BIODIVERSITY AND NATURAL BEAUTY OF BIG STONE COUNTY'S WATER RESOURCES.

Note: This section ties in with the MPCA's Minnesota River Basin Plan (December, 2001).

Objective A: Work with the MPCA to get waters off the Clean Water Act's TMDL 303d list of impaired waters. Big Stone County's current listing (published July 2002):

Name	Year Listed	Assessment ID	Affected Use	Pollutant or Stressor	Target Start - Completion Date
Marsh Lake	1998	07-0001	Aquatic Life	Mercury	2002 – 2015
Artichoke Lake	1998	07-0002	Aquatic Life	Mercury	2002 – 2015
Minnesota River	1994	07-004	Aquatic Life	Turbidity	2004 – 3008

Actions:

1. Work with the Minnesota Pollution Control Agency to address impairments caused by mercury in Marsh Lake. Assist with both the development and implementation of specific action steps.

Who: *WP, WPTF, CWP, MPCA **When:** 2003-2015 **Cost:** \$Unknown

2. Work with the Minnesota Pollution Control Agency to address impairments caused by mercury in Artichoke Lake. Assist with both the development and implementation of specific action steps.

Who: *WP, WPTF, CWP, MPCA **When:** 2003-2008 **Cost:** \$Unknown

Objective B: Reduce priority pollutants to safe and manageable levels, including nitrates, phosphorus, bacteria, sediment and erosion. Implement strategies Countywide, but target the Stoney Run Sub-Watershed.

Actions:

1. Add 500 additional acres of buffers along ditches and streams to capture sediment as it leaves the field (using continuous CRP when possible). Enforce a minimum one-rod grassed area as it applies to drainage policy, but promote larger buffers in critical areas. Use \$6,000 annually as a one-time incentive to establish buffers in priority areas (i.e., the Stoney Run Sub-Watershed, Wellhead Protection Areas, Floodplain, etc.). The Upper Minnesota River Watershed District would also like to target all public and private ditches greater than two feet deep with three foot bottom widths.

Who: *SWCD, DA, NRCS, UMR, DNR **When:** 2003-2008 **Cost:** \$50,000

2. Examine strengthening erosion control standards on new development (over one acre).

Who: *ES, SWCD, WP **When:** 2003-2008 **Cost:** \$5,000

3. Use the latest restoration techniques to increase habitat and recreational use while addressing bank erosion and sediment problems (Target Stoney Run Sub-Watershed).
Who: *SWCD, NRCS, UMR, DNR **When:** 2003-2008 **Cost:** \$200,000
4. Create management strategies for erosion on Long Tom and Artichoke Lakes.
Who: *WPTF, DNR, ES, SWCD **When:** 2004-2006 **Cost:** \$5,000
5. Conduct a tillage transect survey at least once every other year. Work to establish 15,000 new acres of conservation tillage.
Who: *NRCS, SWCD, WP **When:** 2003-2008 **Cost:** \$5,000
6. Design and install 10 miles of field windbreaks, 25 acres of shelterbelts, and 50 acres of wildlife planting, and 15 acres of critical area plantings.
Who: *SWCD **When:** 2003-2008 **Cost:** \$80,000
7. Construct five water and sediment control basins and establish 20 acres of waterways.
Who: *NRCS, SWCD **When:** 2003-2008 **Cost:** \$100,000
8. Encourage rotational grazing and apply 200 acres of planned grazing systems.
Who: *NRCS, SWCD **When:** 2003-2008 **Cost:** \$200,000
9. Promote well-sealing through advertisements in local papers, newspapers and in radio announcements. Use Water Plan funds, EQIP money and other programs to cost-share sealing high priority abandoned wells. Target wellhead protection areas.
Who: *SWCD, NRCS **When:** 2003-2008 **Cost:** \$50,000
10. Support the increase of rental rates for CRP. Examine a per acre cost-share program to implement along with CRP.
Who: *SWCD, NRCS, UMR **When:** 2003-2008 **Cost:** \$200,000
11. Continue to provide low interest loans and grant incentives to upgrade substandard Individual Sewage Treatment Systems. Cost-share \$500 Countywide and \$1,000 in high priority areas for voluntary upgrades (i.e., Wellhead Protection Areas, Floodplain, etc.).
Who: *ES, SWCD, NRCS **When:** 2003-2008 **Cost:** \$200,000

According to the Bois de Sioux Watershed District (BdSWD) draft plan, Big Stone County's Local Water Management Plan and Soil and Water Conservation District will work with BdSWD on the Traverse Lake Improvement Project by designing and installing the following:

- 2,000 Acres of increased conservation tillage
- 5 acres of new waterways
- 2 water and sedimentation control basins
- 2 miles of field windbreaks
- 5 acres of farmstead shelterbelts
- 3 acres of wildlife plantings
- 50 acres of buffer strips
- Restoring Moonshine Lake
- Restoring 50 additional acres of wetlands

and controlling runoff from the feedlots located within the Bois de Sioux Watershed portion of Big Stone County.

Objective C: Help protect the long-term viability of feedlots, address pollution concerns and minimize non-agricultural conflicts.

Actions:

1. Assist five feedlots per year to help bring them into compliance with MPCA's rules.

Who: *ES, MPCA, WP, WPTF, NRCS, SWCD **When:** 2003-2008 **Cost:** \$300,000

2. Help plan feedlot runoff control systems as needed, including Nutrient Management Plans and Best Management Practices. Assist with the MPCA's objective of having proper MPCA permits and Manure Management Plans on 100 percent of feedlots with 1,000+ animal units.

Who: *ES, MPCA, SWCD, NRCS **When:** 2004-2008 **Cost:** \$4,000

3. Develop a County Feedlot Strategy to protect the long-term viability of farming, to address pollution concerns and to minimize non-agricultural conflicts. Complete a Level II Feedlot Inventory and digitize the results into GIS.

Who: *CB, ES, RDC, SWCD **When:** 2003-2008 **Cost:** \$10,000

PRIORITY ISSUE: LAKESHORE AND SURFACE WATER

LAKESHORE AND SURFACE WATER GOAL: *TO ENSURE THAT BIG STONE COUNTY CONTINUES TO PROVIDE A SAFE AND CLEAN ENVIRONMENT FOR LIVING AND WATER-BASED ACTIVITIES.*

Objective A: Proactively work to identify and address surface water issues.

Actions:

1. Continue the Wetland Restoration Project with the Ortonville Fourth Grade Class.
Who: *UMR, DNR, FWS, ES **When:** 2004-2006 **Cost:** \$5,000
2. Revise the Shoreland Ordinance to improve erosion management. Examine increasing minimum lot sizes and vegetation alteration restrictions. Create a policy with Citizens for Big Stone Lake on lakeshore development.
Who: *CB, ES, PZC **When:** 2004 **Cost:** \$2,000
3. Conduct a drained lake and wetland inventory to be used in conjunction with flood control and watershed restoration efforts.
Who: *BdS, FWS, NRCS, DNR, SWCD **When:** 2004-2006 **Cost:** \$5,000
4. Explore the advantages restoring Moonshine Lake (a wetland restoration) in the Bois de Sioux Watershed District. Look for financial incentives for affected landowners.
Who: *FWS **When:** 2004-2006 **Cost:** \$5,000
5. Complete an inventory of land locked water basins that could provide additional recreational opportunities. Seek funds to pursue projects, with an emphasis on finding money or incentives for willing landowners to cooperate.
Who: *DNR, FWS **When:** 2004-2006 **Cost:** \$5,000
6. Support the Marsh Lake restoration efforts that will improve fishing, wildlife and recreational opportunities.
Who: *DNR, ACE, FWS **When:** 2004-2006 **Cost:** \$5,000
7. Seek technical and financial assistance to install fish barriers in Stoney Run to address the problem caused by the blowout on the Long Tom Lake Dam in 1997.
Who: *DNR, WPTF **When:** 2004-2006 **Cost:** \$5,000
8. Explore the possibility of developing a Recreation and Wildlife Plan that would assess the quality and quantity of existing resources and identify future needs (County Parks, canoe access points, support of public ownership of water resources, etc.).
Who: *CB, WPTF, DNR, FWS **When:** 2007 **Cost:** \$8,000

Chapter Four: Goals, Objectives and Action Steps (2003-2008)

This Chapter establishes Goals, Objectives and Action Steps for each of the County's high priority issues identified in Chapter Three. In review, the County's six priority issues are:

- ✓ *Groundwater Protection*
- ✓ *Storm Water Management*
- ✓ *Reducing Priority Pollutants*
- ✓ *Drainage*
- ✓ *Flooding*
- ✓ *Public Education & Outreach*

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (An ***Asterisk, Underlined, and Bolded** means lead action step responsibility):

CB = County Board	USACE = U.S. Army Corps of Engineers
PC = County Planning Commission	BWSR = Board of Water & Soil Resources
LRM = County Land & Resource Mgmt.	DNR = Department of Natural Resources
DA = County Ditch Authority	FWS = U.S. Fish & Wildlife Service
PW = County Public Works Department	MDA = Minnesota Department of Agriculture
CRWP = Chippewa River Watershed Project	MDH = Minnesota Department of Health
HCWP = Hawk Creek Watershed Project	MDOT = MN Department of Transportation
UMW = Upper MN River Watershed District	MGS = Minnesota Geological Survey
SWCD = Soil and Water Conservation District	MPCA = Minnesota Pollution Control Agency
WPC = Water Planning Committee	UMES = University of MN Extension Service
MRSJPB = Minnesota River Source Joint Powers Board	NRCS = Natural Resources Conservation Service

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE: GROUNDWATER PROTECTION

GROUND WATER GOAL: *PROTECT AND IMPROVE THE QUALITY OF GROUNDWATER IN THE COUNTY.*

Objective A: Assist with wellhead protection and planning.

CHIPPEWA COUNTY PUBLIC WATER SUPPLIERS

Wellhead Protection Status

(Information received from Minnesota Department of Health – June 2002)

1. Public water suppliers currently in the wellhead protection program: MAYNARD, MILAN, WATSON, MONTEVIDEO, CLARA CITY, GRANITE FALLS.
2. Public water suppliers to be brought into wellhead protection program within the next five years and current phasing number: TEBBEN ENTERPRISES (594), KIBBLE EQUIPMENT (744).

Other public water suppliers: none.

Actions:

1. Participate on wellhead/source water protection teams when invited by the local public water suppliers.

Who: *LRM, MDH

When: 2003 – 2008

Cost: \$2,000

2. Create GIS shape files identifying and showing wellhead protection areas.

Who: *LRM, MDH

When: 2005

Cost: \$1,000

3. Contact cities with available assistance. Advise and assist public water suppliers with technical land use information and planning assistance when creating Wellhead Protection Plans.

