



Minnesota Board of Water and Soil Resources.
Minutes.

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October 2003

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

BOARD MEMBERS PRESENT: Jerome Deal, Kevin Anderson, Kay Cook, Char Kahler, Gene Merriam, DNR; Quentin Fairbanks, Jack Frost, Karen Harder; Paul Krabbenhoft, Randy Kramer, Clair Nelson, Victor Ormsby, Dwain Otte, Lisa Thorvig, MPCA; Dan Wilson, MDH

BOARD MEMBERS ABSENT:

Jim Anderson, Minnesota Extension Service
Perry Aasness, Department of Agriculture

STAFF PRESENT: Ron Harnack, Doug Thomas, Jim Haertel, Eric Mohring, Dale Krystosek, Bill Eisele, Carla Swanson-Cullen

ADVISORS PRESENT:

Dave Weirens, Association of Minnesota Counties
LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts

OTHERS PRESENT:

Wayne Edgerton, DNR
Lance Yohe, Red River Basin Commission
Cindy Weckworth, Washington County
James Kujawa, Hennepin County
Matthew Foli, Attorney for Pioneer-Sarah Creek

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

Pledge of Allegiance

**** Adopt Agenda** – Moved by Clair Nelson, seconded by Victor Ormsby, to adopt the agenda as presented. Motion passed on a voice vote.
03-70

**** Minutes of August 28, 2003** – Moved by Jack Frost, seconded by Victor Ormsby, to approve the minutes of August 28, 2003, with changes presented by Dan Wilson on page three, under his report it should read that Gary England is manager of the Drinking Water Protection Section. Victor Ormsby stated that a change is needed on page 7, paragraph one, third line from bottom of paragraph, the word "adoption" should be changed to "option". Motion passed on a voice vote.
03-71

Reports

Chair's Report – Jerome Deal requested that everyone sign in this morning and reported that Mary Jo Anderson is on vacation in Australia visiting her son. Jerome attended the EQB meeting where there was discussion regarding the considerable controversy on the Hutchinson pipeline, City of Hutchinson. The repair of the agricultural drainage tile after the pipeline crossing was not done according to specifications required by the permit. In a number of crossings a replacement tile used was solid rather than perforated as required. A special EQB meeting was called to address the issue. EQB anticipates a 1000-megawatt power plant proposal in northern Minnesota. At the EQB meeting it was also discussed that the University of Minnesota has developed a model for the electrical grid system management.

Chair Deal was invited by the University of Minnesota Extension Service to a meeting with a group from the Mekong Delta on governance with comparisons to the Mississippi River.

Chair Deal also reminded board members to turn in convention materials to Mary Jo and make their own room reservations.

Executive Director's Report – Ron Harnack brought attention to the map in today's packet which references location for some of the agenda items. Ron reported that the Governor has submitted the CREP application to Secretary Veneman. Ron briefly reviewed some details of the application. The Governor's application includes two options for term of easement: 35 year and perpetual. Ron also presented some information on the easement payment figures. Ron also explained two unique aspects that the FSA is being asked to give special consideration in the Red River Valley and the southeast. Ron also brought attention to the part of the application relating to the easement type and target acres for each watershed. This application will now be submitted to Secretary Veneman, U.S. Department of Agriculture. A final agreement,

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signed by the Governor and Secretary will need to be negotiated to lay out the details for implementation. Hopefully, this can be completed in early January.

Ron also presented information on the Governor's Clean Water Initiative, which was provided by Lisa Thorvig, MPCA. Ron noted some of the key guiding principles of this Initiative and briefly described each of the four proposed pilot projects. Ron also noted that there are no new resources available for this Initiative. Interagency cooperation, coordination, targeting and prioritization of available resources is the key to success.

Ron reported that we still continue to work in partnership with Extension for the education position that is held by Ron Struss. However, due to their new allocation, Ron Struss may be taking an Extension position in Farmington. Ron may need to look to other staff in support of the Education Committee. Until some of these details are worked through, Ron did not anticipate having an Education Committee meeting until January.

Chair Deal requested Ron Harnack give an update of Ditch 53/62 in Anoka County. A solution had been advocated by BWSR and brought forward by the watershed district in the form of a Comprehensive Wetland Plan for that portion of the watershed. This had been supported by all of the cities, and all but a couple of the landowners involved; however, the watershed board voted to not adopt the plan and instead move towards ordering lower the ditch over a foot. BWSR could get this back on an appeal or referral by the courts. There's also some significant costs for the Department of Transportation and the County as well as impacts to the wetlands. A win-win may be gone by the wayside. The Rice Creek Watershed District can still reconsider their decision – time will tell.

Dispute Resolution Committee – Chair Deal reported that the committee met September 23, 2003, and that it is on the agenda later. There is nothing new and the list of appeals and their status is included in the packet. Ron added that Matt Seltzer is leaving the Attorney General's office; this will be a big loss. Matt was very instrumental in representing BWSR in several appeals that set significant law relating to the Wetland Conservation Act. We wish him well in his new job.

Wetlands Committee – Clair Nelson reported that the committee met on September 30, 2003, to discuss the Lake of the Woods Wetland Management Plan. The committee approved the plan conditioned on adoption of the plan and related ordinance by the county.

The Wetland Committee also reviewed the City of Cloquet Wetland Management Plan. The committee approved the plan contingent upon adoption of the plan by the City Council, and incorporation into the ordinance. The committee also discussed Exceptional Natural Resource Value credits. Clair distributed minutes from this meeting to the Board. Action on the committee recommendations appear late on the agenda.

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Cost-Share/Soil Conservation Committee – Dwain Otte questioned if there would be funding available for Special Projects. Dwain also noted that there will be an issue with the NPEA, but this will be dealt with after the association's annual meeting.

Education and Public Relations Committee – Kay Cook reported that the committee will be watching what happens with the education position and will be contacting committee members now that they have been appointed.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee did not meet this month, but will probably meet in November – Ron will schedule this meeting.

Ad hoc committee appointment. Chair Deal stated that there is a need for a committee to review and make recommendations to the Board on the county water planning guidance documents and the metro water planning rules. The committee will consist of regional committee chairs: Paul Krabbenhoft, Char Kahler, Karen Harder, Kay Cook, Kevin Anderson, and a representative from DNR and MPCA. Doug Thomas is staff lead.

Agency Reports

Perry Aasness, Minnesota Department of Agriculture (MDA), was not present. Ron reported that Perry Aasness has left the Department of Agriculture to take a position with the Red River Valley Sugar Beet Growers Associations. Commissioner Hugoson will designate a new member to represent the Department of Agriculture.

Dan Wilson, Minnesota Department of Health (MDH), reported that there are four pilot systems in Minnesota for arsenic removal: cities of Climax, Sabin, Stewart, and one mobile home park. Compliance is required with the new standard of 10 parts per billion by 2006. Dan reported that the MDH continues to work on Baytown with Washington County, MPCA, and the two townships involved to maximize the potential for community water and minimize the number of private wells.

Gene Merriam, Department of Natural Resources (DNR), reported on developments with regard to all-terrain vehicle regulations. Legislation passed last session granted local road authorities the ability to further restrict the riding of all-terrain vehicles on local road rights of way. Washington County is now moving to prohibit any riding in rights of way on county roads; no other metro counties are looking at further restrictions. Legislation enacted last session also prohibits the use of all-terrain vehicles in certain classes of wetlands, public or private, as well as public waters. DNR has directed enforcement people to not cite people for incidental crossings and distinguishing those from ATV users that are destroying wetlands. This issue will be revisited with the Legislature.

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Lisa Thorvig, Minnesota Pollution Control Agency (MPCA), reported on the Impaired Waters draft legislation; hope to finish work on 2004 legislation by the end of this month and then present it to the Clean Water Cabinet. Lisa also reported that MPCA developed a new construction storm water general permit in August. This permit is now needed for all construction activities disturbing one-acre or more, which will be a huge increase in the program. Lisa reported on the State Register Three County Individual Sewage Treatment Systems (ISTS) Pilot Program Request for Proposals. Lisa presented information on an LCMR phosphorus study looking at phosphorus input to basins in the state – both point and non-point. The timeline is to deliver this to the legislature in 2004. Lisa reported on the Minnesota Feedlot Rules, they are trying to get them to conform to the new federal feedlot regulations. This is moving forward through the administrative process.

Committee Recommendations

Metro Water Plan Review Committee

North Cannon River Watershed Management Organization Watershed Management Plan – Jim Haertel reported that the Metro Water Plan Review Committee met on September 30, 2003, to review the North Cannon River Watershed Management Organization Watershed Management Plan, with presentation at the meeting from county and SWCD staff. The Metro Water Plan Review Committee and BWSR staff recommend approval of the plan. Moved by Clair Nelson, seconded by Karen Harder, to approve the North Cannon River Watershed Management Organization Watershed Management Plan. Motion passed on a voice vote.

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03-72

Washington County Groundwater Protection Plan - Eric Mohring presented background information on Metro County Ground Water Planning. Cindy Weckworth, Washington County, also gave information related to this plan. Dan Wilson commended the county on their plan. On September 30, 2003, the BWSR Metro Water Plan Committee met to review the Washington County Groundwater Protection Plan. Ron Harnack reported that the Metro Water Plan Committee recommends approval of the Washington County Groundwater Protection Plan. The Plan does comply with Minnesota Statutes 103B.255 and the fundamental planning expectations articulated by BWSR. The Plan accurately reflects a management and implementation framework consistent with the recommendations provided by the Washington County Groundwater Advisory Committee. Moved by Jack Frost, seconded by Dwain Otte, to approve the Washington County Groundwater Protection Plan. Motion passed on a voice vote.

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03-73

Southern Water Plan Review Committee

Winona County Comprehensive Local Water Plan – Char Kahler presented the Winona County Plan Update. Char reported that the Southern Water Plan Review Committee met with Winona County representatives and BWSR staff on September 24, 2003, to review and discuss their Water Plan Update. Char reported that the BWSR Southern

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Water Plan Review Committee recommends approval of the Winona County Water Plan Update through 2010. Victor Ormsby presented additional information related to this plan, specifically the Winona County and City of Winona relationship. Char also reported the committee received positive feedback from the County regarding BWSR staff and the web site. The County also stated that state agency roles and regulations are confusing for citizens. Moved by Char Kahler, seconded by Victor Ormsby, to approve the Winona County Water Plan. Motion passed on a voice vote.

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03-74

Dispute Resolution Committee

WCA Appeal of an Exemption Decision, City of Independence, Hennepin County, file 03-10 – Jim Haertel reported that this is an appeal of denial of an agricultural exemption. The Dispute Resolution Committee heard oral arguments on September 24, 2003. Pioneer-Sarah Creek decision is that principle use of the horse barn is as a training and boarding facility, not for production or cultivation of plants and animals. Dispute Resolution Committee found on a split vote, 3 to 2, based on standard review that the Pioneer-Sarah Creek Watershed Board actions and that the denial of exemption should stand. Ron Harnack clarified that the BWSR Board is voting on whether or not the Pioneer-Sarah Creek decision was clearly erroneous as to the fact that they said that this was not an agricultural exemption. Moved by Char Kahler, seconded by Karen Harder, to approve the Pioneer-Sarah Creek decision. Chair Deal called for a roll call vote: nine affirmative, five opposed, one abstained. Motion passed.

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03-75

Wetland Committee

City of Cloquet Wetland Management Plan – Dale Krystosek presented information on the City of Cloquet Wetland Management Plan. Dale reported that the Wetland Management Subcommittee came to the conclusion that this plan did meet no net loss and recommends approval of this plan. Moved by Dan Wilson, seconded by Quentin Fairbanks, to approve the City of Cloquet Wetland Management Plan contingent on City Council approval of the plan and ordinance. Motion passed on voice vote.

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03-76

Lake of the Woods County Wetland Management Plan – Dale Krystosek presented information on the Lake of the Woods Wetland Management Plan. Dale reported that the Wetland Committee believes that this plan meets no net loss and recommends approval of this plan. Moved by Clair Nelson, seconded by Randy Kramer, to approve the Lake of the Woods County Wetland Management Plan contingent on County Board approval of the plan and Lake of the Woods Wetland Conservation Ordinance. Motion passed on voice vote.

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03-77

Dwain Otte left the meeting at 11:00 a.m.

Replacement Credit for Exceptional Natural Resource Value (ENRV) – Dale Krystosek reported that this guidance document is related to the new exceptional natural resource value projects language added to the WCA rule in August 5, 2002. Dale stated that this guidance is a tool to help local governments with interpreting this part of WCA. Commissioner Merriam suggested that this was really a rule and should go through the

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- **
03-78 rule making process. Moved by Clair Nelson, seconded by Paul Krabbenhoft, to approve adoption of the Replacement Credit for Exceptional Natural Resource Value guidance document. Motion passed on voice vote.

Chair Deal called for a break in the meeting at 11:15 a.m. The meeting was reconvened at 11:29 a.m.