Who: *LRM, SWCD,
NRCS, MDH

When: 2003 – 2008

Cost: \$1,000

4. Establish the identified Wellhead Protection Areas as priority areas for cost-share and other land use incentive programs. (i.e., sealing abandoned wells, upgrading septic systems, installing buffers, etc.)

Who: *LRM, SWCD, NRCS

When: 2003 – 2008

Cost: \$2,000

5. Provide a variety of education on both wellhead protection areas and private well protection areas.

Who: *LRM, MDH

When: 2003 – 2004

Cost: \$600

Objective B: Support good land use decisions regarding groundwater protection.

Actions:

1. Examine ways to incorporate groundwater information into the land use decision-making process. Invite state agencies to assist the County with learning how to interpret data and identify sensitive areas needing additional management and protection. Use the Upper Minnesota River Basin Regional Hydrogeologic Assessment and other groundwater information as informational sources.

Who: *LRM, MGS, DNR, MDH **When:** 2003 - 2004 **Cost:** \$1,500

2. Do free well testing in the Spring Creek Sub-Watershed.

Who: *LRM, CRWP **When:** 2003 **Cost:** \$200

3. Do countywide well testing to establish baseline groundwater quality. Combine results with previous water testing data.

Who: *LRM, CRWP, HCWP **When:** 2003 **Cost:** \$600

4. Develop a strategy to promote water conservation by using existing materials and resources (i.e., Minnesota Rural Water Association's handouts).

Who: *LRM, Cities **When:** By 2005 **Cost:** \$800

5. Examine requiring a no fee permit for the removal of abandoned sites and a cost-share program to ensure that all wells are sealed properly, underground storage tanks are removed and hazardous waste is disposed of properly before demolition.

Who: *WPC, LRM **When:** By 2004 **Cost:** \$500

PRIORITY ISSUE: STORM WATER MANAGEMENT

STORM WATER MANAGEMENT GOAL: *IMPROVE THE QUALITY OF STORM WATER.*

Objective A: Address storm water management issues.

Actions:

1. Meet with the local municipalities to determine which cities have adopted official controls to deal with storm water management.

Who: *LRM **When:** By 2008 **Cost:** \$250

2. Raise public awareness on storm water pollution and ways to prevent/minimize it.

Who: *LRM, CRWP, HCWP

When: By 2008

Cost: \$500

3. In cooperation with the cities and neighboring counties, address common storm water issues and assess the need to be more proactive promoting storm water management.

Who: *LRM, CRWP, HCWP

When: By 2008

Cost: \$500

4. Develop an educational program on the installation *and* removal of construction Best Management Practices (i.e., for temporary erosion control structures).

Who: *LRM, CRWP, HCWP

When: By 2008

Cost: \$600

PRIORITY ISSUE: REDUCING PRIORITY POLLUTANTS

PRIORITY POLLUTANT GOAL: TO RESTORE, PROTECT AND MAINTAIN THE WATER QUALITY, BIODIVERSITY AND NATURAL BEAUTY OF CHIPPEWA COUNTY'S WATER RESOURCES.

Note: This section ties in with the MPCA's Minnesota River Basin Plan (December, 2001).

The following actions were created with a joint watershed focus. Monitoring results from the Chippewa River and Hawk Creek Watershed Projects helped prioritize the actions. Each Watershed Project has the following sub-watershed priority areas:

Chippewa River Watershed Project:

- ▶ Lower Main Stem Chippewa River
- ▶ Shakopee Creek
- ▶ Dry Weather Creek, Spring Creek, Lines Creek and Cottonwood Creek

Hawk Creek Watershed Project:

- ▶ Middle Hawk
- ▶ Chetomba

Objective A: Reduce priority pollutants, focusing on erosion, sediment, bacteria, nitrogen and phosphorous.

Actions:

1. Work with the MPCA to get waters off the Clean Water Act's Total Maximum Daily Load (TMDL) 303d list of impaired waters. The July 2002 list includes the following waters:

Name	Year Listed	Assessment ID	Affected Use	Pollutant or Stressor	Target Start/Completion Date
Chippewa River; Dry Weather Creek to Watson Sag Diversion	94	07020005-502	Aquatic life	Ammonia ^{2,4,5}	1998/2003
Chippewa River; Watson Sag Diversion to Minnesota River	94	07020005-501	Aquatic life	Ammonia ^{2,4,5}	1998/2003
Chippewa River; Watson Sag Diversion to Minnesota River	94	07020005-501	Swimming	Fecal Coliform	1998/2003
Chippewa River; Watson Sag Diversion to Minnesota River	02	07020005-501	Aquatic life	Turbidity -from suspended solids	2007/2011

Who: *MPCA, CRWP, HCWP
SWCD, NRCS, LRM

When: 2003 - 2011

Cost: \$2,000

2. Establish a strategy to promote the use of phosphorous free fertilizer on lawns. Encourage municipalities to adopt ordinances that limits or prevents the use of phosphorous-based fertilizers.

Who: *WPC, CRWP, HCWP

When: 2003

Cost: \$1000

3. Assist with developing conservation plans to promote farming and recognize alternative farming methods.

Who: *NRCS, CRWP, HCWP

When: 2003

Cost: \$500

4. Through nutrient and pesticide management planning, such as precision agriculture, promote the timing, rate, and placement of synthetic and/or organic fertilizers and pesticides using incentives (such as EQIP and others). Target 50,000 acres countywide.

Who: *SWCD, NRCS,
CRWP, HCWP

When: By 2006

Cost: \$52,500

5. Target 5,000 feet of bank stabilization, including the Big Bend Church bank erosion site. Promote practices to reduce stream-bank and ditch-channel erosion through developing a strategy identifying priority sites for alternative practices such as willow planting or stream barbs in critical areas.

Who: *NRCS, SWCD,
CRWP, HCWP, MRSJPB

When: By 2008

Cost: \$250,000

6. Seek 4,000 new acres of filters/buffers (currently have 9,000 acres of riparian protection) along ditches and streams to capture sediment as it leaves the field. Enforce the minimum one-rod grassed area as it applies to drainage policy.
Who: ***DA**, CB, SWCD, NRCS, CRWP, HCWP *When:* By 2004 *Cost:* \$400,000
7. Seek a 10% increase in fields meeting crop residue targets countywide based on tillage transect results using the average of the past five years (1997 – 2001 average was 36%).
Who: ***SWCD**, NRCS, CRWP, HCWP *When:* By 2008 *Cost:* Farm Bill
8. Complete a tillage transect survey biannually to show county residue results.
Who: ***SWCD** *When:* Biannually *Cost:* \$2,000
9. Establish 20,000 feet of field windbreaks or grass strips.
Who: ***SWCD**, NRCS *When:* By 2008 *Cost:* \$12,000
10. Construct 50,000 feet of terraces.
Who: ***SWCD**, NRCS *When:* By 2008 *Cost:* \$202,000
11. Establish 40 acres of waterways.
Who: ***SWCD**, NRCS *When:* By 2008 *Cost:* \$102,000
12. Seed 500 acres of the most highly erodible cropland to appropriate vegetative cover through existing programs (i.e., CRP & RIM).
Who: ***SWCD**, NRCS *When:* By 2004 *Cost:* \$60,000
13. Increase 200 acres of planned grazing systems.
Who: ***SWCD**, NRCS *When:* By 2004 *Cost:* \$6,000
14. Implement the following strategy to address feedlot compliance:
 - a. Continue to develop a GIS layer of feedlots registered under current MPCA registration guidelines.
 - b. Incorporate the registration with the feedlots permitted by MPCA.
 - c. Develop an informational packet to mail to registered feedlot operators to assist them with contacts for technical questions (compliance, design, manure management) and financial incentives.
 - d. Assist 10% of the noncompliant by 2008.
Who: ***WPC**, LRM, SWCD, MRSJPB *When:* By 2008 *Cost:* \$2,000

15. Assist feedlot operators with completing proper MPCA permits and Manure Management Plans on 100 percent of feedlots with 400+ animal units.
Who: *SWCD, LRM **When:** By 2005 **Cost:** \$4,000

16. Seek grants and other funding sources to develop feasibility studies for upgrading unsewered communities (targeting Bunde and Wegdahl).
Who: *LRM, HCWP **When:** By 2004 **Cost:** \$40,000

17. Continue to support the upgrading of Individual Sewage Treatment Systems (ISTS) with the use of state revolving fund low interest loans. Inventory the upgraded systems and through the use of the watershed monitoring, assess the areas that are showing high fecal coliform bacteria and seek additional funding to assist with upgrading systems in those critical areas.
Who: *LRM, CRWP, HCWP **When:** Annually **Cost:** \$200

18. Promote the use of Kandiyohi County's Household Hazardous Waste Facility located in the City of Willmar. Hold five household hazardous waste collections with the following schedule:

a. Montevideo in 2003	c. Clara City in 2005
b. Watson in 2004 (mini-collection)	d. Maynard in 2005
	e. Milan in 2006

Who: *LRM **When:** By 2006 **Cost:** \$25,000

PRIORITY ISSUE: WATER/DRAINAGE MANAGEMENT

DRAINAGE GOAL: Drainage needs to be viewed as an integral part of water management. Its importance to water quality and water quantity as well as the economic importance to our county needs to be considered. The drainage infrastructure needs to be maintained and managed for sustaining agricultural productivity as well as understanding that it is part of the tributary system.

Objective A: Apply watershed-based principles in properly managing drainage systems.

Actions:

1. Continue to digitize the drainage systems. Gather the history of each system to include the following: system name, watershed size, outlets to, date established, system type, repair history, construction improvement history, flow data, demonstration capacity, and monitoring data available. Assess the history to identify the erodible areas, flooding problem areas and storage potential.

Who: *LRM, SWCD, NRCS,
CRWP, HCWP, DNR

When: By 2005

Cost: \$10,000

2. Promote the use of alternative intakes or the installation of intakes that promote efficient trapping of sediments and nutrients that enter drainage systems.

Who: *SWCD, NRCS,

When: 2003 - 2008

Cost: \$600

3. Proactively work with various state agencies, watersheds and citizens to identify gaps in the County's knowledge and understanding about the importance of drainage in Chippewa County.

Who: *WPC

When: Start 2004

Cost: \$2,000

4. Seek funds to create a drainage management plan that recognizes the long-term importance of maintaining and enhancing drainage in the County. Prioritize areas and look for grants and other financial incentives to make improvements with willing participants.