New Business

- **
03-79 Le Sueur County Comprehensive Local Water Plan Request for Extension – Ron Harnack presented the Le Sueur County extension request. BWSR staff recommends approval of Le Sueur County's two-year extension request to December 31, 2005, due to existing implementation and work with the Blue Earth River Basin Alliance group, which is considering organization structures between two joint powers groups. Moved by Clair Nelson, seconded by Jack Frost, that the Board approve the extension of the Le Sueur County Comprehensive Local Water Plan until December 31, 2005. Motion passed on a voice vote.

- **
03-80 RIM Reserve Easement Alteration of Neil and Betty Johnson Easement number 47-07-87-01 in Meeker County – Tim Fredbo reported that a grandson of the Johnson's has requested the release of 5.1 acres of land currently in a perpetual RIM Reserve easement. Mr. Johnson proposes to exchange the 5.1 acres with 13.3 acres adjacent to the easement area; this is almost a 3:1 replacement ratio. This exchange will provide equal or greater public value. Tim recommends approval of this exchange and also has a letter of endorsement from the area DNR Wildlife Manager as well as approval from Meeker County Soil and Water Conservation District. Moved by Char Kahler, seconded by Jack Frost, to approve adoption of this exchange. Motion passed on a voice vote.

- **
03-81 RIM Reserve Easement Alteration of Berry Nelson, Easement number 76-01-98-03 in Swift County – Tim Fredbo reported that Mr. Berry Nelson has requested to release three acres of land currently in perpetual RIM Reserve easement. Mr. Nelson will restore and replace with 4.2 acres just to the east of the present easement area. BWSR and SWCD staff suggested the addition of a buffer around existing wetland, which modified Mr. Nelson's original request of 4.2 acres to the current three acres. The Swift SWCD board approved the modified proposal. Dave Soehren, DNR wildlife manager in Appleton, agreed to the revised proposal contingent on a successful native grass and forb seeding of the replacement acres. Tim recommends approval of this request with the requirement of the acres being seeded to a native and forb mix with all costs being that of Mr. Nelson. Moved by Jack Frost, seconded by Clair Nelson, to approve the request. Motion passed on a voice vote.

Heron Lake Watershed District Enlargement – Jim Haertel reported that the Village of Lime Creek petitioned the Board of Managers of the Heron Lake Watershed District to enlarge its boundaries to include the Village of Lime Creek. Murray SWCD did provide comment that they are in favor of the enlargement. BWSR staff recommends approval

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- **
03-82 of the district enlargement. Moved by Char Kahler, seconded by Kevin Anderson, that the Board approve the enlargement of the Heron Lake Watershed District to include the Village of Lime Creek. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 11:57 a.m. Chair Deal reconvened the meeting at 12:34 p.m.

Wayne Edgerton, DNR, replaced Gene Merriam at meeting after the break.

- **
03-83 Red River Basin Commission Three-Year Work Plan – Ron Harnack presented background on the Red River Basin Commission (RRBC). Lance Yohe, RRBC executive director, reported on RRBC board structure and their two-year work plan, which covers the biennium for the State of Minnesota. Moved by Quentin Fairbanks, seconded by Clair Nelson to approve the grant authorization with reference to the Red River Basin Commission Three-Year Work Plan and their 24-Month Detailed Work Plan. Motion passed on a voice vote.

Metro Surface Water Management Rules (MN Rules 8410) Revision – Jim Haertel presented information on the rules for water planning. Jim will reconvene the Metro Water Planning Rules Advisory Committee once the draft Rule is prepared. Revised Rules would realize higher expectations for future generation watershed district plans. It is not necessary to repeat history and data information that was presented in past plans in this generation of plans. Make plans more efficient by focusing on implementation of high priority items that are realistic with their budget. Revised Rules also address more upfront involvement from agencies, stakeholders, and citizens to define priorities upfront before the plan has been written. The revised Rules will also stress intergovernmental coordination as well as more consistent implementation metro wide. Ron Harnack added that a key is to make the plans performance and outcome oriented, rather than process, thereby realizing more progress with less effort and dollars.

Watershed District Appeal Rules – Jim Haertel presented information on watershed district appeal rules. Jim reported that public transportation authorities (MNDOT, county and city highway departments, and township road authorities) as the applicant may appeal permit decisions of watershed districts to BWSR. Jim noted that what is different about this is that the appeals brought to BWSR by a public road authority can go through either the regular appeal process or an expedited process. The draft Rules now state that on an expedited appeal the Dispute Resolution Committee must hear and render a decision within 30 days. The applicant must submit reason on why they need expedited appeal. Stakeholder group consisting of MAWD, AMC, and MNDOT made recommendations on this draft. The plan is to bring this to the BWSR Board in December for decision. Ron Harnack stated that the Administrative Advisory Committee will review and make a recommendation to the full Board.

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Comprehensive Local Water Management – Doug Thomas presented an update on the development of new comprehensive local water management plan process and guidance. Statutes were changed this past legislative session due to budget reductions; however, instead of water planning being eliminated, the legislature acknowledged the value of retaining the match dollars for the program and agreed with streamlining the process. Another reason for the change is that the law is about 15 years old and in some cases the statutory and rule requirements were actually hindering water management implementation approaches. Statute deals with the requirements of the plan and guidance materials to counties will deal with plan development and implementation. BWSR staff is developing a new review process and developing guidance materials (model resolutions, model notices, checklists, etc.). Staff will work with the Board committee to finalize the process and guidance for Board approval in January.

Quentin Fairbanks left the meeting at 1:35 p.m.

Legislative Initiatives – Ron Harnack presented information on four policy initiatives: (1) Shoreland Protection Program, which would eliminate the sunset date of this program; (2) WCA Administrative Penalty Order (APO); (3) Metro Surface Water Management Act Rule Revision, which is a technical change dealing with water management plans; (4) Technical Amendments to the WCA Rule, which proposes corrections to the rule consistent with some statute changes – saves on rule making for BWSR. There was discussion on the items and the Administrative Advisory Committee was asked to review the initiatives.

Advisory Comments

LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD), reported that at the Area I meeting today some items to be covered are conservation and budget issues and gathering information on how the districts are dealing with these issues. LeAnn thanked the Board for their work and support. LeAnn also thanked MPCA for their impaired waters work. LeAnn noted that there is a lot of hard work that went into CREP applications by the SWCDs. LeAnn also noted that SWCDs need options for different tools that districts can provide for their clientele. MASWCD board meeting is next Tuesday and one item that will be discussed at that meeting is state and federal cost-share.

Upcoming Meetings

Next Board Meeting, December 17, 2003, St. Paul.

****** Moved by Victor Ormsby, seconded by Dan Wilson to adjourn the meeting at 1:59 p.m.
03-84 Motion passed on a voice vote.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Jerome Deal". The signature is written in dark ink and is positioned below the text "Respectfully submitted,".

Jerome Deal
Chair

BWSR Meeting Date 10/22/03

Motion:

WCA Appeal of an Exemption Decision, City of Independence,
Hennepin County, file 03-10

Moved by: Char Kahler

Seconded by: Karen Harder

	<u>Affirmative</u>	<u>Opposed</u>	<u>Abstained</u>
Aasness, Perry -not present	_____	_____	
Anderson, Jim - not present	_____	_____	
Anderson, Kevin	_____	<u>✓</u>	
Cook, Kay	_____	<u>✓</u>	
Merriam, Gene Edgerton, Wayne	<u>✓</u>	_____	
Fairbanks, Quentin	_____	_____	<u>✓</u>
Frost, Jack	<u>✓</u>	_____	
Harder, Karen	<u>✓</u>	_____	
Kahler, Char	<u>✓</u>	_____	
Krabbenhof, Paul	<u>✓</u>	_____	
Kramer, Randy	_____	<u>✓</u>	
Nelson, Clair	_____	<u>✓</u>	
Ormsby, Victor	<u>✓</u>	_____	
Otte, Dwain	_____	<u>✓</u>	
Thorvig, Lisa	<u>✓</u>	_____	
Wilson, Dan	<u>✓</u>	_____	
Deal, Jerome	<u>✓</u>	_____	
	9	5	1

BOARD OF WATER AND SOIL RESOURCES
ATTENDANCE ROSTER

	NAME	AFFILIATION	PHONE #
1.	Dave Weirans	AMC	651-224-3344
2.	Kay Cook	WSD	320-597-2794
3.	Lance Yobe	RRBC	701-371-8246
4.	Condy Weckert	Wash Co	651-430-6703
5.	LeAnn Buck	MASWCB	651-690-9028
6.	James Kujawa	Hen Co	612-348-7338
7.	Matthew Fols	Attorney For Pioneer-Sarah Creek	651-234-6214
8.	Jim Huchuck		
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BWSR Meeting Date 10/22/03

Motion:

WCA Appeal of an Exemption Decision, City of Independence,
Hennepin County, file 03-10

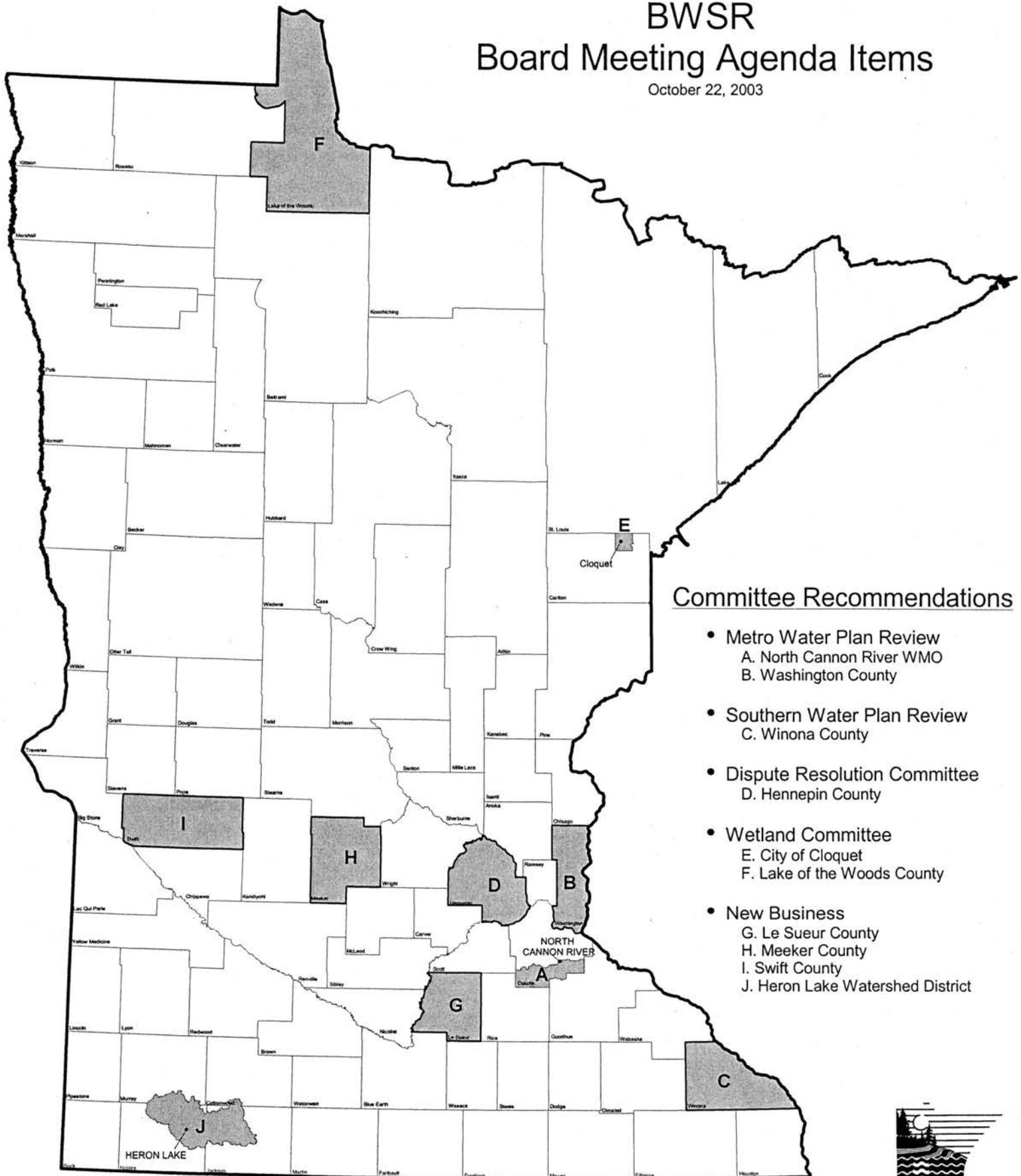
Moved by: Char Kahler

Seconded by: Karen Harder

	<u>Affirmative</u>	<u>Opposed</u>	<u>Abstained</u>
Aasness, Perry -not present	_____	_____	
Anderson, Jim - not present	_____	_____	
Anderson, Kevin	_____	✓	
Cook, Kay	_____	✓	
Merriam, Gene Edgerton, Wayne	✓	_____	
Fairbanks, Quentin	_____	_____	✓
Frost, Jack	✓	_____	
Harder, Karen	✓	_____	
Kahler, Char	✓	_____	
Krabbenhoft, Paul	✓	_____	
Kramer, Randy	_____	✓	
Nelson, Clair	_____	✓	
Ormsby, Victor	✓	_____	
Otte, Dwain	_____	✓	
Thorvig, Lisa	✓	_____	
Wilson, Dan	✓	_____	
Deal, Jerome	✓	_____	
	9	5	1