Who: *LRM, SWCD, NRCS

When: 2006

Cost: \$5,000

PRIORITY ISSUE: FLOODING

FLOODING GOAL: MINIMIZE AND REDUCE THE FLOODING POTENTIAL IN THE COUNTY.

Objective A: Identify and address the County's flooding concerns, including both upstream and downstream opportunities.

Actions:

1. Emphasize the need to protect non-farm wetlands (types 3, 4 and 5) and support the no-net-loss of wetlands. Promote the voluntary restoration of drained wetlands.

Who: *SWCD, NRCS, LRM,
CRWP, HCWP

When: By 2008

Cost: \$200

2. Update the SWCD Wetlands Inventory and create a GIS layer.

Who: *LRM, SWCD

When: By 2008

Cost: \$2,000

3. Identify and evaluate water storage areas with three possible sites being Buffalo Lake, Norberg Lake and Lone Tree Lakebed. Construct ten storage structures and basins where appropriate.

Who: *SWCD, NRCS,
CRWP, HCWP, MRSJPB

When: By 2008

Cost: \$500,000

4. The Buffalo Lake Dam should continue assisting with water retention purposes, being raised to the proper level when water is low and slowly dropping during high water volumes (with an emphasis on not being raised higher than its current elevation). Periodic maintenance, including dredging, should also be conducted.

Who: *WPC

When: By 2005

Cost: \$1,000

5. After the new FEMA flood maps are complete, assess the changes to the floodplain areas.

Who: *WPC, DNR, NRCS

When: By 2005

Cost: \$500

6. Examine requiring water storage prior to approving or amending Storm Water National Pollutant Discharge Elimination System (NPDES) permits.

Who: *WPC

When: By 2005

Cost: \$1,000

7. The County may accept and process eligible applications for wetland preservation on a countywide basis. A wetland so enrolled is exempt from property tax, however, the State of Minnesota has a mandated fund to reimburse the tax loss to the County.

Who: *LRM

When: Annually

Cost: \$500

PRIORITY ISSUE: EDUCATION & OUTREACH

EDUCATION & OUTREACH GOAL: Raise public awareness on a number of key water-planning issues.

Objective A: Raise public awareness on a number of key water-planning issues.

Actions:

1. Focus education and outreach efforts on two to three water planning issues a year. Integrate those efforts with the watershed projects educational goals. Identify the priority issues in November/December each year. *Priority issues and activities already identified to be addressed in the next 5 years:*
 - ▶ Storm drain marking and education in Maynard and Milan
 - ▶ Individual Sewage Treatment Systems
 - ▶ Household Hazardous Waste: proper handling and disposal (target batteries)
 - ▶ Participate in annual Environmental Field Days
 - ▶ Display a topic at the annual County Fair
 - ▶ Display a topic at the bi-annual Health & Wellness Fair

Annual topics chosen will be promoted through the use of the following sources: newspaper articles, radio ads, posters, displays, field days, speakers, and classes.

Who: *WPC, LRM, SWCD
CRWP, HCWP

When: Ongoing

Cost: \$5000

2. Create a magnet with information on how to handle chemical, manure and fuel spills, listing contacts and phone numbers (the State Duty Officer at 1-800-422-0798). Send to all landowners along with a brochure. Use MPCA as a resource to gather information.

Who: *WPC

When: 2003

Cost: \$1500

Objective B: Continue to support the watershed monitoring and information gathering efforts in order to better understand, assess, and identify gaps related to the condition of the County's water resources.

Actions:

1. Continue to support watershed planning and implementation activities by providing financial and technical assistance. Annually review monitoring data and implementation accomplishments to continue coordinating future initiatives.

Who: *WPC

When: Annually

Cost: \$20,000

2. Annually review MPCA's "State of the Minnesota River" report documenting annual monitoring results and long-term trends. Provide input and response to the report if necessary.

Who: *WPC

When: Annually

Cost: \$500

3. Use the County's Geographic Information System (GIS) to track water plan accomplishments and maintain current and past inventories.

Who: *LRM

When: Annually

Cost: \$2000

4. Seek funds to hire a GIS intern to assist with entering data and inventories into the GIS system.

Who: *LRM

When: 2003 - 2004

Cost: \$5,000

Chapter Four: Goals, Objectives and Action Steps (2003-2008)

This Chapter establishes Goals, Objectives and Action Steps for each of the County's high priority issues identified in Chapter Three. In review, the County's six priority issues are:

- ✓ *Education*
- ✓ *Water/Drainage Management*
- ✓ *Groundwater Protection*
- ✓ *Reducing Priority Pollutants*
- ✓ *Erosion*
- ✓ *Recreation*

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (**An Asterisk, Underlined, and Bolded means lead action step responsibility**):

CB = County Board
CS = County Staff
DA = County Ditch Authority
WP = County Water Plan/Planner
EO = Environmental Office
PZC = Planning & Zoning Commission
PZA = Planning & Zoning Administrator
SW = County Solid Waste Department
RC = Resource Commission
WD = Lac qui Parle Watershed District
CWP = Lac qui Parle/Yellow Bank
Clean Water Partnership

BWSR = Board on Soil & Water Resources
DNR = Department of Natural Resources
FWS = U.S. Fish & Wildlife Service
MDA = Minnesota Department of Agriculture
MDH = Minnesota Department of Health
MGS = MN Geological Survey (& USGS)
MPCA = Minnesota Pollution Control Agency
NRCS = Natural Resource Conservation Service
SWCD = Soil and Water Conservation District
UMES = University of MN Extension
MDOT = MN Department of Transportation
RDC = Upper MN Valley Regional Dev. Com.

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE: WATER RESOURCE EDUCATION

EDUCATION GOAL: COLLECT, ANALYZE AND PROVIDE IMPORTANT WATER PLANNING INFORMATION.

Objective A: Continue to support the various monitoring and information gathering efforts in order to better understand and assess water planning issues.

Actions:

1. Proactively work with various state agencies, watersheds and citizens to identify gaps in the County's knowledge and understanding about the condition and the County's water resources. Learn how to best interpret and use information in the decision-making process.

Who: *RC, CWP, WP, EO
NRCS, WD

When: 2003-2008

Cost: \$1,000

2. Continue to support watershed planning and implementation activities by providing financial and technical assistance.

Who: *CB, CS, RC, WD,
CWP, SWCD, WP, NRCS

When: 2003-2008

Cost: \$750,000

3. Continue support of the various water quality monitoring efforts throughout the County. Annually review MPCA's "State of the Minnesota River" report documenting annual monitoring results and long-term trends. Looks for ways to expand the monitoring network where needed.

Who: *RC, WP, CWP, WD,
SWCD

When: 2003-2008

Cost: \$5,000

4. Periodically schedule the Upper Minnesota Valley Regional Development Commission to assist with the County's GIS efforts, including training and data creation needs.

Who: *CS, RDC, WP, RC
EO, SWCD

When: 2004-2008

Cost: \$2,000

5. Collect research information (i.e., native species vs. introduced species) to use in demonstrations and information sharing.

Who: *SWCD, DNR, FWS,
WP, NRCS

When: 2004-2006

Cost: \$2,000

6. Conduct a study to examine how programs, conservation efforts and land use affects the County's tax-base.

Who: *CB, RC, WD, EO, WP,
SWCD, DNR, FWS &

When: 2005

Cost: \$10,000

The Upper Minnesota Headwaters Joint Powers Board

Objective B: Raise public awareness on a number of key water-planning issues.

Actions:

1. Review the function of the Resource Commission and revitalize its membership and potential.

Who: *CB, PZA, RC, EO,
SWCD, WP

When: Annually

Cost: \$2,000

2. Create an outline in October each year on how the Resource Commission and Lac qui Parle County will focus extra-ordinary educational efforts on two to three water planning issues in the upcoming year. Current high priority educational issues include:

- ✓ Wellhead Protection (including individual/private wells).
- ✓ Water Conservation (including individual household, business and Countywide).
- ✓ Storm Water Management
- ✓ Bacteria and other pollutants in water
- ✓ Soil erosion (i.e., the use of rock chutes, conservation tillage, etc.)
- ✓ The difference between native and introduced species on clean water.
- ✓ How the Highway Department protects against erosion during construction.

Who: *RC, WP, EO, SWCD,
CWP, WD

When: Annually

Cost: \$2,500

3. Use sub-watershed monitoring efforts to determine where financial and educational assistance is needed most each year. If possible, target these areas for a specific period of time or until the need is reduced to a satisfactory level.

Who: *RC, WD, EO, SWCD
CWP, WD

When: Annually

Cost: \$2,500

4. Access funding to hire technicians to work in offices to promote existing programs on a one-to-one basis with the public (i.e., Ducks Unlimited, Pheasants Forever, ISTS, etc).

Who: *SWCD, EO, WP, CWP
WD, UMES, DNR, FWS

When: Ongoing

Cost: Indirect

5. Annually develop a public awareness campaign (or implementation strategy) on the County's priority water planning issues. The following items will be considered (along with action steps 6 though 12):

- ✓ Consider developing a logo **Cost:** \$500
- ✓ Using Public Service Announcements **Cost:** \$5,000
- ✓ Writing articles/newsletters (see Action) **Cost:** \$2,500
- ✓ developing displays **Cost:** \$2,500

Who: *WP, RC, EO, SWCD
CWP, WD

When: Annually

Cost: See Above

6. Consider developing an informational campaign, "Out of Sight...Out of Mind...OR IS IT?" to raise public awareness on Individual Septic Treatment Systems issues.

Who: *EO, RC, SWCD, WP, CWP, RC **When:** 2004 **Cost:** \$1,000

7. Consider developing a "How safe is your well?" campaign, with township and/or watershed data.

Who: *WP, MDH, RC, EO, SWCD **When:** 2005 **Cost:** \$5,000

8. Consider developing a Countywide "Reduce, Reuse & Recycle" campaign, with and emphasis on Reduce and Reuse.

Who: *EO, RC, WP, SW, SWCD **When:** 2006 **Cost:** \$2,000

9. Create a list of places to display maps and handouts (i.e., libraries, banks, etc.) and randomly display information on water planning issues.

Who: *RC, WP, SWCD, EO **When:** Annually **Cost:** \$3,000

10. Develop weekly environmental news articles. Each of the main water planning partners should have a designated week each month for their articles using the following format:

Week 1 – SWCD	Week 4 – Clean Water Partnership
Week 2 – Environmental Office	Week 5 – Guest?
Week 3 – Water Planner	

Encourage the use of guest authors and submit the articles to be included in newspapers and various newsletters (i.e., MPCA, BWSR, Clean Water Partnerships, etc.).