BWSR Board Meeting Agenda Items

October 22, 2003



Committee Recommendations

- Metro Water Plan Review
 - A. North Cannon River WMO
 - B. Washington County
- Southern Water Plan Review
 - C. Winona County
- Dispute Resolution Committee
 - D. Hennepin County
- Wetland Committee
 - E. City of Cloquet
 - F. Lake of the Woods County
- New Business
 - G. Le Sueur County
 - H. Meeker County
 - I. Swift County
 - J. Heron Lake Watershed District



State of
Minnesota

Governor Tim Pawlenty's Clean Water Initiative

Fall, 2003

Governor Pawlenty's Clean Water Cabinet

Bob Schroeder, Chair

Gene Hugoson,
Commissioner,
Agriculture

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

Diane Mandernach,
Commissioner, Dept.
of Health

Gene Merriam,
Commissioner, Dept.
of Natural
Resources

Sheryl Corrigan,
Commissioner,
Pollution Control
Agency

Peter Bell,
Chair, Metropolitan
Council

1. Why has this Administration decided to focus on a Water Initiative?

Water is so vital to our way of life here in Minnesota. We have more fresh water than any other state but Alaska. Clean water provides prime habitat for fish and wildlife and is the cornerstone of our state's \$10 billion-per-year tourism industry. Ninety-eight percent of our resorts, 80 percent of our campgrounds, and nearly a fourth of Minnesota's hotels are located on lakes and rivers. Our lakes, streams and rivers attract more than 1.5 million anglers each year who spend nearly \$850 million here. The quality and quantity of Minnesota's water resources is central to our way of life. It helps define who we are and what we value.

2. What is the Governor's vision for the Initiative?

Governor Pawlenty's Initiative starts with his vision of a Minnesota that:

- **Protects its water resources** from present and future threats
- **Ensures safe drinking-water** supplies to sustain healthy communities
- **Keeps an accurate and realistic picture of the "state of our waters"** so that citizens and policy-makers are able to respond effectively and appropriately to new threats
- **Works aggressively but within our means to restore waters that have been casualties** of our society's rapid growth and change.

3. What are the guiding principles?

To achieve this vision, the Pawlenty Administration will build on four key principles:

- **Focus on priorities.** It's better to do a few things well rather than try to do everything and fall short. By focusing state, federal, local and private resources and programs on the most attainable priorities, we'll be able to achieve better results.
- **One size does not fit all.** Threats to one watershed may be different than another. Minnesota is a hugely diverse state. For example, the Red River valley is dramatically different from watersheds in southeastern Minnesota, and our approach to improving water quality must acknowledge those differences.
- **No one agency or organization can do it alone.** Achieving the Governor's vision will require active partnership and cooperation among state agencies, watershed and citizen organizations, and local governments.
- **Keep working lands working.** Protecting water resources while preserving Minnesotans' ability to farm and use their land while enjoying the outdoors is a sustainable, realistic, and absolutely necessary goal. We will strive for a common-sense balance between economic advancement and environmental protection.

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4. What are the Initiative's primary elements?

- The Initiative includes demonstration projects that will be the first steps in ensuring our state's water future. These projects will occur in four areas: the Red River Valley, Metro area, central Minnesota lakes, and southeastern Minnesota. These projects won't involve the state forcing or directing new regulations or efforts on locals. Instead, the state will work in concert with local governments and private partners.
- The Administration is also committed to examining long-term funding to address Minnesota's water issues.

5. Who is accountable for ensuring the Initiative leads to real progress and results?

To ensure we'll see results, the Governor has established a new "Clean Water Cabinet" and has appointed a member of his staff, Bob Schroeder, as its Chair and also Chair of the state's Environmental Quality Board. This direct link ensures Governor Pawlenty will have direct involvement and direction of this Initiative.

6. How will the Initiative differ from things we're already doing to protect and restore waters?

Minnesota already has a myriad of good water-related programs and activities occurring as a result of public and private efforts at the state, regional and local level. But we need to continually ask ourselves if we are doing the right things for our precious water resources, and if we are doing them well. This Initiative is about asking these tough questions, coming up with new and improved answers, and then committing ourselves to work together to do what needs to be done.

7. Will there be any new resources available to undertake the Initiative, or will all the necessary funds come from existing agency resources and those of local partners?

For now, there will no new resources available to undertake this Initiative. However, it is important to note that Minnesota already invests millions of dollars annually to improve water. Yet, the Governor has expressed his commitment to finding a long-term funding mechanism to address Minnesota's water issues. The new Clean Water Cabinet is exploring this issue and will be developing options for addressing long-term water funding needs.

8. After the pilots are done, what will happen next? Will there be new rounds of other projects?

These projects are not intended to lead to continual rounds of future demonstration projects. Rather, the purpose for doing them is to gain knowledge and experience that can improve other public- and private-sector efforts to restore and protect Minnesota's water resources.

9. How were the four general project areas (e.g., Red River, Central Lakes) selected and how will the specific pilot projects be determined?

The project areas were selected to represent some of the state's most unique and important water challenges. The Red River Valley has problems with flood damage and control; the Metro area has significant challenges of protecting and managing drinking-water supplies in the face of rapid growth; the Central Lakes area has a complex balance between lake-related development and interrelated quality-of-life issues with water quality, fish populations, and lakeshore preservation; and southeastern Minnesota has an unacceptable situation where many waters are unsuitable for swimming and the maintenance of desirable fish populations.

Projects were selected using criteria such as value, measurable results within three years, local support, alignment of local and state priorities, transferability and scale.

10. If I have further questions about the Initiative, whom do I contact?

- Bob Schroeder, chair of the EQB and the Governor's Water Cabinet, (651) 296-3391
- Tim Scherkenbach, Governor's Office, agencies liaison on the Clean Water Initiative, (651) 282-6243
- John Wells, State Planning/EQB, (651) 297-2377.

Handout from Clair

From: John Jaschke
To: #-Executive Team; #-Wetland Staff; Clair Nelson
Date: 10/20/03 1:37PM
Subject: BWSR Wetland Committee Minutes - September 30, 2003

BWSR Wetland Committee Minutes - September 30, 2003
(prepared by John Jaschke 10/20/03)

Members in attendance (all members attending):

Claire Nelson, Dwain Otte, Kay Cook, Char Kahler, Jack Frost, Randy Kramer, Wayne Edgerton, Karen Harder, Becky Balk - Representing Dept. of Agriculture

Others in attendance are noted on the sign-in attendance sheet.

Agenda Items Included:

1. Lake of the Woods County Wetland Protection and Management Plan
Les Lemm from the Lake of the Woods SWCD presented the plan and is described in the attached memo from Dale Krystosek. A motion was made by Frost, seconded by Harder that the plan be approved conditioned on adoption of the plan and related ordinance by the County Board. The Motion passed unanimously.
2. City of Cloquet Comprehensive Wetland Protection Management Plan
The Plan was presented by Wayne Jacobsen, a consultant representing the city. The contents of the plan are described in an attachment summary by Phil Belfiori. Motion was made by Kahler, seconded by Otte to approve the Wetland Plan contingent upon adoption of the Plan by the City Council and incorporation into the ordinance. The Motion passed unanimously.
3. Exceptional Natural Resource Value Credits
Jaschke provided an overview of the need for this guidance as it relates to the recently adopted Wetland Conservation Act rule Chapter 8420.0541 Sub. Part 4. Jaschke explained that this guidance is much closer to defining the rule rather than explaining or interpreting the rule. And therefore, it rose to the level of Board review and endorsement. Krystosek explained the details of the guidance and Frost made a Motion, seconded by Harder to adopt the guidance. The Motion passed unanimously.
4. Jaschke provided an overview and status report on the appropriation for Roads Wetland Replacement. Of the \$2.7 million appropriate \$200,000 will be used for implementation costs with \$1.5 million being directed to the DNR Division of Wildlife for Wetland Restorations on Wildlife Management Area lands. The remaining \$1 million will be used to either acquire easements on private lands, conduct an RFP from Local Governments or non-profits, or used to buy credits from existing account holders.

The next meeting was scheduled for November 24th from 12:30pm to 3:00pm at the BWSR, St. Paul, 1 West Water St, conference room.

Items for the November 24th Agenda include:

Wetland Banking Fees, MnRAM 3.0, potential APO legislation, possibly a review of the Wetland Conservation Act Swamp Buster exemption agreement, and updates on the EPA Tri-Agency Wetlands of Minnesota assessment. And finally an evaluation of the status and implementation of previously approved comprehensive Wetland Protection of Management Plans.

CC: becky.balk@state.mn.us; Char Kahler; Dwain Otte; Jack Frost; Karen Harder; Kay Cook; Randy Kramer; Wayne Edgerton

BWSR Wetland Committee

9/24/03

<u>Name</u>	<u>Representing</u>	<u>email</u>
Clair Nelson	Co. Comm.	clair.nelson@co.lake.mn.us
Les Lemm	Lake of the Woods SWCD	
Dale Krystosek	BWSR	dale.krystosek@bwsr.state.mn.us
Wayne Jacobson	Applied Environmental	wjacobson@andersonengineering.com
Dustin Otte	BWSR	dnotte@pcoznet.com
Jack Frost	BWSR	jack.frost@metc.state.mn.us
Kay Cook	BWSR	neilkay@cloudnet.com
Becky Baile	MNR	becky.baile@state.mn.us
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Phil Belfiori	BWSR	Phil.belfiori@BWSR.state.mn.us
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Randy Kramer	BWSR	randyk@willman.com
Char Karler	BWSR	chark@kaco.net
John Jarschke	BWSR	john.jarschke@bwsr.state.mn.us

Minnesota Wetland Conservation Act
Guidance Paper 2003-01
October, 2003 (Board Resolution #_____)

Prepared by: Minnesota Board of Water and Soil Resources
Approved by: Minnesota Interagency Wetland Group

SUBJECT: Exceptional Natural Resource Value Projects (8420.0541 Subp. 4)

1. Purpose and applicability.

- a. **Purpose.** The purpose of this guidance paper is to provide Local Government Units (LGUs) with guidelines for use of Minnesota Rule 8420.0541 Subpart 4 **Exceptional natural resource value projects.**
- b. **Applicability.** This guidance applies to LGU's evaluation of wetland replacement plans where an applicant proposes the use of the **exceptional natural resource value projects** method of allocation of wetland credits.

2. General Considerations.

Exceptional natural resource value projects was added to 8420.0541 ACTIONS ELIGIBLE FOR CREDIT in the Wetland Conservation Act (WCA) rule that became permanent on August 5, 2002. Minnesota Rule 8420.0541 Subpart 4 states ***"Projects that restore exceptional natural resource values of wetlands may receive either public value or new wetland replacement credit solely or in combination as determined by the local government unit with the concurrence of the technical evaluation panel. The amount and type of credit allowed shall be based on a functional assessment that documents the restoration of these values."***

Local government units and technical evaluation panels are strongly encouraged to use this guidance paper when evaluating all wetland replacement plans that propose use of the exceptional natural resource value projects method of allocating wetland replacement credits. Because the rule does not define **exceptional natural resource value of wetlands**, LGUs and Technical Evaluation Panels (TEPs) are encouraged to use this guidance to limit the use of this part of the rule.

The WCA rules require that wetland replacement should occur as close to the impacted wetland as possible (WCA Rule 8420.0543 Wetland Replacement Siting). The exceptional natural resource value projects option for wetland replacement provides another opportunity to achieve this goal and should be strongly considered by project applicants.

- 3. "Exceptional" definition.** The word *exceptional* in this subpart means that replacement plans that use this method of allocating credits *should be restricted to projects that:*

- a. Restore values listed under 8420.0548 Special Considerations

Where can

ENRV be used?

including:

- i. endangered and threatened species
- ii. rare natural communities,
- iii. special fish and wildlife resources (*especially fish passage and spawning areas, colonial water bird nesting colonies, migratory waterfowl concentration areas, deer wintering areas, and wildlife travel corridors*),
- iv. groundwater sensitivity,
- v. sensitive surface waters, and
- vi. educational or research use.

- b. **Restore wetland function and values of wetlands adjacent to or protecting trout waters designated by the commissioner.** For the purposes of this part, the TEP should make recommendations to the LGU regarding adjacency and whether the proposed wetland restoration activities would protect the trout stream or lake. The LGU and TEP should seek technical recommendations from DNR fisheries staff.