Who: *WP, EO, SWCD, CWP **When:** 2003-2008 **Cost:** \$2,500

11. Proactively look for opportunities to speak in front of organizations (i.e., Kiwanis, Lion, etc.) and get them involved.

Who: *RC, WP, EO, SWCD, CWP, WD **When:** Annually **Cost:** \$1,000

12. Get the Lac qui Parle Valley and Dawson-Boyd High Schools involved projects and educational efforts.

Who: *RC, WP, EO, SWCD, CWP, WD **When:** Annually **Cost:** \$10,000

13. Promote and implement the River Friendly Farmer Program.

Who: *CWP, SWCD, RC **When:** Annually **Cost:** \$500

PRIORITY ISSUE: WATER MANAGEMENT

WATER MANAGEMENT GOAL: *PROTECT AND IMPROVE WATER QUALITY AND QUANTITY THROUGH WATER MANAGEMENT.*

Objective A: Identify and properly address drainage issues and opportunities.

Actions:

1. Finish digitizing the County's drainage system. Create a map using the data showing township and watershed boundaries and use it to make land use decisions.

Who: *DA, RDC, EO, WP,
SWCD, RC

When: 2003

Cost: \$25,000-digitizing
\$1,000-map

2. Develop a summary of drainage system data for use in water planning (including water quality, ditch capacity, water source, etc.). Assess how drainage effects water quality.

Who: *DA, EO, WD, RC, EO,
CWP, SWCD

When: 2004-2006

Cost: \$5,000

3. Seek available funds to create a water management strategy, focusing on identifying financial incentives for landowners to improve drainage management throughout the County. The Plan would, among other items, assess water storage opportunities, drainage system enhancements and win-win opportunities for improving the County's overall drainage system.

Who: *CB, WP, EO, SWCD,
WD, CWP

When: 2004

Cost: \$12,000

4. Develop four alternative inlet demonstration sites (such as rock intakes) to show the benefits of replacing open inlets.

Who: *SWCD, WP, EO, WD,
CWP

When: 2004-2008

Cost: \$1,500

Objective B: Identify priority wetlands for protection, enhancement and restoration activities.

Actions:

1. Revisit County ordinances and procedures covering wetland restoration (in 2005). Target wetland restoration activities in critical areas (i.e., wellhead protection areas, the flood plain and where water retention is needed).

Who: *RC, WP, DNR, FWS,
EO, WD, SWCD, NRCS,
CB, PZC, MDH

When: 2003-2008

Cost: \$200,000

2. Use the various wetland inventories as a base-line planning tool and to assist with making land use decisions (the U.S. Fish and Wildlife Service's inventory of drained wetland basins should be available in 2003 in GIS format).

Who: *RC, WP, DNR, FWS
SWCD, EO, WD

When: 2003-2008

Cost: \$500

3. Create a Wetlands Plan (possibly as part of the Water Management Plan) that would identify and rank wetlands that could be restored for water management and quality purposes with an emphasis on the identification of incentives and financial resources for willing participants. Apply for grant funds to help with the cost of creating the Plan.

Who: *RC, WP, DNR, FWS,
EO, WD, SWCD, NRCS

When: By 2005

Cost: \$6,000

4. Lac qui Parle County has designated the entire County as a high priority wetland preservation area. Landowners wishing to enroll qualifying wetlands will be able to remove those acres and some additional upland area (up to four acres for each acre of wetland) from the property tax roles. Lac qui Parle County may accept and process eligible applications for qualifying wetlands. The State of Minnesota will reimburse the tax loss to the County.

Who: *EO, WP, DNR, CWP

When: 2003-2008

Cost: \$1,000

PRIORITY ISSUE: GROUNDWATER PROTECTION

GROUND WATER GOAL: *PROTECT AND IMPROVE THE QUALITY OF GROUNDWATER IN THE COUNTY.*

Objective A: Assist with wellhead protection.

Actions:

1. Participate on wellhead/source water protection teams during the development and implementation of Wellhead Protection Plans. Examine and adopt key management strategies identified in Wellhead Protection Plans. In addition, review the Zoning Ordinance to look for innovative ways to assist with wellhead protection goals.

Who: *WP, MDH, RC, EO,
PZC

When: 2003-2008

Cost: \$2,000

2. Show Wellhead Protection Areas (excluding the exact well location) on the County's Zoning Map and treat them as priority areas.

Who: *EO, MDH, WP, RDC

When: 2003-2008

Cost: \$500

3. Use GPS technology to help locate wells in Wellhead Protection Areas.
Who: *EO, MDH, WP, RDC **When:** 2003-2008 **Cost:** \$1,500

4. Cost-share up to 75 percent for sealing abandoned wells each year. Target efforts in Wellhead Protection Areas and other sensitive areas (i.e., flood plain, sensitive groundwater recharge areas, etc.).
Who: *WP, MDH, RC, EO **When:** 2003-2008 **Cost:** \$150,000

5. Require a zoning permit to level farm sites and other rural sites that might have abandoned wells in order to ensure proper sealing. Use Water Plan funds to offset the permit costs for the first five years.
Who: *CB, WP, EO, RC, PZC **When:** 2003-2008 **Cost:** \$1,500

6. Provide a variety of education on both wellhead protection areas and private wells. Create awareness that every well has a wellhead area that needs to be protected. Periodically hold general public informational meetings with local officials and State Agency representatives (i.e., Barb Phalen from the Minnesota Geological Survey).
Who: *WP, MDH, RC, EO **When:** 2003-2008 **Cost:** \$2,000

Objective B: Make good land use decisions regarding groundwater protection.

Actions:

1. Invite key state agencies to assist the County with learning how to interpret and use the Upper Minnesota River Basin Regional Hydrogeologic Assessment and other key groundwater information. Examine ways to incorporate groundwater information into the land use decision-making process.
Who: *WP, MGS, DNR, MDH, CB, EO, RC, PZC **When:** Bi-annual **Cost:** \$3,000

2. Work with the Minnesota Geological Survey and the Minnesota Department of Health on developing criteria to identify sensitive groundwater recharge areas. In addition, work with these agencies on developing land use incentives and possibly a protection strategy that can be incorporated in the County Zoning and Subdivision Ordinance.
Who: *EO, RC, CS, PC, CB, PZC **When:** 2006 **Cost:** \$2,000

3. Review County Drought Contingency and Water Conservation Plans and decide if similar ones should be developed for Lac qui Parle County.
Who: *RC, CB, CS, PZC, DNR, WP, WD, CWP **When:** 2006 **Cost:** \$500

PRIORITY ISSUE: REDUCING PRIORITY POLLUTANTS

PRIORITY POLLUTANT GOAL: TO RESTORE, PROTECT AND MAINTAIN THE WATER QUALITY, BIODIVERSITY AND NATURAL BEAUTY OF LAC QUI PARLE COUNTY'S WATER RESOURCES.

Note: This section ties in with the MPCA's Minnesota River Basin Plan (December, 2001).

Objective A: Work with the MPCA to get the following waters off the Clean Water Act's TMDL 303d list of impaired waters (published July 2002):

Name	Year Listed	Assessment ID	Affected Use	Pollutant or Stressor	Target Start - Completion Date
Lac qui Parle River – (From Dawson to Ten Mile Creek)	1994	07020003-501	Aquatic Life	Low Oxygen	2010 - 2015
Minnesota River – Lac qui Parle Lake	1992	07020001-501	Aquatic Life	Ammonia	2012 - 2015
Lac qui Parle Lake	2002	Lake # 37-0046	Aquatic Life	Mercury	2003 - 2015

Actions:

1. Work with the MPCA to address impairments caused by low oxygen in the Lac qui Parle River (from the confluence of the West Branch Lac qui Parle River at Dawson to Ten Mile Creek). Assist with both the development and implementation of specific action steps.

Who: *WP, RC, CWP, MPCA **When:** 2003-2008 **Cost:** \$Unknown

2. Work with the Minnesota Pollution Control Agency to address impairments caused by high ammonia and mercury in the Lac qui Parle Lake. Assist with both the development and implementation of specific action steps.

Who: *WP, RC, CWP, MPCA **When:** 2003-2008 **Cost:** \$Unknown

3. Use monitoring data to pinpoint sub-watersheds that need the most help.

Who: *CWP, RC, WP, MPCA **When:** 2003-2008 **Cost:** \$12,000

Objective B: Ensure phosphorous and nitrogen concentrations are low enough to fully support aquatic life and aesthetic/recreational use.

Actions:

1. Establish a strategy to promote the use of phosphorous free fertilizer. Encourage municipalities to adopt ordinances that limits or prevents the use of phosphorous-based fertilizers.

Who: *RC, MDA, MPCA **When:** 2004 **Cost:** \$1,000

2. Encourage Best Management Practices (BMPs) for the use of organic pesticides and fertilizers in both urban and rural areas.

Who: *RC, MDA, MPCA,
SWCD

When: 2004-2008

Cost: \$500

3. Promote organic farming and assist with developing conservation plans. Assist two farmers a year with financial incentives.

Who: *NRCS, SWCD, WP,
MDA, MPCA

When: 2004-2008

Cost: \$200,000

4. Through nutrient and pesticide management planning (such as precision agriculture), promote the timing, rate and placement of synthetic and/or organic fertilizers and pesticides using incentives (such as EQIP and others). Target 50,000 acres countywide.

Who: *NRCS, MPCA, MDA,
SWCD, WP

When: 2004-2008

Cost: \$60,000

5. Work with the MPCA's Minnesota River Basin Plan to develop projects that divert runoff and streamflow through riparian floodplains (for example, to limit and treat excessive in-channel nitrate-nitrogen).

Who: *RC, MPCA, CWP

When: 2004-2008

Cost: \$100,000

6. Work with landowners to minimize or reduce the use of fall nutrient application on sensitive soils.

Who: *SWCD, WP, RC, EO

When: 2004-2008

Cost: \$2,000

Objective C: Reduce the potential for water-borne disease transmission by addressing bacteria concerns.

Actions:

1. Work with feedlots to help bring them into compliance with MPCA's rules. Target 50 percent of the non-compliant by 2008. Seek financial assistance for up to five feedlots per year, placing an emphasis in high priority areas (i.e., wellhead protection areas, floodplains, etc).

Who: *EO, MPCA, WP, RC
SWCD, NRCS

When: 2003-2008

Cost: \$300,000

2. Assist with the development and monitoring of manure management plans. Assist with the MPCA's objective of having proper MPCA permits and Manure Management Plans on 100 percent of feedlots with 1,000+ animal units.

Who: *EO, MPCA, WP, RC
SWCD, NRCS

When: 2005

Cost: \$4,000

3. Develop a County Feedlot Strategy to protect the long-term viability of farming, to address pollution concerns and to minimize non-agricultural conflicts.

Who: *CB, MPCA, WP, RC
SWCD, NRCS, EO

When: 2005

Cost: \$4,000

4. Assist with developing feasibility studies for unsewered communities, including Rosen, Lac qui Parle Village (both unincorporated) and Louisburg (incorporated).

Who: *EO, CB, RC, PZC, WP

When: 2004-2008

Cost: \$4,000

5. Proactively look for funding opportunities to create a cost-share program to replace failing Individual Septic Treatment Systems. Target high priority areas (i.e., wellhead protection areas, floodplain, sensitive groundwater recharge areas, etc.).

Who: *EO, RC, WP, SWCD,
CWP

When: 2003-2008

Cost: \$250,000

PRIORITY ISSUE: EROSION

EROSION GOAL: TO PROTECT THE COUNTY'S LONG-TERM SOIL RESOURCES.

Objective A: Address **sediment** concerns by ensuring that turbidity and total suspended solids levels are low enough to fully support aquatic life and aesthetic/recreational use.

Actions:

1. Reduce wind and water erosion in targeted watersheds. Define watersheds to target for the upcoming year in the October meeting.

Who: *RC, SWCD, NRCS, WD
CWP, DNR, FWS, BWSR

When: 2003-2008

Cost: \$1,000

2. Work with the Natural Resource Conservation Service on the implementation of their Strategic Plan. Meet with them to adjust and meet target goals for Lac qui Parle County.

Who: *RC, NRCS, SWCD

When: 2003-2008

Cost: \$1,000

3. Conduct a soil erosion and crop tillage Transect Survey at least once every other year.

Who: *NRCS, SWCD, WD

When: 2003-2008

Cost: \$4,000

4. Promote practices to reduce stream-bank and ditch-channel erosion. Promote bank stabilization methods, such as willow planting or stream barbs in critical areas. Target 5,000 feet of bank stabilization.

Who: *RC, WP, SWCD, DNR,
CWP, WD

When: 2003-2008

Cost: \$500,000

5. Add 800 additional acres of buffers along ditches and streams to capture sediment as it leaves the field (using continuous CRP when possible) by 2008. Enforce a minimum one-rod grassed area as it applies to drainage policy.

Who: *NRCS, EO, DA, SWCD **When:** 2003-2008 **Cost:** \$480,000
WP, WD

6. Increase acres of residue (at the 15-30% level) by 40 to 50 percent. Averaging the past five years, 47 percent of Lac qui Parle's corn/soybean fields currently meet residue targets (at the 15-30% level).

Who: *NRCS, SWCD, WP, **When:** 2003-2008 **Cost:** \$480,000
CWP

7. Establish 10,000 additional feet of field windbreaks or grass strips by 2008.

Who: *SWCD, WP, NRCS **When:** 2003-2008 **Cost:** \$20,000

8. Construct 20 water and sediment control basins by 2008.

Who: *SWCD, NRCS, CWP **When:** 2003-2008 **Cost:** \$300,000

9. Establish 10 additional acres of waterways by 2008.

Who: *NRCS, SWCD, WP, **When:** 2003-2008 **Cost:** \$40,000
CWP

10. Seed down (to grass) 2,000 additional acres of the most highly erodible cropland through existing programs (i.e., CRP & RIM) by 2008. Use other programs to help landowners protect their resources when they become available.

Who: *NRCS, SWCD **When:** 2003-2008 **Cost:** \$300,000

11. Increase 1,000 acres of planned grazing systems by 2008.

Who: *NRCS, SWCD **When:** 2003-2008 **Cost:** \$200,000

PRIORITY ISSUE: RECREATIONAL VALUES

RECREATIONAL VALUES GOAL: *TO ENSURE THAT LAC QUI PARLE COUNTY CONTINUES TO PROVIDE A SAFE AND CLEAN ENVIRONMENT FOR WATER-BASED ACTIVITIES.*

Objective A: Educate, encourage and advertise recreation water values for hunting, fishing, trapping, bird watching and other water-based activities.

Actions:

1. Compile a list of interesting features. Get signs identifying rivers and other unique features (starting along major roadways in Lac qui Parle County). Work to get the primary points of interest attached to the Scenic Byway Program.

Who: * <u>RC</u> , MDOT, DNR, RDC	When: 2004	Cost: \$3,000
Who: * <u>CS</u> , MDOT, DNR, RC, RDC	When: 2005	Cost: \$6,000
Who: * <u>RDC</u> , MDOT, DNR, RC	When: 2006	Cost: \$1,000

2. Explore the possibility of developing a Recreation Plan that would assess the quality and quantity of existing recreation (and wildlife) resources and identify future needs (County Parks, canoe access points, perceived liability, water quality awareness, support of public ownership of water resources, coordination and cooperation).

Who: * <u>CB</u> , RC, DNR, FWS	When: 2007	Cost: \$8,000
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3. Dedicate a Resource Commission meeting to trail and recreational development. Advertise for public involvement and invite key stakeholders and groups. Discuss similar issues identified in Action Step 2 above.

Who: * <u>RC</u> , CS, MDOT, DNR, RDC	When: 2004	Cost: \$500
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4. Publish maps of public lands and public accesses and make them available to the public in various offices throughout the region. Work with map providers to update the maps as needed.

Who: * <u>RC</u> , DNR, RDC	When: Biannually	Cost: \$4,000
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5. Pursue a canoe and boating designation for the Lac qui Parle River. Investigate the feasibility of a similar designation for the Yellow Bank River.

Who: * <u>RC</u> , DNR, RDC	When: 2007	Cost: \$1,000
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6. Identify and promote the recreational and educational potential of Lac qui Parle County Park, including the Park's outdoor classroom potential.

Who: * <u>CB</u> , CS, RC, RDC, DNR, USFW	When: 2007	Cost: \$1,000
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Chapter Four: Goals, Objectives and Action Steps (2003-2008)

This Chapter establishes Goals, Objectives and Action Steps for each of the County's high priority issues identified in Chapter Three. In review, the County's six priority issues are:

- ✓ *Storm Water*
- ✓ *Reducing Priority Pollutants*
- ✓ *Sanitary Service Areas (Districts)*
- ✓ *Water/Drainage Management*
- ✓ *Groundwater Protection*
- ✓ *Water-Based Recreation*

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (**An Asterisk, Underlined, and Bolded means lead action step responsibility**):

CB	= County Board	BWSR	= Board on Soil & Water Resources
CS	= County Staff	DNR	= Department of Natural Resources
DA	= County Ditch Authority	FWS	= U.S. Fish & Wildlife Service
WP	= County Water Plan/Planner	MDA	= Minnesota Department of Agriculture
ES	= Environmental Services	MDH	= Minnesota Department of Health
PZC	= Planning & Zoning Commission	MGS	= Minnesota Geological Survey
PZA	= Planning & Zoning Administrator	MPCA	= Minnesota Pollution Control Agency
SW	= County Solid Waste Department	NRCS	= Natural Resource Conservation Service
WPTF	= Water Plan Task Force	SWCD	= Soil and Water Conservation District
CWP	= Chippewa River Watershed Project	UMES	= University of MN Extension
SRD	= Sauk River Watershed District	MDOT	= MN Department of Transportation
NWD	= North Fork Crow River Watershed District		

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE: STORM WATER MANAGEMENT

STORM WATER GOAL: IMPROVE STORM WATER MANAGEMENT THROUGHOUT THE COUNTY.

Objective A: Develop and execute a Storm Water Management Plan for the City of Glenwood, Starbuck, Long Beach and the surrounding Lake Minnewaska area.

Actions:

1. Identify, map, rank and develop a management strategy for the problematic storm water areas.

Who: *ES **When:** 2003-2005 **Cost:** \$28,000

2. Implement the storm water management strategy, using retention ponds and repairs of the existing system where necessary. Pursue funding to cost-share major projects.

Who: *ES, WP, SWCD **When:** 2003-2005 **Cost:** \$1,450,000

3. Review local zoning and subdivision ordinances (at both the County and city level) for appropriate storm water planning.

Who: *ES, Cities **When:** 2003-2005 **Cost:** \$4,000

4. Discuss creating a storm water utility district with the public and local governmental units. Analyzing existing storm water utility districts and customize a draft ordinance.

Who: *ES, WPTF, Cities **When:** 2003-2005 **Cost:** \$6,000

5. Provide storm water education for the public and local officials based on the findings.

Who: *ES, WPTF **When:** 2003-2005 **Cost:** \$8,000

PRIORITY ISSUE: REDUCING PRIORITY POLLUTANTS

PRIORITY POLLUTANT GOAL: TO RESTORE, PROTECT AND MAINTAIN THE WATER QUALITY, BIODIVERSITY AND NATURAL BEAUTY OF POPE COUNTY'S WATER RESOURCES.

Note: This section ties in with the MPCA's Minnesota River Basin Plan (December 2001).

Objective A: Work with the MPCA to get waters off the Clean Water Act's TMDL 303d list of impaired waters.

Actions:

1. Work with the Minnesota Pollution Control Agency to develop and implement individual work plans for the following impaired waters:

Who: *ES, WPTF, MPCA,
CWP, SRD, NWD

When: 2003-2008

Cost: \$Unknown

**MPCA's 303d List of Impaired Waters
for Pope County (July, 2002) – This list is currently being verified by the PCA**

Name	Year Listed	Assessment ID	Affected Use	Pollutant or Stressor	Target Start - Completion Date
Leven	2002	61-0066-00	Swimming	Excess Nutrients	2006/2010
Gilchrist	2002	61-0072-00	Swimming	Excess Nutrients	2006/2010
Reno	2002	61-0078-00	Swimming	Excess Nutrients	2006/2010
Pelican	2002	61-0111-00	Swimming	Excess Nutrients	2005/2009
Malmedal	2002	61-0162-00	Swimming	Excess Nutrients	2005/2009
Emily	2002	61-0180-00	Swimming	Excess Nutrients	2005/2009
Grove	1998	61-0023-00	Aquatic Life	Mercury/ FCA	2002/2015
Scandinavian	1998	61-0041-00	Aquatic Life	Mercury/ FCA	2002/2015
Minnewaska	1998	61-0130-00	Aquatic Life	Mercury/ FCA	2002/2015
Signalness	1998	61-0149-00	Aquatic Life	Mercury/ FCA	2002/2015
Ashley Creek – Headwaters to Sauk Lake	1998	07020005-503	Aquatic Life	Low Oxygen	2006/2010

Objective B: Develop sediment and nutrient management plan for Trapper's Run Sub-Watershed.