- c. **Restore sites that were formerly calcareous fens.** There are several degraded wetland sites in Minnesota that have been degraded by cultivation or other human activity that are believed to have functioned as a calcareous fen before disturbance. These sites may be eligible for use of the exceptional natural resource value projects if they have potential to be restored to a calcareous fen. The TEP should seek advice from calcareous fen experts from the Department of Natural Resources and U.S. Army Corps of Engineers and should base eligibility and restoration potential on an interagency evaluation of the site.

Where can

ENRV be used?

- d. **Restore white cedar swamps.** Sites that are a degraded white cedar swamp or have been converted from a white cedar swamp to a nonwetland or another wetland type are eligible for this part. Restoration of the site may include restoration of natural hydrology and/or restoration of vegetation. The vegetation management plan must include a plan to control damage by white tailed deer and other wildlife.
- e. **Restore wetlands adjacent to or protecting Outstanding Resource Value Waters (Minnesota Rules 7050)** Wetlands that are adjacent to or serve to protect Outstanding Resource Value Waters are eligible for this part. These waters include, in part, *Lake Superior, Federal or state wild river segments, Voyageurs National Park, DNR designated scientific and natural areas, calcareous fens, and lake trout lakes*. Restoration and associated preservation of these wetlands can serve to provide additional protection to sites that have been designated by the public to have significant natural resource values.

- f. **Restore floodplains and riparian wetlands** of streams designated for restoration or protection through state, regional or local plans.
- g. **Restore rare local or regional wetlands as identified in local wetland or water management plans.** Wetlands that are recognized to be rare within areas or regions of the state may be restored and protected with the exceptional natural resource value method of allocating wetland credits if they are identified in a local or regional plan as a high priority for restoration and protection and approved by the TEP.

4. **“Restore” definition.** The word *restore* in this subpart means projects that:

- a. **Restore vegetation of an exceptional wetland that had been previously degraded or converted to a different type by human activity.** Restoration of vegetation shall be limited to reestablishment and maintenance of permanent native, noninvasive vegetation.
- b. **Restore natural hydrology of an exceptional wetland.** Restoration of hydrology can include either putting water back on a site where it had been removed or removing water from a site where some wetland functions had been degraded by impounding of excess water. For example, restoration of the natural hydrology of a white cedar swamp that had been degraded by improper installation of a culvert would be considered restoration of the natural hydrology of an exceptional wetland.

How can

**ENRV be
used?**

5. **Determination and allocation of New Wetland Credit (NWC) and Public Value Credit (PVC) under “Exceptional Natural Resource Value Projects”.** For the

purposes of this subpart, NWC and PVC may be determined by the following guidelines and examples:

- a. **NWC should only be allowed for actions that restore some wetland functions by restoration of native vegetation or restoration of natural hydrology.** The following are examples of allocation of credit under this part of the rule that are consistent with the goal of no-net loss of wetland functions and values:
 - 1. **Up to 100% NWC based on an evaluation of the replacement site with current version of MNRAM or by use of another BWSR approved wetland evaluation method.** For example, recommend that the percentage of NWC correspond to the percent of functional ratings in MNRAM that are increased by at least one level as a result of the restoration of vegetation or hydrology. For example, if restoration of hydrology or vegetation of the replacement wetland increases 50% of the functional ratings by at least

**What do you
get?**

**(NWC or
PVC)**

one level (low to medium, medium to high, etc.), recommendation is to allocate 50% NWC for the wetland area restored with approval of the TEP.

2. **Up to 50% NWC for restoration of permanent native noninvasive vegetation** in a wetland area where wetland vegetation had been degraded by human activity *at least ten years prior to the date of the wetland replacement plan or banking plan application*. Examples of activities that may have degraded wetland function include, but is not limited to cropping, grazing, haying, clearing of vegetation.
3. **Up to 10% NWC for removing excess hydrology** from a wetland area where wetland functions had been degraded by flooding due to improper placements of culverts, roads, or other human structures provided that permanent native noninvasive vegetation is established in the restored area.
4. **Up to 100% NWC for restoring a deep-water habitat to a wetland condition**. Areas where wetlands have been converted to deep-water habitat more than 10 years prior to the date of the replacement plan application, may receive up to 100% NWC for restoring the natural wetland hydrology provided that permanent native noninvasive vegetation is established in the restored area and all necessary permits are obtained.
5. **Exceptional wetland preservation - New wetland credit may be granted for preservation of exceptional wetlands**, as defined here, *provided that restoration of native noninvasive vegetation or hydrology occurs on at least 25% of the project area. The amount of NWC allocated is recommended to not exceed 12.5% of the wetland area preserved* through a permanent easement. The restored and preserved wetland areas should have an adequate protective buffer as determined by the TEP. NWC granted under this part **must have concurrence** of the TEP, the LGU and the designated DNR TEP member for public waters projects. LGUs are encouraged to consult the U.S. Army Corps of Engineers for recommendations. Wetlands preserved for NWC credit must be facing some documented threat of development.

b. PVC may be allowed for:

1. **Up to 25% PVC for preservation of wetland areas of exceptional natural resource values protected under a permanent easement**. Wetland areas that are preserved for public value credit must be facing some documented threat of development.

**2. Activities where PVC is allowed under 8420.0541
Actions Eligible for Credit.**

6. **Functional Assessments.** It is recommended that the *current version* of the Minnesota Routine Assessment Methodology for Evaluating Wetland Functions (MNRAM) be used for functional assessments for this subpart. Functional assessments may also be completed with other BWSR approved wetland evaluation methods.

7. **Summary.** This guidance is recommended for use by local government units and technical evaluation panels in evaluating all wetland replacement plans where use of **Minnesota Rule 8420.0541 Subpart 4. Exceptional Natural Resource Value Projects** is proposed for determination and allocation of wetland replacement credits. The rule language limits use of this method of allocation of credits to *"Projects that restore exceptional natural resource values of wetlands..."*, but does not define *"restore"* or *"exceptional"*. This guidance was developed to help clarify and limit the use of the part of the rule to ensure compliance with the overall purpose of the Wetland Conservation Act, which is to *"achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands..."*

LAKE OF THE WOODS COUNTY WETLAND PLAN

EXECUTIVE SUMMARY

In 2001, Lake of the Woods County decided to develop a Comprehensive Wetland Protection and Management Plan and ordinance that would fit the county's unique wetland resources. The project was funded with a BWSR Water Management Challenge Grant and matching local funds. The planning effort was a multi-agency effort that was facilitated by Headwaters Regional Development Commission. An 11-member policy committee of elected officials and citizens in addition to an eleven member technical committee representing 9 local, state, and federal agencies oversaw the plan development.

Lake of the Woods County is located in north-central Minnesota along the Canadian border and consists of approximately 681,500 acres of wetland, or 76% of the total land area of the county. There is intense development pressure along the major surface waters in the county, Lake of the Woods and the Rainy River. Much of this development has the potential to impact wetlands.

The plan utilizes the Minnesota Routine Assessment Method (MnRAM) as a basis for the functional assessment of wetlands in the county. In addition, the planning effort used the concept of "locally defined wetland values" where the policy committee developed a system to account for local values being placed on the various wetland functions. The results of this effort placed the highest value on the wetland functions of shoreline protection, water quality, fisheries and wildlife habitat. Slightly lower value was placed on the functions of commercial and recreational uses, groundwater interaction, and flood attenuation.

The plan divides wetlands into 3 categories based on the functional score:

- **Category 1** – all wetlands with a score of >15 (the highest functioning and highest valued wetlands)
- **Category 2** – wetlands scoring between 11 and 15
- **Category 3** – wetlands scoring <11 (the lower scoring wetlands)

Replacement Policy: Replacement ratios are varied under the plan to serve as a disincentive to impact highly valued and functioning wetlands, and provide some flexibility for lower valued and functioning wetlands.

Sequencing: The plan allows less flexibility for Category 1 wetlands and increasing flexibility for the lower functioning wetlands.

Exemptions: For the medium and lower functioning wetlands (Category 2 & 3), the agricultural exemptions were extended to non-agricultural impacts for types 1, 2 and 6 wetlands, except for bottomland hardwoods and wetlands in the shoreland protection zone.

Review of Wetland Plan and Ordinance – In accordance with the no net loss requirement of the Wetland Conservation Act, a review of the plan will be conducted within 5 years of adoption of the plan and at least once every 5 years thereafter. An inter-agency technical team consisting of, at a minimum, Lake of the Woods County, BWSR, DNR, and Lake of the Woods SWCD will conduct the review.

Memorandum

DATE: October 10, 2003

TO: BWSR Wetland Committee

FROM: Dale Krystosek, BWSR Wetland Specialist

SUBJECT: **Lake of the Woods County Wetland Management Plan Review**

BACKGROUND

Lake of the Woods County is located in north-central Minnesota along the Canadian border. Wetland resources within the county total approximately 181,500 acres or 76% of the total land area of the county. The major wetland types in the county are Type 6 (shrub swamps) totaling 51,539 acres; Type 7 (wooded swamps) at 50,044 acres; and Type 8 (bogs) totaling 62,821 acres. The county has 57,500 acres of upland. There is intense development pressure along the major surface waters in the county including Lake of the Woods and the Rainy River. Much of this development has the potential to impact wetlands. Lake of the Woods is considered a highly valued walleye fishery.

GOAL OF THE PLAN

In 2001, Lake of the Woods County decided to develop a Comprehensive Wetland Protection and Management Plan and ordinance that would better fit the county's unique and extensive wetland resources. The goal was to provide some flexibility beyond what the rules of the Wetland Conservation Act provide while protecting the highest functioning wetlands and achieving no net loss of wetlands within the county. The project was funded with a BWSR Water Management Challenge Grant and matching local funds. The planning effort was a multi-agency effort that was facilitated by Headwaters Regional Development Commission. An 11-member policy committee of elected officials and citizens plus an eleven member technical committee representing 9 local, state, and federal agencies oversaw the plan development.

The Plan is divided into the following sections:

1. Wetland Inventory
2. Developing the Decision Framework
3. Development of Wetland Policies
4. Lake of the Woods Wetland Conservation Ordinance

HOW THE PLAN VARIES FROM WCA RULE 8420

Lake of the Woods County is a greater than 80% presettlement wetland county so a one to one wetland replacement ratio is typically required under the WCA rule. The Lake of the Woods Plan allows for varying the replacement ratio from a maximum of 4:1 down to ¼ :1 based on wetland functions and values.

The plan utilizes the Minnesota Routine Assessment Method (MnRAM) as a basis for the functional assessment of wetlands in the county. In addition, the planning effort used the concept of "*locally defined wetland values*" where the policy committee developed a system to account for local values being placed on the various wetland functions. The results of this effort placed the highest local value on the wetland functions of shoreline protection, water quality, fisheries and wildlife habitat. Slightly lower value was placed on the wetland functions of commercial and recreational uses, groundwater interaction, and flood attenuation. The plan utilizes a model whereby a wetland is scored based on a functional analysis and then multiplied by the wetland value weight.

The plan divides wetlands into 3 categories based on the functional score:

- **Category 1** – all wetlands with a score of >15 (the highest functioning and highest valued wetlands)
- **Category 2** - wetlands scoring between 11 and 15 (wetlands with medium function and value)
- **Category 3** – wetlands scoring <11 (the lower scoring wetlands with respect to calculated function and value)

Replacement Policy: Replacement ratios are varied under the plan to serve as a disincentive to impact highly valued and functioning wetlands, and provide some flexibility for lower valued and functioning wetlands. For example, a high scoring category 1 wetland could require a replacement up to a 4:1 ratio. Lower scoring wetlands may require as low as a ¼:1 replacement ratio. BWSR staff believes that the higher replacement ratios are likely to be used more frequently than the less than 1:1 ratios. This would ensure that no net loss of wetlands would be maintained within the wetland plan area. In addition, the plan will be reviewed within 5 years of adoption by an inter agency technical team to ensure that no net loss of wetlands is maintained within Lake of the Woods County.

Sequencing: The plan requires written sequencing analysis for all of the high function/valued Category 1 wetlands, use of the BWSR sequencing Findings of Fact form for Category 2 wetlands and onsite sequencing for the lower functioning Category 3 wetlands. This approach meets the sequencing standards in WCA.

Exemptions: For the medium and lower functioning wetlands (Category 2 & 3), the agricultural exemption was extended to non-agricultural impacts for types 1, 2 and 6 wetlands, except for bottomland hardwoods and wetlands in the shoreland protection

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zone.

This is allowed under WCA Rule 8420.0650 Subpart 2 E.

CITIZEN PARTICIPATION

The Lake of the Woods wetland planning effort had a high level of participation from elected officials and citizens. Attendance at planning meetings was generally very good and citizens and elected officials were active participants in plan development. The following individuals participated in the policy committee:

Pat Lavalla (County Commissioner)	Todd Beckl (SWCD Supervisor)
George Taylor (City of Baudette)	Ed Ameson (County Commissioner)
Gib Erickson (logger)	Jenny Moorman (Lake of the Woods Schools)
Buck Nordlof (Ducks Unlimited)	Rex Block (contractor)
Scott Pieper (farmer)	Russ Hanson (SWCD Supervisor)
Jeff Hrubes (BWSR staff)	Les Lemm (SWCD staff)
Mike Schulz (Lake of the Woods Captain's Association)	

AGENCY PARTICIPATION

DNR

The Minnesota Department of Natural Resources was well represented and an active participant in the plan development. Dan Thul, Division of Waters, assisted with evaluation of groundwater functions. Mike Larson, Division of Fisheries worked on the fisheries function. Jeff Dettrich, DNR Wildlife manager assisted with wetland wildlife functions and Dave Thomas, Division of Forestry, helped evaluate commercial and recreational functions of wetlands.

MINNESOTA POLLUTION CONTROL AGENCY

The MPCA was an active participant in the planning process. Nolan Baratono, MPCA Basin Planner assisted with evaluation of the water quality function and participated in other aspects of the plan development.

ARMY CORPS OF ENGINEERS

The Corps participated in the planning effort in several ways. Corps staff Jeff Koschak attended the first meeting then declined participation due to workload issues. Corps/BWSR staff John Overland reviewed the plan and met with local and other BWSR staff to discuss how the plan met the pending General Permit 2. Several modifications were made to the plan by local staff to more closely meet Section 404 of the Clean Water Act regulations. In the attached memo from John Overland, he finds that the Lake of the Woods Plan, as proposed, meets the no net loss goal.

BWSR STAFF RECOMMENDATION

The BWSR Staff recommends approval of the Lake of the Woods County Wetland Plan contingent on County Board approval of the plan and attached Lake of the

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Woods County Wetland Conservation Ordinance of 2003.____

The plan complies with Minnesota Rules 8420.0650 and the flexibility allowed for counties with greater than 80% presettlement wetlands. The plan is expected to meet the no net loss provisions of WCA. Provisions within the plan provide for a periodic review of the wetland plan and ordinance. In accordance with the no net loss requirement of the Wetland Conservation Act, a review of the plan will be conducted within 5 years of adoption of the plan and at least once every 5 years thereafter. An inter-agency technical team consisting of, at a minimum, Lake of the Woods County, BWSR, DNR, and Lake of the Woods SWCD will conduct the review.

The wetland values determined by the policy committee were in line with technical assessments made by the technical advisory committee. The Lake of the Woods staff was extremely cooperative in addressing issues raised by BWSR staff during the planning effort and made modifications to the plan to ensure that the goal of no net loss of wetland functions and values within the county was achieved.

cc: John Jaschke, BWSR (file copy)
Steve Eggers, Army Corps of Engineers
Dan Thul, MDNR
Doug Norris, DNR/BWSR
Nolan Baratono, MPCA
Steve Sindelar, Lake of the Woods Environmental Services
Cade Stephenson, Lake of the Woods SWCD

Enclosed:

Executive Summary
Memo from John Overland

Executive Summary

City of Cloquet Wetland Management Plan

On September 30, 2003, the BWSR Wetland Management Subcommittee recommended approval of the City of Cloquet Wetland Management Plan to the BWSR Board. The BWSR Staff also recommends approval of the City of Cloquet Wetland Plan. The City of Cloquet Comprehensive Wetland Management Plan has been in development since July 2001 with the following specific objectives: 1) recognition of outstanding waterbodies and wetland habitats, 2) recognition of the large amount of wetlands in the City, 3) recognition of future City land uses plans, 4) desire to eliminate duplicative regulatory burdens and bridge gaps in the state and federal wetland regulations, 5) desire to develop a more efficient and flexible program administration, and 6) need to protect important natural areas yet have the flexibility to develop.

Summary of Plan Review Process and Variation from "Traditional" WCA

In an email dated July 23, 2002, the BWSR included several staff comments and questions and concluded that the Plan needs to become more clear and easier to understand if the city is not effectively implement. In a follow-up letter dated March 28, 2003, The BWSR stated that staff would likely recommend approval of the Plan if the following 4 issues were addressed:

- 1) The Plan contains an Executive Summary describing the benefits of the Plan.
- 2) That the City meet with the Corps of Engineers staff and DNR to review the current version of the Plan and get documentation from them in writing that the Plan meets their regulatory requirements.
- 3) That an ordinance is developed that clearly shows how the Plan is to be implemented.
- 4) The Plan contains a contingency that upon development of the Fond du Lac Reservation Wetland Management Plan, the city would ensure a common wetland protection standard.

The City of Cloquet Final Wetland Management Plan dated August 25, 2003, included changes in the Plan related to issues defined in the March 28, 2003 BWSR review letter.

Variation from "traditional" WCA includes replacement standards that are either stricter than WCA, the same or somewhat more flexible than WCA depending on the wetland type, location and impact acreage. The Plan places the highest classifications for protection on those wetlands in or around trout streams, fish lakes, seasonally flooded forests, and primary wellhead protection areas. The Plan states that wetlands receiving the most regulatory flexibility are types 2 and 6 in municipal land use settings. There are 8% of type 2 and 12% of type 6 within this land use designation. Replacement options for Type 2 and 6 wetlands in the city area will continue to require some mitigation and no exemption have been expanded under this Plan. The City will request that the wetlands be mitigated by applicants within the City boundary. Mitigation impacts under this Plan will meet no-net loss of wetland public values. The ACOE regulations and rules will be applied in many cases regardless of the limited flexibility protection provisions.

Background of the City

The City of Cloquet is located in North central Carlton County. The City is 36 sections in size with some portions (45%) of the City within the Fond du Lac Reservation. Natural resources of special interest within the City are the St. Louis River, seven trout streams, numerous seasonally flooded forests and wetlands in the Wellhead Protection Areas of the city and Fond du Lac Reservation. The 913 wetlands within the City compose over 6600 acres or about 30% of the land area in the City. There is an estimate 80% remaining of presettlement wetlands remaining in the City.

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 Cloquet**
pursuant to Minnesota Statutes
Section 103G.2242 Subd. 1 (c.)

ORDER 03-____
APPROVING
WETLAND
MANAGEMENT PLAN

Whereas, the City of Cloquet 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 Cloquet is located in North central Carlton County. The City is 36 sections in size with some portions (45%) of the City within the Fond du Lac Reservation. Natural resources of special interest within the City are the St. Louis River, seven trout streams, numerous seasonally flooded forests and wetlands in the

Wellhead Protection Areas of the city and Fond du Lac Reservation. The 913 wetlands within the City compose over 6600 acres or about 30% of the land area in the City. The majority of City wetlands (87%) are types 6, 7, 8. There is an estimate 80% remaining of presettlement wetlands remaining in the City.

3. **Local Review.** The Wetland Management Plan (Plan) was developed with assistance from the local/state agency technical panel and a local advisory committee. The Plan has and attached wetland management ordinance will be adopted by ordinance and is to be used in conjunction with the City Comprehensive Land Use Plan.
4. **Department of Agriculture Review.** The MDA did not provide comments on the City of Cloquet Wetland Management Plan.
5. **Department of Health Review.** The MDH did not provide comments on the City of Cloquet Wetland Management Plan.
6. **Department of Natural Resources Review.** In a letter dated April 2, 2003, the DNR stated that since the Plan clearly applies to wetlands and the administration of the Wetland Conservation Act, it appears that the Plan does comply with the DNR regulatory requirements. The DNR also stated that the actions of individual require the compliance with all other federal, state, or local government permits, licenses and approvals. Lastly, the Department stated that it looks forward to working with and assisting the City of Cloquet on other water resources management projects including evaluating the existing inventory list of DNR Public Waters Wetlands and developing a list of basins to be reclassified as either wetlands to be protected under the WCA or reclassified to Public Waters and maintained on the DNR Public Waters Inventory.
7. **Pollution Control Agency Review.** The MPCA did not provide comments on the City of Cloquet Wetland Management Plan.
8. **Army Corps of Engineers.** In a memorandum dated April 14, 2003, the Corps of Engineers stated two main comments: 1) The Corp agrees that the values of the assessment are consistent with community values but continues to have concerns on the combining /blending of MNRAM wetland function scores to determine an overall classification for a wetland. 2) The Corp also has concerns about regulatory flexibility provided for by type 2 and 6 in the City Municipal Zoning Area. The Corp has recommended that the Plan have no flexibility for those wetlands with high plant community functional scores regardless of type. These issues were not address in the current Plan with the exception of the type 2 sedge meadow wetlands, which now are not allowed any regulatory flexibility.
9. **Board Review.** In an email dated July 23, 2002, the BWSR included the following staff comments and questions: 1) The Plan is still cumbersome especially in the way you need

to calculate public value improvement. 2) Explain how much wetland area are in the flexible protection category land use areas. 3) How will functional value score relate to flexibility or protection? 4) It seems that if a type 2,6, or 7 wetland is in a municipal land use class, it gets flexible protection regardless of score? 5) Will the City provide a conservation easement or a restrictive covenant to protect buffers? 6) You need to ensure the Plan covers only areas that are under the cities jurisdiction and achieves no net loss within the City for which municipal controls are available, which does not include the Fond du Lac Tribal program.

Overall, BWSR summarized that it wants a Plan for the City that is clear to understand and implement yet effective in conserving and managing wetlands.

In a follow-up letter dated March 28, 2003, The BWSR stated that the above mentions specific concerns were addressed to a point where BWSR staff would likely recommend approval of the Plan if the following 4 issues were addressed:

- 1) The Plan contains an Executive Summary describing the benefits of the Plan.
- 2) That the City meet with the Corps of Engineers staff and DNR to review the current version of the Plan and get documentation from them in writing that the Plan meets their regulatory requirements.
- 3) That an ordinance is developed that clearly shows how the Plan is to be implemented.
- 4) The Plan contains a contingency that upon development of the Fond du Lac Reservation Wetland Management Plan, the city would ensure a common wetland protection standard.

The City of Cloquet Final Wetland Management Plan dated August 25, 2003, included changes in the Plan related to issues defined in the March 28, 2003 BWSR review letter. The Plan does fundamentally comply with Minnesota Rules 8420 and the fundamental wetland management and planning expectations articulated by BWSR.

10. **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 Cloquet and partnership with other local technical and regulatory partners and programs.

CONCLUSIONS

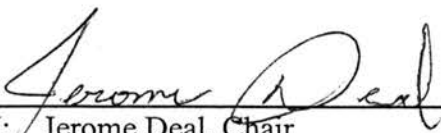
1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Wetland Management Plan for the City of Cloquet pursuant to Minnesota Statutes Section 103G.2242 Subd. 1 (c.).
3. The City of Cloquet Final Wetland Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the City of Cloquet's jurisdictional boundary and defines all wetland-related problems within the City of Cloquet 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 Comprehensive Wetland Protection and Management Plan and Local Wetland Management Ordinance dated August 25, 2003, for the City of Cloquet contingent on City Council approval of Plan and ordinance.

Dated at Saint Paul, Minnesota this 22nd day of October 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: _____
Jerome Deal, Chair

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 Lake of the Woods
County pursuant to Minnesota Statutes
Section 103G.2242 Subd. 1 (c.)

ORDER 03-____
APPROVING
WETLAND
MANAGEMENT PLAN

Whereas, Lake of the Woods County 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 County 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 County stems from the function and values assessment completed as part of the Plan. These management strategies allow the County to protect and manage wetland resources by implementing flexibility in the Wetland Conservation Act.

2. **Background of the County.** Lake of the Woods County is located in north-central Minnesota along the Canadian border. Wetland resources within the county total approximately 181,500 acres or 76% of the total land area of the county. The major wetland types in the county are Type 6 (shrub swamps) totaling 51,539 acres; Type 7 (wooded swamps) at 50,044 acres; and Type 8 (bogs) totaling 62,821 acres. The county

has 57,500 acres of upland. There is intense development pressure along the major surface waters in the county including Lake of the Woods and the Rainy River. Much of this development has the potential to impact wetlands. Lake of the Woods is considered a highly valued walleye fishery.

3. **Local Review.** The Wetland Management Plan (Plan) was developed with assistance from the local/state agency technical panel and a local advisory committee. The Plan has and attached wetland management ordinance will be adopted by ordinance and is to be used in conjunction with other County land use ordinances.
4. **Department of Agriculture Review.** The MDA did not provide comments on the Lake of the Woods County Wetland Management Plan.
5. **Department of Health Review.** The MDH did not provide comments on the Lake of the Woods Wetland Management Plan.
6. **Department of Natural Resources Involvement.** The Minnesota Department of Natural Resources was well represented and an active participant in the plan development. Dan Thul, Division of Waters, assisted with evaluation of groundwater functions. Mike Larson, Division of Fisheries worked on the fisheries function. Jeff Dettrich, DNR Wildlife manager assisted with wetland wildlife functions and Dave Thomas, Division of Forestry, helped evaluate commercial and recreational functions of wetlands.
7. **Pollution Control Agency Involvement.** The MPCA was an active participant in the planning process. Nolan Baratono, MPCA Basin Planner assisted with evaluation of the water quality function and participated in other aspects of the plan development.
8. **Army Corps of Engineers Involvement.** The Corps participated in the planning effort in several ways. Corps staff Jeff Koschak attended the first meeting then declined participation due to workload issues. Corps/BWSR staff John Overland reviewed the plan and met with local and other BWSR staff to discuss how the plan met the pending General Permit 2. Several modifications were made to the plan by local staff to more closely meet Section 404 of the Clean Water Act regulations. In the attached memo from John Overland, he finds that the Lake of the Woods Plan, as proposed, meets the no net loss goal.
9. **Board Review and Involvement.** The BWSR Staff recommends approval of the Lake of the Woods County Wetland Plan contingent on County Board approval of the plan and attached Lake of the Woods County Wetland Conservation Ordinance of 2003.