Actions:

1. Develop a pollution rating system for the Sub-Watershed. Analyze each 40-acre parcel and assign each a value. Identify and rank high priority areas.

Who: *ES, WPTF, CRW, **When:** 2003 **Cost:** \$15,000
University of Minnesota

2. Create an implementation plan, identifying a time-line and budget for each activity.

Who: *ES, MPCA, CRW **When:** 2003 **Cost:** \$4,000

3. Upgrade all non-compliant feedlots and assist with developing manure management plans for all feedlots.

Who: *ES, MPCA, CRW **When:** 2005 **Cost:** \$100,000

4. Continue stream, lake and biotic community monitoring to gauge progress.

Who: *ES, MPCA, CRW **When:** 2003 - 2008 **Cost:** \$20,000

Objective C: Develop a plan to help control sediment and nutrient from entering Lakes Villard, Amelia and Leven.

Actions:

1. Investigate options to minimize excessive loading from Judicial Ditch #4 (enters Lake Leven and then flows through a channel to Lake Villard...as a result, Lake Leven acts as a sediment basin for Lake Villard).

Who: *ES, CRW **When:** 2003 **Cost:** \$15,000

2. Review nutrient loading from lawn care practices and agricultural drainage via testing.

Who: *ES, CRW **When:** 2003 - 2007 **Cost:** \$4,000

3. Develop and implement a plan (i.e., retention ponds, wetland restoration, etc.). Seek funding and coordinate activities.

Who: *ES, CRW **When:** 2003 - 2006 **Cost:** \$45,000

4. Educate the public and local officials on the findings and promote the implementation strategy.

Who: *ES, CRW **When:** 2003 **Cost:** \$5,000

Objective D: Develop a plan to help control sediment and nutrient from entering Lake Emily and the Chippewa River System

Actions:

1. Investigate options to minimize excessive loading from County Ditch #2 (serves as an outlet from Lake Minnewaska).

Who: *ES, CRW **When:** 2004 **Cost:** \$5,000

2. Review nutrient loading from lawn care practices and agricultural drainage via testing.

Who: *ES, CRW **When:** 2003 - 2007 **Cost:** \$4,000

3. Develop and implement a plan (i.e., retention ponds, wetland restoration, etc.). Seek funding and coordinate activities.

Who: *ES, CRW **When:** 2003 - 2007 **Cost:** \$45,000

4. Educate the public and local officials on the findings and promote the implementation strategy.

Who: *ES, CRW **When:** 2003 - 2008 **Cost:** \$5,000

Objective E: Address sediment and erosion concerns by ensuring that turbidity and total suspended solids levels are low enough to fully support aquatic life and aesthetic/recreational use.

Actions:

1. Digitize the County's Soil Survey to assist with making land use decisions.

Who: *CB, U. of Minnesota **When:** 2003-2008 **Cost:** \$35,000

2. Conduct a soil erosion and crop tillage Transect Survey at least once every other year.

Who: *NRCS, SWCD **When:** 2003-2008 **Cost:** \$4,000

3. Promote practices to reduce stream-bank and ditch-channel erosion. Promote bank stabilization methods, such as willow planting or stream barbs in critical areas. Target 1,000 feet of bank stabilization.

Who: *SWCD, ES **When:** 2005-2008 **Cost:** \$2,000,000

4. Add 1,000 additional acres of buffers along ditches, wetlands, lakes and streams to capture sediment as it leaves the field (using continuous CRP when possible). Enforce a minimum one-rod grassed area as it applies to drainage policy.

Who: *NRCS, ES, DA, SWCD **When:** 2004-2008 **Cost:** \$480,000

5. Increase acres of residue (at the 15%-30% level or above) by 40 to 50 percent.
Who: *NRCS, SWCD, WP *When:* 2004-2008 *Cost:* \$480,000
6. Establish 30,000 feet of field windbreaks or grass strips.
Who: *SWCD, WP *When:* 2004-2008 *Cost:* \$20,000
7. Construct 15 water and sediment control basins each year.
Who: *SWCD, NRCS, CWP *When:* 2004-2008 *Cost:* \$300,000
8. Establish 5 acres of waterways.
Who: *NRCS, SWCD, WP *When:* 2004-2008 *Cost:* \$40,000
9. Seed 2,500 acres of the most highly erodible cropland through existing programs (i.e., CRP & RIM). Use other programs to help landowners protect their resources when they become available.
Who: *NRCS, SWCD *When:* 2004-2008 *Cost:* \$300,000
10. Increase 1,000 acres of planned grazing systems.
Who: *NRCS, SWCD *When:* 2004-2008 *Cost:* \$200,000

Objective F: Reduce the potential for water-borne disease transmission by addressing bacteria concerns.

Actions:

1. Work with feedlots to help bring them into compliance with MPCA's rules. Target 50 percent of the non-compliant by 2008. Provide financial assistance to one feedlot per year in a high priority area (i.e., wellhead protection area, floodplain, etc.)
Who: *ES, MPCA, SWCD, NRCS *When:* 2003-2008 *Cost:* \$300,000
2. Assist with the development and monitoring of manure management plans. Assist with the MPCA's objective of having proper MPCA permits and Manure Management Plans on 100 percent of feedlots with 1,000+ animal units.
Who: *ES, MPCA, SWCD, NRCS *When:* 2004-2008 *Cost:* \$4,000
3. Examine the Feedlot Ordinance to protect the long-term viability of farming, to address pollution concerns and to minimize non-agricultural conflicts.
Who: *CB, ES, MPCA *When:* 2005 *Cost:* \$4,000

PRIORITY ISSUE: SANITARY SERVICE AREA

SANITARY SERVICE AREA GOAL: PROPERLY ADDRESS THE LONG TERM SANITARY SERVICE NEEDS IN THE COUNTY'S DENSELY POPULATED LAKE REGION.

Objective A: Organize Local Stakeholders and explore the possibility of establishing a Sanitary Service Area for the City of Villard and Lakes Amelia, Leven, Minnewaska, Pelican, Reno and Villard.

Actions:

1. Continue to work with the Villard Ares Lakes Sanitary Board on sanitary service area issues. This Board was created in 1997 can covers the City of Villard; Glenwood and Leven Townships; and properties on Lakes Villard, Amelia and part of Lake Leven.

Who: *ES, WP

When: 2003 - 2005

Cost: \$5,000

2. Organize a Sanitary Service Area Task Force with key local stakeholders.

Who: *ES, WP

When: 2003 - 2005

Cost: \$5,000

3. Conduct a needs assessment for each of the priority lakes, examining proper sewage treatment options.

Who: *ES, WP

When: 2003 - 2005

Cost: \$10,000

4. Case-study existing Sanitary Service Areas for guidance.

Who: *ES, WP

When: 2003 - 2006

Cost: \$1,000

5. Establish a Sanitary Service Area making a vehicle for each lake community to use when needed.

Who: *ES, WP

When: 2005

Cost: \$8,000

PRIORITY ISSUE: WATER MANAGEMENT

WATER MANAGEMENT GOAL: PROTECT AND IMPROVE WATER QUALITY AND QUANTITY THROUGH SOUND WATER MANAGEMENT.

Objective A: Identify and properly address drainage issues and opportunities.

Actions:

1. Develop a summary of drainage system data for use in water planning (including water quality, ditch capacity, water source, etc.). Assess how drainage effects water quality.

Who: *ES, DA, CWP, NWD, SRD

When: 2003 - 2008

Cost: \$5,000

2. Seek available funds to create a Water/Drainage Management Plan, focusing on identifying financial incentives for landowners to improve drainage management throughout the County. The Plan would, among other items, assess water storage and wetland restoration opportunities, drainage system enhancements and win-win opportunities for improving the County's overall drainage system.

Who: *CB, ES, DA, CWP, **When:** 2005 **Cost:** \$12,000
NWD, SRD, DNR, FWS

3. Pope County has designated the entire County as a high priority wetland preservation area. Landowners wishing to enroll qualifying wetlands will be able to remove those acres and some additional upland area (up to four acres for each acre of wetland) from the property tax roles. Pope County may accept and process eligible applications for qualifying wetlands. The State of Minnesota will reimburse the tax loss to the County.

Who: *EO, WP, DNR, CWP **When:** 2003-2008 **Cost:** \$1,000

PRIORITY ISSUE: GROUNDWATER PROTECTION

GROUND WATER GOAL: *PROTECT AND IMPROVE THE QUALITY OF GROUNDWATER IN THE COUNTY.*

Objective A: Make good land use decisions regarding groundwater protection.

Actions:

1. Participate on wellhead/source water protection teams during the development and implementation of Wellhead Protection Plans. Examine and adopt key management strategies identified in Wellhead Protection Plans. In addition, review the Zoning Ordinance to look for innovative ways to assist with wellhead protection goals.

Who: *ES **When:** 2003-2008 **Cost:** \$2,000

2. Show Wellhead Protection Areas (excluding the exact well location) on the County's Zoning Map and treat them as priority areas.

Who: *ES **When:** 2003-2008 **Cost:** \$500

3. Cost-share up to 50 percent (\$250 maximum) of sealing abandoned wells each year. Target efforts in Wellhead Protection Areas and other sensitive areas (i.e., flood plain, sensitive groundwater recharge areas, etc.).

Who: *ES **When:** 2003-2008 **Cost:** \$150,000

4. Encourage the Department of Natural Resources to examine and assist with the development of irrigation scheduling in sensitive groundwater areas.

Who: * ES, PZC, CB **When:** 2006 **Cost:** \$2,000

5. Invite key state agencies to assist the County with learning how to interpret and use the County's Geological Atlas (expected to be completed in 2003) and other key groundwater information. Examine ways to incorporate groundwater information into the land use decision-making process.

Who: *ES, MGS, DNR, MDH, **When:** Bi-annual **Cost:** \$3,000
CB, PZC, WPTF

6. Work with the Minnesota Geological Survey and the Minnesota Department of Health on developing criteria to identify sensitive groundwater recharge areas. In addition, work with these agencies on developing land use incentives and possibly a protection strategy that can be incorporated in the County Zoning and Subdivision Ordinance.

Who: *ES, PZC, CB **When:** 2006 **Cost:** \$2,000

PRIORITY ISSUE: WATER RESOURCE EDUCATION

EDUCATION GOAL: COLLECT, ANALYZE AND PROVIDE IMPORTANT WATER PLANNING INFORMATION.

Objective A: Continue to support the various monitoring and information gathering efforts in order to better understand and assess water planning issues.

Actions:

1. Proactively work with various state agencies, watersheds and citizens to identify gaps in the County's knowledge and understanding about the condition and the County's water resources. Learn how to best interpret and use information in the decision-making process, such as the County's Geologic Atlas (will be completed in 2003).

Who: *ES **When:** 2003-2008 **Cost:** \$1,000

2. Continue support of the various water quality monitoring efforts throughout the County. Annually review MPCA's "State of the Minnesota River" report documenting annual monitoring results and long-term trends. Looks for ways to expand the monitoring network where needed.

Who: *ES **When:** 2003-2008 **Cost:** \$1,000

3. Use sub-watershed monitoring efforts to determine where financial and educational assistance is needed most each year. If possible, target these areas for a specific period of time or until the need is reduced to a satisfactory level.

Who: *WPTF, ES, CRW, **When:** Annually **Cost:** \$2,500
SRD, NWD

4. Conduct a study to examine how programs, conservation efforts and land use affects the County's tax-base.

Who: *CB, ES, DNR, FWS **When:** 2005 **Cost:** \$10,000

5. Explore the possibility of developing a Recreation Plan that would assess the quality and quantity of existing recreation (and wildlife) resources and identify future needs (County Parks, trails, canoe access points, support of public ownership of water resources, coordination and cooperation).

Who: *CB, ES, DNR, FWS

When: 2007

Cost: \$8,000

Objective B: Raise public awareness on a number of key water-planning issues.

Actions:

1. Create an outline in October each year on how the Resource Commission and Pope County will focus extra-ordinary educational efforts on two to three water planning issues in the upcoming year.

Who: *ES, WPTF

When: Annually

Cost: \$2,500

2. Periodically develop monthly environmental new articles. Encourage the use of guest authors and submit the articles to be included in various newspapers and newsletters (i.e., MPCA, BWSR, SWCD, DNR, Watersheds, etc.).

Who: *ES

When: 2003-2008

Cost: \$2,500

3. Create an educational campaign on urban runoff. Focus efforts on how it degrades the environment and methods individuals can use to prevent or minimize it.

Who: *ES, WPTF

When: 2003-2008

Cost: \$1,000

Objective C: Generate a special assessment to secure a source of funding to implement water planning goals, objectives and action steps.

Actions:

1. Create an assessment that would be exempt from local levy limits.

Who: *ES, WPTF

When: 2003

Cost: \$2,500

2. Educate the public on the need for the assessment with a series of public meetings, brochures and Public Service Announcements.

Who: *ES, WPTF

When: 2003 - 2006

Cost: \$1,000

3. Pursue grant opportunities to be used with cash match.

Who: *ES, WPTF

When: 2003 - 2008

Cost: \$2,000

Chapter Four: Goals, Objectives and Action Steps (2003-2008)

This Chapter establishes Goals, Objectives and Action Steps for each of the County's high priority issues identified in Chapter Three. In review, the County's four priority issues are:

- ✓ *Reducing Priority Pollutants*
- ✓ *Surface Water Management (Drainage)*
- ✓ *Groundwater Protection*
- ✓ *Public Education*

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (**An Asterisk, Underlined, and Bolded means lead action step responsibility**):

CB = County Board
CS = County Staff
DA = County Ditch Authority
ES = Environmental Services
PZC = Planning & Zoning Commission
WP = County Water Plan/Planner
WPTF = Water Planning Task Force
CRW = Chippewa River Watershed Project
PdT = Pomme de Terre Watershed
UMR = Upper MN River Watershed District
RDC = Upper MN Valley Regional Development Commission

BWSR = Board on Water and Soil Resources
DNR = Department of Natural Resources
FWS = U.S. Fish & Wildlife Service
MDA = Minnesota Department of Agriculture
MDH = Minnesota Department of Health
MGS = Minnesota Geological Survey
MPCA = Minnesota Pollution Control Agency
NRCS = Natural Resource Conservation Service
SWCD = Soil and Water Conservation District
UMES = University of MN Extension
MDOT = MN Department of Transportation
CPH = Countryside Public Health

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE: REDUCING PRIORITY POLLUTANTS

PRIORITY POLLUTANT GOAL: TO RESTORE, PROTECT AND MAINTAIN THE WATER QUALITY, BIODIVERSITY AND NATURAL BEAUTY OF SWIFT COUNTY'S WATER RESOURCES.

Note: This section ties in with the MPCA's Minnesota River Basin Plan (December, 2001) and Swift County's local Watershed Projects

Objective A: Work with the MPCA to get the following waters off the Clean Water Act's TMDL 303d list of impaired waters (published July 2002):

Name	Year Listed	Assessment ID	Affected Use	Pollutant or Stressor	Target Start/Completion Date
Chippewa River	2002	07020005-506	Aquatic life	Mercury/ FCA ¹	2002/2015
Minnesota River (Lac qui Parle Lake)	1992	07020001-501	Aquatic life	Ammonia	2012/2015
Pomme de Terre River: Muddy Creek to Marsh Lake Dam	1994	07020002-501	Swimming	Fecal Coliform/ Low Oxygen	2002/2007
Oliver Lake	2002	76- 0146	Aquatic life	Mercury	2002/2015

¹ FISH CONSUMPTION ADVISORY.

Actions:

1. Work with the Minnesota Pollution Control Agency to develop an action plan for each water feature identified in the 303d listing. Assist with various implementation steps as needed.

Who: *MPCA, CRW, PdT,
 UMR, WP

When: 2003 - 2008

Cost: \$Unknown

Objective B: Ensure phosphorous and nitrogen concentrations are low enough to fully support aquatic life and aesthetic/recreational use.

Actions:

1. Establish a strategy to promote the use of phosphorous free fertilizer on lawns. Encourage municipalities to adopt an ordinance that limits or prevents the use of phosphorus-based fertilizers.

Who: *WP, WPTF, Cities

When: By 2006

Cost: \$1,500

2. Provide nutrient management planning financial incentives to ten 40-acre parcels (different owners) in the Lower Shakopee Creek Sub-Watershed. Continue elsewhere if successful.

Who: *SWCD, CRW, WPTF, NRCS

When: 2003 - 2008

Cost: \$15,000

3. Establish five sites per year to experiment or demonstrate alternatives to open tile intakes (i.e., pattern tile design). Focus sites in the Lower Shakopee Creek Sub-Watershed.

Who: *SWCD, CRW, ES, NRCS **When:** 2003 - 2008 **Cost:** \$2,500

Objective C: Properly treat both human and animal waste.

Actions:

1. Implement the following strategy to address feedlot compliance:

- a. Develop a GIS layer of Level II feedlots registered under current MPCA registration guidelines (\$5,000).
- b. Develop an informational packet to mail to registered feedlot operators to assist them with contacts for technical questions (compliance, design, manure management) and financial incentives (\$1,500).
- c. Identify all noncompliant feedlot operators by 2008 (\$2,500).
- d. Assist three noncompliant feedlots with financial and technical assistance each year (\$15,000 each year) through EQIP, FWQ State Cost-Share or SRF Loan Funding.
- e. Inspect ten percent of registered feedlots each year (\$4,000 each year).

Who: *ES, MPCA, RDC, **When:** By 2008 **Cost:** \$139,000
SWCD, NRCS

2. Assist feedlot operators with completing proper MPCA permits and Manure Management Plans on 100 percent of feedlots with 1000+ animal units.

Who: *ES, MPCA **When:** By 2005 **Cost:** \$8,000

3. Address two sites with livestock exclusions practices (fencing, alternative water source, rock crossing and rotational grazing) in the East Branch Chippewa River Sub-Watershed.

Who: *ES, CRW, SWCD, **When:** By 2008 **Cost:** \$100,000
DA, NRCS

4. Work with other resource partners to complete a rotational pasture grazing tour in the East Branch Chippewa River Sub-Watershed.

Who: *ES, CRW, SWCD, **When:** By 2005 **Cost:** \$1,000
DA, NRCS

5. Seek grants and other funding sources to develop feasibility studies for upgrading unsewered communities. Cost share feasibility studies for DeGraff and Clontarf.

Who: *ES, MPCA, RDC, **When:** By 2008 **Cost:** \$6,000
CRW

6. Provide funding to the Chippewa River Watershed Project to develop a marketing plan for ISTS in the East Branch and Lower Shakopee Creek Sub-Watershed.

Who: *ES, CRW, WP **When:** 2003 - 2008 **Cost:** \$3,000

7. Continue to support the upgrading of Individual Sewage Treatment Systems (ISTS) with the use of state revolving fund low interest loans (examine a 10-year payback instead of the current 5-year). Reimburse up to \$250 in high priority areas for system design after the system has been installed and inspected (i.e., in wellhead protection areas, the flood plain, sensitive groundwater areas, etc.). Target eight systems annually.

Who: *ES

When: 2003 - 2008

Cost: \$10,000

Objective D: Address **erosion and sediment** concerns by ensuring that turbidity and total suspended solids levels are low enough to fully support aquatic life and aesthetic/recreational use.

Actions:

1. Target 5,000 feet of bank stabilization. Promote practices to reduce stream-bank and ditch-channel erosion through developing a strategy identifying priority sites for alternative practices such as willow planting or stream barbs in critical areas.

Who: *SWCD, NRCS, CRW,
PdT, UMR

When: 2003 - 2008

Cost: \$50,000

2. Maintain residue levels and seek a ten percent increase in fields meeting crop residue targets countywide based on tillage transect surveys using the five-year average (1997 – 2001 average: 72% of corn/soybean fields met residue target). Focus efforts in the Lower Shakopee Creek, East Branch and Lower Main Stem Sub-Watersheds (all located in the Chippewa River Watershed).

Who: *SWCD, NRCS, CRW,
PdT, UMR

When: 2003 - 2008

Cost: \$5,000

3. Complete a tillage transect survey annually to show county residue results.

Who: *SWCD, CRW, PdT,
UMR, NRCS

When: 2003 - 2008

Cost: \$2,500

4. Establish 20,000 feet of field windbreaks or grass strips.

Who: *SWCD, CRW, PdT,
UMR, NRCS

When: 2003 - 2008

Cost: \$25,000

5. Construct 50 sediment control basins.

Who: *SWCD, CRW, PdT,
UMR, NRCS

When: 2003 - 2008

Cost: \$25,000

6. Establish 35 acres of waterways.

Who: *SWCD, CRW, PdT, UMR
UMR, NRCS

When: 2003 - 2008

Cost: \$35,000

7. Assist the Chippewa River Watershed Project in seeking grant funds for a technician to promote Best Management Practices (primarily to address sediment) for the Lower Main Stem Sub-Watershed.