The plan complies with Minnesota Rules 8420.0650 and the flexibility allowed for counties with greater than 80% presettlement wetlands. The plan is expected to meet the no net loss provisions of WCA. Provisions within the plan provide for a periodic review

of the wetland plan and ordinance. In accordance with the no net loss requirement of the Wetland Conservation Act, a review of the plan will be conducted within 5 years of adoption of the plan and at least once every 5 years thereafter. An inter-agency technical team consisting of, at a minimum, Lake of the Woods County, BWSR, DNR, and Lake of the Woods SWCD will conduct the review.

The wetland values determined by the policy committee were in line with technical assessments made by the technical advisory committee. The Lake of the Woods staff was extremely cooperative in addressing issues raised by BWSR staff during the planning effort and made modifications to the plan to ensure that the goal of no net loss of wetland functions and values within the county was achieved.

10. **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 County and SWCD and partnership with other local technical and regulatory partners and programs.

CONCLUSIONS

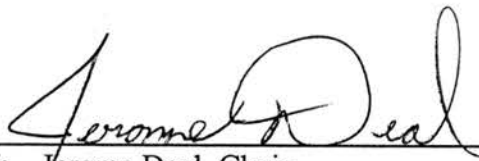
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ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan and Local Wetland Management Ordinance dated August 25, 2003, for Lake of the Woods County contingent on County Board of Commissions approval of Plan and ordinance.

Dated at Saint Paul, Minnesota this 22nd day of October 2003.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

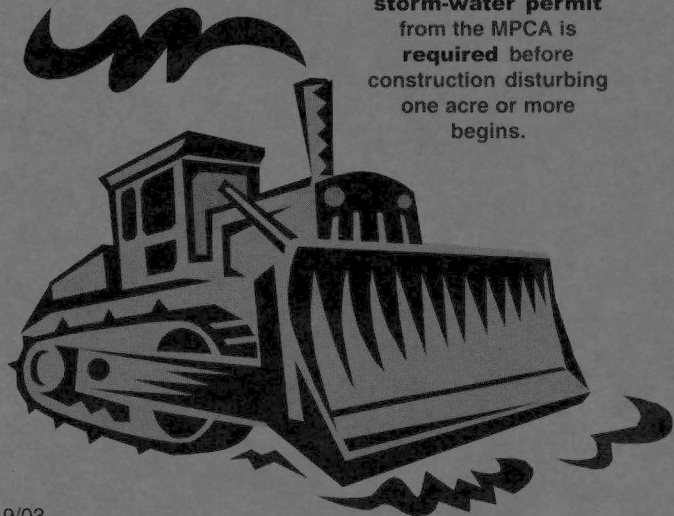

BY: Jerome Deal, Chair



Disturbing

1 acre or more?

Don't forget –
a **construction
storm-water permit**
from the MPCA is
required before
construction disturbing
one acre or more
begins.



Latest Storm-water News

HO by Lisa

- ◆ New permit for construction activity issued 8/1/03
- ◆ **Greater flexibility**, more options, expanded protections for special waters
- ◆ Permit applicants **must use new form**, pay \$400 fee
- ◆ Free **subdivision registration** for developments
- ◆ Free **transfer/modification** and **notice of termination**
- ◆ Previously permitted projects must **update SWPPP** – storm-water pollution prevention plan – by 2/1/05

Expanding Resources

- ◆ **Special waters** list by county, on-line mapping program on the way
- ◆ *Sediment and Erosion Control for **New Homeowners** fact sheet* available, more fact sheets on the way
- ◆ Keep up-to-date on Minnesota's storm-water program and rulemaking activity by subscribing to our **new electronic newsletter**. Send an e-mail to majordomo@state.mn.us with the following message:
subscribe stormwaternews \ your e-mail address
- ◆ Visit the **MPCA Web site** regularly for the latest storm-water resources. Internet access is available at all public libraries in Minnesota.

**See the new permit, forms and
resources on-line or call for copies.**

www.pca.state.mn.us/water/stormwater/stormwater-c.html

Customer Assistance Center - Voice 651-297-2274 or 800-646-6247

TTY 651-282-5332 or 800-657-3864



**Minnesota Pollution
Control Agency**

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St. Paul, Minnesota 55155-4194

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HO by Jese

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Pollution Control Agency

Request for Proposals for Fiscal Years 2004 - 2008 Open Grant Round: Three County ISTS Pilot Program

Proposals accepted through Monday 4:00 P.M. CST December 1, 2003

Chapter 128 (SF 905, 3rd Engrossment), Article 1, Section 165 - 2003 Regular Session

- 136.13 Sec. 165. [ISTS PILOT PROGRAM.]
- 136.14 The pollution control agency shall, in conjunction with the
- 136.15 association of Minnesota counties, designate three cooperating
- 136.16 counties with waterbodies listed as impaired by fecal coliform
- 136.17 bacteria, and within designated counties shall:
- 136.18 (1) by July 1, 2007, complete an inventory of properties
- 136.19 with individual sewage treatment systems that are an imminent
- 136.20 threat to public health or safety due to surface water
- 136.21 discharges of untreated sewage, and the inventory of properties
- 136.22 may be phased over the period of the pilot project; and
- 136.23 (2) require compliance under the applicable requirements of
- 136.24 this section by May 1, 2008. The pollution control agency may
- 136.25 utilize cooperative agreements with the three pilot counties to
- 136.26 meet the requirements of clauses (1) and (2).

Fecal Coliform bacteria - Bacteria that originate in the intestinal tract of a mammal. Not all fecal coliform bacteria cause disease, but this relatively simple test is used as an indicator that fecal matter is getting into the waterbody, and that other potentially harmful contaminants may be also be entering the waterbody. The main sources of these bacteria are from animal and human waste. Animal sources of bacteria include feedlot and manure runoff, urban runoff, and wildlife. Improperly treated human waste may come from overflows from sewage treatment systems in cities and towns, unsewered areas with inadequate community or individual wastewater treatment, or a single home with a failing septic system.

Three County Individual Sewage Treatment Systems (ISTS) Pilot Program

Request for Proposal

The Minnesota Pollution Control Agency (MPCA), in consultation with the Association of Minnesota Counties (AMC), Minnesota Environmental Partnership (MEP) and others, is seeking responses to this Request for Proposals (RFP) to conduct a four-year pilot program to identify and fix residences where lack of an effective sewage treatment poses an Imminent Threat to Public Health located in watersheds impaired by fecal coliform bacteria. Three (3) counties will be selected based on a competitive selection process. This pilot program was established in the 2003 Legislative Session and offers counties \$60,000 per year for four-years to identify and address non-conforming ISTS in the county. A local match is not required to be eligible for this grant program.

Statutory Charge and Timeline:

On or before July 1, 2007, selected counties shall complete an inventory of all properties with ISTS that are an imminent treat to public health and safety due to surface water discharge of untreated sewage. Those systems that are not in conformance with applicable regulations in Minn. Rule 7080 shall be brought into compliance by May 1, 2008.

October 2003

December 1, 2003

January 2004

RFP published

RFP proposals due

3-counties selected and grant agreements are signed

State Grants & Loans

Criteria: Selection of the counties will be made by MPCA with input from the Advisory Committee:

- 1) Physical conditions in the county
 - a) Level of fecal coliform bacteria impairment in water bodies
 - b) Estimated number of ISTS's that represent an Imminent Threat to Public Health and Safety (straight pipes, surface discharges, etc.)
- 2) County readiness and capacity
 - a) What is the current status of ISTS inventory, staffing levels, budgets, etc. for the county
 - b) Progress and commitment to wastewater planning, assistance efforts, enforcement actions, etc.
 - c) Innovative program elements that demonstrate the county determination and initiative on construction, maintenance and operation of ISTS
- 3) Merits and creativity of the county's proposed work plan and budget as well as consistency with the Governor's Clean Water Vision

How to submit a proposal:

Interested counties should submit the following, no later than 4 PM on Monday, December 1, 2003.

1. A letter of interest and a County Board resolution of support for the RFP submittal.
2. A proposal that articulates a proposed work plan, timeline and budget to accomplish the goals of the statutory charge. A model format is available.
3. A proposal describing your or the team's qualifications. Include resume(s) or similar information.
4. Interviews with finalists may be held in December 2003, if the selection team deems such a meeting to be useful.

For more information or questions:

Bill Dunn
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, MN 55155
Phone: (651) 282-2663 or 1-800-657-3864
Fax: (651) 297-8676
E-mail: bill.dunn@pca.state.mn.us

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration

Radio Communications Towers Available for Lease

NOTICE IS HEREBY GIVEN that the State of Minnesota, Department of Administration, herein after referred to as the "State" hereby notifies all interested parties that the Minnesota Department of Transportation, will permit the use of excess space on select-ed Mn/DOT owned, radio communications towers.

Requests to use available space on a specific tower(s) will be on a first come first served basis. All requests will be screened and approved/disapproved by the Minnesota Department of Transportation for structural loading requirements and frequency compatibility with existing and planned State radio systems. To obtain a portfolio containing a complete list of available towers, a sample License Agreement, and a "Use Request Form" (URF) contact:

Ho by Jbci

PHOSPHORUS STUDY INFORMATION DOCUMENT

October 20, 2003

A bill to greatly reduce the phosphorus contained in automatic dishwasher detergent was considered in the 2003 Legislative Session. The bill generated a great deal of controversy and questions for which there were no immediate answers. A goal to reduce phosphorus by 50% from non-ingested sources to municipal wastewater treatment plants was established. To answer some of the questions posed during consideration of the bill a legislative directive was given to the Commissioner of the Minnesota Pollution Control Agency to do the following:

Chapter 128 Article 1, Section 122

Sec. 122. [115.42] [NONINGESTED SOURCE PHOSPHORUS REDUCTION GOAL.]

The state goal for reducing phosphorus from noningested sources entering municipal wastewater treatment systems is at least a 50 percent reduction based on the timeline for reduction developed by the commissioner under section 166, and a reasonable estimate of the amount of phosphorus from noningested sources entering municipal wastewater treatment systems in calendar year 2003.

Chapter 128 Article 1, Section 166

Sec. 166. [PHOSPHORUS STUDY.]

The commissioner of the pollution control agency must study the concept of lowering phosphorus in the wastewater stream and the effect on water quality in the receiving waters and how to best assist local units of government in removing phosphorus at public wastewater treatment plants, including the establishment of a timeline for meeting the goal in Minnesota Statutes, section 115.42. The commissioner must review the rules on nutrients in cleaning agents under Minnesota Statutes, sections 116.23 and 116.24, and report the results of the study and rule review to the house of representatives and senate environment and natural resources policy and finance committees and commerce committees by February 1, 2004.

Resources to complete the study were secured through the Legislative Commission on Minnesota Resources.

Chapter 128 Article 1, Section 9, Subdivision 7

(e) Wastewater Phosphorus Control and Reduction Initiative

\$392,000 the first year and \$148,000 the second year are from the trust fund to the commissioner of the pollution control agency to study human causes of excess phosphorus and for cooperation and an agreement with the Minnesota environmental science and economic review board to assess phosphorus reduction techniques at wastewater treatment plants.

After July 1, 2003, the resources became available, and a detailed study work plan was developed. The phosphorus study consisted of three main tasks:

Task 1: Identification of Phosphorus Sources and the Amounts to Publicly Owned Treatment Works (POTWs)

Identify the sources of phosphorus to POTWs and the amount that each source contributes to various sizes and categories of POTWs.

- a. The three size classes of POTWs are to be evaluated:
 1. Less than 0.2 million gallons per day (mgd)
 2. From 0.2 mgd to 1.0 mgd
 3. Above 1.0 mgd.
- b. Categories of POTWs that are to be evaluated:
 1. POTWs that serve only households/residences (no industrial or commercial contributions)
 2. POTWs that have some commercial/industrial contributions
 3. POTWs that are dominated by a variety of commercial/industrial contributions.
- c. Identification of the individual and/or categorical sources of phosphorus to the sizes and the categories of POTWs listed above to include but not limited to:
 1. Amount of phosphorus from automatic dishwasher detergents
 2. Amount of phosphorus from other household cleaners or household non-ingested sources by category
 3. Amount of phosphorus from commercial/industrial sources with a breakdown estimate of the amount from cleaning agents and process waste. This includes industrial discharge of:
 - i. Process wastewater
 - ii. Noncontact cooling water
 - iii. Other Additives
 - iv. Car Washes
 4. The amount of phosphorus from the water supply, including that from background levels in the raw water supply and from water treatment chemicals (municipal water supply and private water systems)
 5. Amount of phosphorus from human body waste products.
 6. Amount of phosphorus associated with groundwater intrusion to sanitary sewers (from foundation drains, roof leaders to sanitary sewer infiltration)
- d. Estimation of the total amount of phosphorus, from each of the identified sources, which enters each POTW size class, category and for all POTWs in the State.

Task 2: Identification of Phosphorus Sources and the Amounts to Waters of the State

Identify the sources of phosphorus and the amounts each source contributes to waters of the State

- a. Individual phosphorus budgets shall be developed for the following basins and the State as a whole:
 1. St. Croix River
 2. Upper Mississippi River above the confluence with the St. Croix
 3. Lower Mississippi River below the confluence with the St. Croix
 4. Red River
 5. Rainy River
 6. Lake Superior
 7. Missouri River
 8. Minnesota River
 9. Cedar River
 10. Des Moines River
- b. Identify the sources of phosphorus and amount contributed to waters of the State listed in (a), to include but not limited to:
 1. Publicly owned waste water treatment systems
 2. Privately owned waste water treatment systems for domestic sources
 3. Individual Sewage Treatment Systems
 4. Industrial waste water treatment systems
 5. Agricultural land runoff with a breakdown of the of the components that went into making up this source category
 6. Atmospheric sources including wind erosion of agricultural land
 7. Urban runoff with a breakdown of the components that went into making up this source category
 8. Forested land
 9. Roadway and Sidewalk Deicing chemicals
 10. Stream Bank Erosion
- c. Identify the amount of contribution from each source at low flow, mean flow and high flow levels for rivers and streams, similar to the figures given in Table 1, for each basin in (a).
- d. Develop estimates of the percent of phosphorus from each source in (b) that is bioavailable and estimate the percentage contribution of bio-available phosphorus from each source to the watershed basins in (a).

Task 3: Assessment of Compliance with the Requirements of Minnesota Statutes

An assessment of the information obtained as a result of completion of Tasks 1 and 2, with respect to how it may best be used to comply with the requirements the Minnesota Statutes listed above will be performed. An examination of the concept of lowering phosphorus and the effect it might have on water quality and consideration of approaches for lowering phosphorus and the degree to which they would affect water quality benefits will be conducted. In addition the MPCA will perform a review of its rules regarding phosphorus levels in products.

Representatives from the Minnesota Environmental Partnership and the Soap and Detergent Industry reviewed and commented on the work plan. The work plan was submitted to 6 contractors who were pre-qualified to conduct detailed watershed assessments under a Master contract. Four contractors responded with proposals. The proposals were reviewed by the above groups and the PCA. Barr Engineering was selected as the preferred contractor. The contract was signed on August 28, 2003. Barr Engineering has put together an excellent team of internal staff and external staff to complete this project by January 1, 2003. Barr has expressed appreciation in respect to the degree of cooperation all parties have provided when Barr has made information and data requests.

On November 21, 2003 at 9:30 AM at the MPCA Boardroom, Barr will make a presentation of the status and progress of the project for interested stakeholders.

Overall Assessment

There is a comprehensive work plan. An excellent contractor has been hired. The contractor reports that cooperation has been excellent from all parties and the project is on schedule.

031020

10/16/2003

Draft: 7/22/03
Expanded Draft: 8/12/03

Red River Basin Commission

RED RIVER BASIN NATURAL RESOURCES FRAMEWORK PLAN

The Red River Basin Commission is continuing the process of developing a basin plan. The plan will be referred to as the **Red River Basin (RRB) Natural Resources Framework Plan (NRFP)**. This plan will establish goals and objectives that will move us toward a common basin vision. Basin stakeholders will participate in establishing the goals and objectives through their input, their own detailed planning processes and their mandated activities. The plan will serve as a guide for priorities and activities for RRBC and its partners.

Process to develop the RRB NRFP

The RRBC will build the RRB NRFP around the inventories that were completed in 2000. A significant effort was put into the development of the inventories and they provide a base for the development of goals and objectives and a future direction. The inventories describe the state of seven resource issues: water supply; water quality; flood damage reduction; hydrology; drainage; conservation; and fish, wildlife and outdoor recreation. The inventories also describe two other issues in the basin: water law and institutions. Finally, a tenth inventory outlining impediments and challenges to water management in the basin was also completed and will be incorporated into the RRB NRFP. The inventories will be reviewed and updated, as needed, and will have a set of goals and objectives developed by the inventory teams and appropriate agencies. Together, the inventories and the goals and objectives will provide a framework for 21st century activities by RRBC and its partners.

Timeline for completion of the RRB NRFP

The goal of RRBC is to have all the inventory teams working simultaneously on updating and the development of goals and objectives for the different inventories. The Flood Damage Reduction section of the document is slated to be completed by the end of 2003 and will be presented at the RRBC Annual Conference in January 2004. The RRB NRFP will be ready by the end of 2004 and the RRBC will build its January 2005 conference around the RRB NRFP.

RRB NRFP Outline

The following is a draft outline for the **RRB Natural Resources Framework Plan (NRFP)**. Currently, the RRBC is developing the sections that are in bold. Underlined indicates what is currently being reviewed by inventory teams and agencies.

- I. Introduction to the Plan
 - o Purpose and Scope of the Framework
- II. Basin Background
 - o **Geographic and Geologic Setting**
 - o **Settlement and Landuse Changes**
 - o **Riverine system characteristics**
- III. Basin Trend Analysis
 - o **Economics**
 - o **Population**
 - o **Resource Use**
 - o **Climate**
- IV. Institutions/Water Law
 - A. Introduction
 - B. Inventory Update
 - C. Framework for the Future
 - D. Goals and Objectives
 - E. Integration
- V. Flood Damage Reduction
 - A. Introduction
 - o **Flood History**
 - o **Flood Damages**
 - o **Past and Present FDR Efforts**
 - B. **Inventory Update**
 - C. **Framework for the future**
 - o **Past and current paradigms**
 - o **A 21st century paradigm**
 - D. Goals and Objectives
 - E. **Integration**
- VI. Water Quality
 - A. Introduction
 - B. Inventory Update
 - o Water quality
 - o **Monitoring**
 - C. Framework for the Future
 - D. Goals and Objectives
 - E. Integration
- VII. Water Supply
 - A. Introduction
 - B. Inventory Update
 - C. Framework for the Future
 - D. Goals and Objectives
 - E. Integration

This section constitutes the Gaps analysis currently being completed by the IRRB. The Gaps analysis is surveying what has been done, what is being done and what needs to be done with regards to flood damage reduction since the 1997 flood. The Gap analysis report will be incorporated into this section.

The mainstem hydrology study that is being completed by the RRBC will assist with setting these goals and objectives.

This section will incorporate the "State of the Basin" Report that has been completed as part of the Watershed Information Network (WIN) project.

- VIII. Drainage/Hydrology
 - A. Introduction
 - B. Inventory Update
 - C. Framework for the Future
 - D. Goals and Objectives
 - E. Integration
- IX. Conservation/Fish, Wildlife & Outdoor Recreation
 - A. Introduction
 - B. Inventory Update
 - C. Framework for the Future
 - D. Goals and Objectives
 - E. Integration
- X. PIRC
 - A. Introduction
 - B. Inventory Update
 - C. Framework for the Future
 - D. Goals and Objectives
 - E. Integration
- XI. Putting it all Together—Executive Summary

Comprehensive Flood Mitigation Plan Framework

The RRBC began work on a comprehensive flood mitigation plan framework document in March as part of a cooperative project with the International Joint Commission and the International Red River Board. The CFMP will now be incorporated into the **RRB NRFP** as the Flood Damage Reduction (FDR) section.

The FDR section will describe current RRB efforts to reduce flood damages. Those efforts are divided into the following sections: mainstem strategies, tributary strategies, upper basin strategies and ag strategies. The FDR section will build on the fact that flooding is a natural event and that flood damages can never be totally eliminated. The best that basin residents can hope for is reduced risk from flood damages for the majority of the population within the basin. The question that policy makers, residents and other stakeholders need to answer is how much of the population, infrastructure, agland and environment should be provided with a reduced risk for flood damages.

The following provides a summary of current FDR strategies and to what extent they are being implemented. It also lays the groundwork for a new paradigm for future goals for flood damage reduction.

Current Paradigms

Mainstem Strategies

Current FDR measures that are being implemented on the mainstem include diking/dyking, diversions around flood prone communities, elevating structures and the creation of green space through property buyouts in flood prone areas. These measures are being implemented in or near the population centers along the mainstem of the Red River and are meant to protect people and infrastructure. Money is currently being spent to implement these actions. These activities are a response to some of the most recent flood events and when completed will reduce the risk for damages for a large portion of the RRB population.

Tributary Strategies

FDR measures that are being implemented on the tributaries are similar in nature to the mainstem measures but often on a smaller scale. In most cases, a combination of diking/dyking, elevation of structures and some retention structures are being used to protect rural communities and their infrastructure. This is being done in a much more piecemeal fashion and is often protecting against summer flood events, usually in response to the latest rainfall crisis. As these activities are implemented, more people and property will have less risk from flood damages.

Upper Basin Strategies

These FDR measures are implemented in the upper basin portions of the beach ridges and escarpments. These measures are protecting infrastructure, the environment and agland by holding water on the landscape near the point where it falls. These measures will have some effect on mainstem flooding but will mostly help protect the subwatershed where they are located. This effort uses various techniques and programs provided by units of government that does not use a coordinated effort for prioritization and funding making it a less relevant tool to reduce flood damages basinwide.

Agland Strategies

Agland protection measures are not being implemented to any great degree. Most of the damage to agland occurs from the summer floods and is related to erosion and crop loss. Agriculture constitutes over 80 percent of the landuse within the basin producing over \$6 billion dollars of revenue in both Canada and the United States. Decision makers must determine what level of protection, if any, agland should receive.

21st Century Paradigm

The goal of the FDR section and the RRB Natural Resources Framework Plan is to develop a workable paradigm for the 21st century. The RRBC goal is to have basin residents, decision makers and stakeholders develop a paradigm that will allow for the following:

- a recognition that protection from all flood damages is not possible but the goal should be to minimize the risk;
- development of a set of basinwide goals and objectives for each of the four FDR strategies (mainstem, tributaries, upper basin and agland) that will allow for a more integrated approach to implementation;
- development of a proactive approach that works towards implementation of goals and objectives prior to flood events rather than a reactive approach to disasters;
- development of a comprehensive approach that includes structural and non-structural measures; mainstem and tributary strategies; and efforts to protect the floodplain ecosystem as part of the process to reduce flood damages;
- a recognition that governments and residents must explore regulations, incentives, cooperation and develop a shared sense that we are all part of the problem and the solution to make communities more resilient to the consequences of the flood, and
- etc.

FLOOD DAMAGE REDUCTION (FDR) VISION FOR THE RED RIVER BASIN OVER THE NEXT 25 YEARS

Remove physical and emotional impacts to humans.
Reduce damages to property and the natural environment.

FDR GOALS & OBJECTIVES

BASIN -- WATERSHED GOAL

GOAL 1: REDUCE FLOOD DAMAGES IN THE BASIN USING A WATERSHED APPROACH

- Objective 1: Encourage and support legislative changes that promote and/or reward wise land use and conservation of natural resources by landowners.
- Objective 2: Encourage FDR initiatives to consider a comprehensive review of all reasonable alternatives.
- Objective 3: Ensure that management of water resources within the RRB occur on a hydrologic basis, rather than political boundary basis.
- Objective 4: Support protocols for the cooperative implementation of inter-jurisdictional projects.
- Objective 5: Support and facilitate the establishment of agreements as applicable between MB, MN, ND and SD for dealing with water issues in inter-jurisdictional sub-watersheds.

MAINSTEM GOAL

GOAL 2: PROVIDE ALL RESIDENTS REDUCED RISK AT LEAST TO THE 1997 LEVEL (OR THE FLOOD OF RECORD) ALONG THE MAINSTEM IN THE NEXT 5 YEARS.

- Objective 1: Support of dikes, floodways, elevation of property, buy-outs, green spaces, and other mechanisms that reduce risk.
- Objective 2: Evaluate impacts of reducing risk by conventional methods on the hydrograph at early, middle, and late flood stages.
- Objective 3: Support prioritization and funding to achieve the risk reduction in the timeframe.
- Objective 4: Evaluate the impacts of mainstem FDR activities on other parts of the basin (upstream and downstream).
- Objective 5: Determine of impact of lost b/c ratio on retention strategies in other portions of the basin, once lower risk is achieved on the mainstem.
- Objective 6: Support specific activities in areas of the basin that fit this Goal.