Who: *WP, CRW, SWCD

When: By 2005

Cost: \$30,000

8. Seed 500 acres of the most highly erodible cropland to appropriate vegetative cover through existing programs (i.e., CRP & RIM). Focus efforts in the East Branch Sub-Watershed (located in the Chippewa River Watershed) and the northern part of the Pomme de Terre Watershed.

Who: *SWCD, CRW, PdT,
UMR, NRCS

When: 2003 - 2008

Cost: \$75,000

9. Seek 3,000 new acres of riparian filters/buffers along ditches and streams. Enforce a one-rod buffer as it applies to drainage policy (encourage 100-foot buffers through incentives).
- Accelerate filter strip implementation along county drainage systems with existing programs using a direct letter campaign, endorsement and information from the County Parks, Drainage and Wetlands Office and the County Board.
 - Accelerate continuous CRP and RIM riparian filter/buffer enrollment in the East Branch Chippewa River Sub-Watershed with Chippewa River Watershed Project 319 incentive funds and in the Lower Shakopee Creek Sub-Watershed with local water plan incentive funds (\$10,000).
 - Seek riparian filter/buffer protection in the Pomme de Terre Watershed.

Who: *SWCD, CRW, PdT,
UMR, NRCS

When: 2003 - 2008

Cost: \$180,000

PRIORITY ISSUE: SURFACE WATER MANAGEMENT/DRAINAGE

SURFACE WATER MANAGEMENT/DRAINAGE GOAL: Maintain the drainage system while sustaining agricultural productivity as well as recognizing that drainage is part of the larger tributary system.

Objective A: Apply watershed-based principles in properly managing drainage systems.

Actions:

1. Recognize drainage systems as tributaries (part of the larger surface water system). Commit to working with resource partners both up-and down-stream from Swift County.

Who: *CB, DA, ES, WPTF

When: 2003 - 2008

Cost: \$1,000

2. Work with the Chippewa and Pomme de Terre Watersheds and the Upper Minnesota River Watershed District to implement best management practices.

Who: *ES, CRW, PdT, UMR, DA

When: 2003 - 2008

Cost: \$250,000

3. Gather data for each drainage system and create a GIS database (include the following: name, size, outlets, date established, system type, repair history, flow data, demonstration capacity, monitoring data available, etc.). Regularly update the database as needed. Assess the database to assist with water planning activities (identify highly erodible areas, flooding problem areas, storage potential, etc).
Who: *CB, RDC, WPTF, ES, DA **When:** 2005 - 2008 **Cost:** \$6,000

4. Continue to develop a GIS layer for public drainage systems showing watershed boundaries, open ditches and tile lines (one County Ditch has been digitized).
Who: *CB, RDC, WP, ES, DA **When:** By 2005 **Cost:** \$25,000

5. Work with various resource partners to seek water retention/storage opportunities with willing landowners on a watershed, sub-watershed or ditch-shed basis. Drainage systems such as Judicial Ditch's 5, 8 and 19 may be areas to initially inventory.
Who: *CB, SWCD, NRCS, DNR, FWS, CRW, PdT, UMR, DA **When:** 2003 - 2008 **Cost:** \$20,000

6. Seek a grant to create a water management plan (for drainage systems) identifying financial incentives for landowners to improve drainage management throughout the County. The plan would, among other items, assess water storage opportunities, erosion and sedimentation problems, drainage system enhancements, and win-win opportunities for improving the County's overall drainage system with an emphasis on reducing the County flooding potential.
Who: *CB, SWCD, NRCS, DNR, FWS, CRW, PdT, UMR, DA **When:** By 2005 **Cost:** \$12,000

7. Conduct an inventory of drained wetland basins to be used in conjunction with flood control and watershed restoration efforts (determine if the U.S. Fish and Wildlife Service's inventory will be completed and when approximately).
Who: *CB, ES, DNR, FWS, DA, SWCD **When:** By 2004 **Cost:** \$15,000

8. Target the Lake Oliver Sub-Watershed for wetland restoration activities.
Who: *CB, ES, WP, DNR, DA **When:** By 2003 - 2008 **Cost:** \$15,000

9. Be an active participant as the DNR develops a Management Plan for Marsh Lake.
Who: *CB, ES, WPTF, DNR, DA **When:** By 2005 **Cost:** \$1,000

10. Complete an inventory of land locked water basins that could provide additional recreation and wildlife opportunities. Seek funds to pursue projects, with an emphasis on finding money or incentives for willing landowners to cooperate.
Who: *CB, DNR, FWS, DA, SWCD **When:** 2004-2006 **Cost:** \$5,000

11. The County may accept and process eligible applications for wetland preservation on a countywide basis. A wetland so enrolled is exempt from property tax, however, the State of Minnesota has a mandated fund to reimburse the tax loss to the County.

Who: *LRM

When: Annually

Cost: \$500

PRIORITY ISSUE: GROUND WATER PROTECTION

GROUND WATER GOAL: *PROTECT AND IMPROVE THE QUALITY OF GROUNDWATER IN THE COUNTY.*

Objective A: Assist with wellhead protection and planning.

Actions:

1. Participate on wellhead/source water protection teams when invited by the local public water suppliers. Participate in both the development and implementation of Wellhead Protection Plans.

Who: *WP, MDH

When: 2003 – 2008

Cost: \$2,000

SWIFT COUNTY PUBLIC WATER SUPPLIERS

Wellhead Protection Status

(Information received from Minnesota Department of Health – June 2002)

- I. Public water suppliers currently in the wellhead protection program: BENSON, APPLETON, HOLLOWAY.
- II. Public water suppliers to be brought into wellhead protection program within the next five years and current phasing number: KERKHOVEN (396), REDBALL INC. (516), AGRALITE ELECTRIC COOPERATIVE (624).
- III. Other public water suppliers and current phasing number: Lorenz Manufacturing Co. (737), Murdock (874), DeGraff (1055), Chippewa Valley Ethanol Company (1206).

2. Create a County Zoning Map showing Wellhead Protection Areas (excluding the exact wellhead location). Periodically update the map as needed.

Who: *WP, MDH, RDC

When: 2005

Cost: \$7,000

3. Establish the identified Wellhead Protection Areas as priority areas for cost-share and other land use incentive programs (i.e., sealing abandoned wells, upgrading septic systems, installing buffers, etc.)

Who: *WP, ES

When: 2003 – 2008

Cost: \$2,500

4. Continue the cost-share program to properly seal abandoned wells (pay up to 50% with a \$250 maximum).

Who: *ES, WP

When: 2003 – 2008

Cost: \$2,500

Objective B: Support good land use decisions regarding groundwater protection.

Actions:

1. Examine ways to incorporate groundwater information into the land use decision-making process. Invite state agencies to assist the County with learning how to interpret data and identify sensitive areas needing additional management and protection. Use the Upper Minnesota River Basin Regional Hydrogeologic Assessment and other groundwater information as informational sources.

Who: *ES, CB, MGS, DNR,
MDH

When: 2003 - 2008

Cost: \$1,500

2. Work with the Minnesota Geological Survey and the Minnesota Department of Health on developing criteria to identify sensitive groundwater recharge areas. In addition, work with these agencies on developing land use incentives and possibly a protection strategy that can be incorporated in the County Zoning and Subdivision Ordinance.

Who: *ES, WPTF, CB, MGS,
MDH

When: 2006

Cost: \$2,000

3. Review County Drought Contingency Plans and decide if one should be developed for Swift County.

Who: *CB, ES, WPTF, DNR,

When: 2006

Cost: \$500

4. Do countywide well testing to establish baseline groundwater quality. Combine results with previous water testing data.

Who: *WP, CPH, CRW, PdT,
UMR

When: 2003 - 2008

Cost: \$500

5. Develop a strategy to promote water conservation by using existing materials and resources (i.e., Minnesota Rural Water Association's handouts). Develop a strategy for both the urban (i.e., households) and rural (i.e., irrigation) levels. The rural strategy may examine rotational irrigation in key areas or during drought conditions.

Who: *ES, DNR, Cities

When: By 2008

Cost: \$4,500

PRIORITY ISSUE: EDUCATION & OUTREACH

EDUCATION & OUTREACH GOAL: Raise public awareness on a number of key water-planning issues.

Objective A: Raise public awareness on a number of key water-planning issues.

Actions:

1. Focus education and outreach efforts on two to three water planning issues each year. Integrate those efforts with watershed's educational goals. Identify the priority issues in November/December each year. Annual topics chosen will be promoted through the use of the following sources: newspaper articles, radio ads, posters, displays, field days, speakers, classes, etc.

Who: *WPTF, SWCD, CRW, **When:** 2003 - 2008 **Cost:** \$12,000
PdT, UMR, UMES

2. Create a brochure to promote how to handle chemical, manure and fuel spills, listing contacts and phone numbers (the State Duty Officer at 1-800-422-0798).

Who: *WP, MPCA **When:** By 2008 **Cost:** \$500

3. Raise public awareness on storm water pollution and ways to prevent and/or minimize it. In cooperation with cities, address common storm water issues and assess the need to be more proactive in promoting storm water management through both public education and improved land use ordinances.

Who: *ES, WPTF, Cities **When:** 2003 - 2008 **Cost:** \$4,000

4. Examine writing a Recreation and Wildlife Plan to systematically address current and future needs (i.e., tourism, hunting areas, trails, parks, equipment, etc.).

Who: *CB, PZC, ES, DNR, FWS **When:** By 2008 **Cost:** \$8,000

Objective B: Continue to support the watershed monitoring and information gathering efforts in order to better understand, assess, and identify gaps related to the condition of the County's water resources.

Actions:

1. Continue to support watershed planning and implementation activities by providing financial and technical assistance. Annually review monitoring data and implementation accomplishments to coordinate future implementation steps.

Who: *WP, CB, ES **When:** 2003 - 2008 **Cost:** \$20,000

2. Annually review MPCA's "State of the Minnesota River" report documenting annual monitoring results and long-term trends. Create a response to the report if necessary.

Who: *WPTF, ES, MPCA

When: 2003 - 2008

Cost: \$1,000

3. Use the County's Geographic Information System (GIS) to track water plan accomplishments and maintain current and past inventories.

Who: *LRM

When: 2003 - 2008

Cost: \$4,500