TRIBUTARY GOAL

GOAL 3: PROVIDE RISK REDUCTION FOR RURAL RESIDENTS, RESIDENTS OF SMALLER CITIES WITHIN THE TRIBUTARIES AND FOR PROPERTY

- Objective 1: Develop a prioritized plan to implement risk reduction activities to tributary and rural areas based on frequency of loss and damages incurred.
- Objective 2: Support the most cost effective approaches to risk reduction.
- Objective 3: Support all risk reduction efforts as on the mainstem with additional emphasis on retention strategies---encouraging a comprehensive approach.
- Objective 4: Encourage pro-active efforts to reduce risk (not reactive).
- Objective 5: Evaluate benefits based on impacts on the hydrograph at early, middle, and late flood stages.
- Objective 6: Support specific activities in areas of the basin that fit this Goal.

UPPER BASIN GOAL

GOAL 4: SUPPORT STRATEGIES IN THE UPPER BASIN, BEACH RIDGE AND ESCARPMENT AREAS, THAT SLOW THE FLOW OF WATER ENTERING THE FLATTER PORTIONS OF THE BASIN.

- Objective 1: Support strategies that reduce erosion, enhance water quality, reduce crop loss, protect infrastructure, and prevent other damages.
- Objective 2: Encourage the use of multiple methods of retention, based on the flow and hydrograph impacts.
- Objective 3: Encourage drainage practices that do not exacerbate the problem.
- Objective 4: Develop strategies for spring and summer flood events.
- Objective 5: Evaluate benefits based on impacts at various points on the downstream tributary and mainstem hydrograph for early, middle, and late flood stages.
- Objective 6: Support competitive cost share formula's that encourage activities in the upper basin that provide multiple benefits.
- Objective 7: Support specific activities in areas of the basin that fit this Goal.

AGLAND GOAL

GOAL 5: SUPPORT REDUCED RISK TO THE PRODUCER ON AGLAND FOR A 10 YEAR 24 HOUR SUMMER STORM EVENT.

- Objective 1: Support activities that reduce ag loss to protect the economic base of the basin.
- Objective 2: Support fair compensation methods for ag losses due to excess water.
- Objective 3: Support programs that compensate farmers/landowners for designed water storage.

- Objective 4: Advocate flood water storage on presently enrolled DRP, RIM, and CREP acres regardless of year of sign-up.
- Objective 5: Evaluate flood damage reduction benefits based on impacts on the hydrograph at early, middle, and late flood stages.
- Objective 6: Support specific activities in areas of the basin that fit this Goal.

INTEGRATION GOAL

GOAL 6: SUPPORT INTEGRATED APPROACHES TO FDR

Planning Process Objectives

- Objective 1: Develop a formal evaluation and tracking process for projects seeking RRBC support.
- Objective 2: Support watershed planning for FDR.

Modeling Objectives

- Objective 1: Advocate agencies to identify areas that are major contributors to flooding in the Red River Basin so FDR efforts can be focused effectively.
- Objective 2: Support continued development and use of hydrologic and hydraulic modeling efforts and water research in the Red River Basin
- Objective 3: Support the development and implementation of basin-wide hydrologic and hydraulic modeling efforts.
- Objective 4: Support the development of a basin mainstem model.
- Objective 5: Support the development of a total basin model.
- Objective 6: Encourage the use of standard hydrologic and hydraulic model(s) for all jurisdictions in the Red River Basin.
- Objective 7: Support and encourage updating and expanding existing models and data collection networks.
- Objective 8: Support the implementation of more "what if" modeling efforts.
- Objective 9: Encourage further studies and inventories of groundwater resources in the RRB.

Technical Objectives

- Objective 1: Encourage policy and legislative changes to help facilitate development and implementation of FDR projects.
- Objective 2: Encourage basin-wide coordinated design and operation of water storage structures.
- Objective 3: Promote and support the development of acceptable, uniform FDR minimum design standards for all jurisdictions in the Red River Basin.
- Objective 4: Encourage the Canadian federal and provincial governments to develop proactive program to assist local governments with planning, designing, and constructing flood control projects.
- Objective 5: Support the inclusion of all damages and benefits in project feasibility evaluations, including traditionally non-quantified damages and natural resource impacts.
- Objective 6: Assure that the implementation of FDR initiatives does not result in a net reduction to local tax base.

Objective 7: Support b/c ratios that include all losses.

Virtual Database Objectives

- Objective 1: Encourage individual organizations, both governmental and private, to collect, maintain and store their data in a virtual database system.
- Objective 2: Support the continuation of the Red River Basin Disaster Information Network, which could serve as a repository for Red River Basin resource data.
- Objective 3: Support the collection of, and encourage the funding of, basin-wide hydrologic and hydraulic data, such as precipitation gauges, precipitation distribution data, digital elevation data, and stream gauge network data.
- Objective 4: Support and encourage the standardization of data collection, reporting, and archiving procedures.
- Objective 5: Reactivate the Red River Basin Mapping and Database Special Team to provide oversight of a virtual database system.
- Objective 6: Initiate the development of a Red River Basin library, where written reports pertaining to the Red River Basin can be catalogued and stored for use by anyone.

Research Objectives

- Objective 1: Encourage implementation and continuation of FDR research and technical support programs, including funding of a technical resource service to provide technical support to the RRBC and other agencies, organizations, and governmental units in the RRB.

Data and Information Objectives

- Objective 1: Encourage sharing of floodwater management and natural resource data/information, both within and outside the Basin.
- Objective 2: Encourage project stakeholders to make decisions based on empirical information, rather than personal bias or political pressure.
- Objective 3: Encourage uniformity in assessing, reporting and archiving flood damage/recovery statistics between jurisdictions and agencies.

Policies and Programs Objectives

- Objective 1: Encourage policy changes to government and private programs so water can be stored on land set aside for conservation purposes.
- Objective 2: Encourage changes to policies that prohibit construction of FDR structures (e.g. levees) on floodplain land purchased through FEMA flood-buyout funds.
- Objective 3: Support the evaluation and standardized information dissemination of water research projects within the Basin (e.g. Evaluate the joint United States Geological Survey and United States Fish and Wildlife service project on the effects of wetlands on discharge).

Funding Objectives

- Objective 1: Encourage U.S. Congress to fully fund FDR programs, such as the U.S. Army Corps of Engineers' 14, 205, 206, 208, and 1135 Continuing Authority Programs and Technical Resource Service; Natural Resource Conservation Service's PL566 program; and other state and federal programs such as Conservation Reserve Enhancement Program (CREP).
- Objective 2: Encourage the development of funding mechanism(s) for projects that provide trans-border FDR benefits.

Permitting/Review Objectives

- Objective 1: Encourage permitting agencies to clearly define policy and permit requirements early in the project development process.
- Objective 2: Encourage concurrent review of FDR projects by all permitting agencies to expedite the permitting process.
- Objective 3: Encourage permitting agencies to conduct internal reviews to eliminate unnecessary steps in the permitting process

OUTREACH GOAL

GOAL 7: TO SUPPORT EDUCATION AND OUTREACH ON FDR

Coordination and Education Objectives

- Objective 1: Support education based on the RRB Watershed.
- Objective 2: Encourage and support efforts to inform and provide early involvement of FDR project stakeholders.
- Objective 3: Encourage project proponents to invite policy-making officials to visit FDR project sites. Site visits would allow these officials to observe, first-hand, the issues facing residents of these areas.
- Objective 4: Educate local governments and residents regarding the public benefits of FDR projects endorsed by the RRBC.

DISASTER/RECOVERY GOAL

GOAL 8: ENSURE FLOOD (NATURAL DISASTER) RECOVERY PROGRAMS MEET THE NEEDS OF ALL RRB RESIDENTS

Recovery Objectives

- Objective 1: Review the effectiveness and equitable treatment of disaster recovery programs and eligibility requirements.
- Objective 2: Promote the enhancement of recovery assistance programs that are available to all RRB residents, businesses, and agricultural producers regardless of financial status or locality.
- Objective 3: Support changes to flood/disaster recovery programs requiring continuity between various governmental units.

Draft—7/10/034
Revision #1—7/24/03
Revision #2 – 10/7/03

RRBC -- 24 MONTH DETAILED WORK PLAN
6/1/03 through 6/30/05

Code	Staff		
1	Executive Director (10% FTE Plan; 5% FTE Public Awareness)		
2	Deputy Executive Director (10% FTE Plan)		
3	Communication Coordinator (40% FTE Public Awareness)		
4	Basin Coordinator (15% FTE Plan; 5% Public Awareness)		
5	Director of Plan Development (Basin Biologist)	9	Planning Consultant
	(90% FTE Plan; 5 % Public Awareness)	10	Bookkeeping Consultant
6	Office Support/Conference Coordinator	11	MN Joint Powers Board Consultant
7	½ Canada Support		
8	½ US Support		

FOUR CENTERS OF ACTIVITY: LEADERSHIP, PARTNERSHIP, COMMUNICATION, TECHNICAL RESOURCE

However for the next two years the focus is LEADERSHIP and the development of the Red River Basin Natural Resources Framework Plan (RRB NRFP).

The first person listed has the primary responsibility for the identified task.

PM = Plan Management Committee

IT = Inventory Teams

G = Goals

O = Objectives

FDR = Flood Damage Reduction

F/W/OR = Fish, Wildlife, Outdoor Recreation

PIRC = Problems, Impediments, Roadblocks, and Challenges

PMT SP = Public Meetings Spring of Year

SUMMARY -- RED RIVER BASIN NATURAL RESOURCE FRAMEWORK PLAN (RRB NRFP) Activities

<u>TASK</u>	<u>DRAFT</u>	<u>PMT SP 04</u>	<u>PM</u>	<u>BOARD</u>	<u>REWRITE</u>	<u>PM</u>	<u>BOARD</u>	<u>REWRITE</u>	<u>CONF 04</u>	<u>PMT SP 05</u>	<u>REWRITE</u>	<u>PM</u>	<u>BOARD</u>	<u>FINAL</u>
FDR	7/31/03	YES	8/7/03- 9/4/03	9/5/03	10/30/03	11/5/03	11/6/03	12/31/03- 12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
INTRODUCTION	11/30/03	YES	3/3/04	3/4/04	7/31/04	8/4/04	8/5/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
BACKGROUND	1/31/04	YES	3/3/04	3/4/04	7/31/04	8/4/04	8/5/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
TENDS	1/31/04	YES	3/3/04	3/4/04	7/31/04	8/4/04	8/5/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
INSTITUTIONS LAWS	12/31/03- 2/26/04	YES	3/3/04	3/4/04	7/31/04	8/4/04	8/5/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
QUALITY	8/30/03- 2/28/04	YES	3/3/04	3/4/04	7/31/04	8/4/04	8/5/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
SUPPLY	4/30/04		5/5/04	5/6/04	8/30/04	9/1/04	9/2/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
CONSERVATION F/W/OR	4/30/04		5/5/04	5/6/04	8/30/04	9/1/04	9/2/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
DRAINAGE HYDROLOGY	5/30/04		6/2/04	6/3/04	10/31/04	11/3/04	11/4/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05
PIRC	5/30/04		6/2/04	6/3/04	10/31/04	11/3/04	11/4/04	12/31/04	YES	YES	5/30/05	6/1/05	6/2/05	6/30/05

LEADERSHIP:

NRFP: INTRODUCTION – BACKGROUND --- TRENDS

TASK	WHO	INTRODUCTION	BACKGROUND	TRENDS	DUE	DONE
Develop Plan Concepts	1,4				6/1/03	
PM Overall Concepts	1,4				6/4/03	
Develop Plan Outline	1,4				7/15/03	
Present to IRRB	1				7/15/03	
PM Outline	1,4				8/7/03	
PM Overall Input	1,4				9/4/03	
Mail- IT- Update/G/O	1,8				8/15/03	
Mtg – IT – Chairs	4,5,1				11/15/03	
Draft – Introduction	1,5	Purpose Scope Plan			11/30/03	
Conference Outline Plan	5 (Sam)				1/15/04	
Draft – Background	5		Geographic/Geologic		1/31/04	
	4,5		Settlement/Land Use		1/31/04	
	1,5		River/Basin System		1/31/04	
Draft – Trends	2,5			Economic	1/31/04	
	2,5			Population	1/31/04	
	4,5			Resource Use	1/31/04	
	2,5			Climate	1/31/04	
PM Review I, B, T	5,4,1				3/3/04	
Board Review I, B, T	5				3/4/04	
Public Meetings	3,5,4,2,1				2-5/04	
Rewrites	5,4,2,1				7/31/04	
PM Review	5,4,2,1				8/4/04	
Board Review	5				8/5/04	
Rewrite	5,4,2,1				12/31/04	
Conference Overall Plan	5 (Sam)				1/14/05	
Public Meetings	3,5,4,2,1				2 – 5/05	
Final Rewrite	5,4,2,1				5/30/05	
PM & Board	5,4,1				6/1-2/05	
Final Copy	5,1				6/30/05	

NRFP: INSTITUTIONS and LAWS

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft	2,5	Institutions					12/31/03	
		Water Laws					12/31/03	
Draft	5,4,2,1		IT Comments				12/31/03	
			New Mat'l				12/31/03	
Draft	5,4,2,1			Current Paradigm			12/31/03	
				Future Paradigm			2/26/04	
Draft	5,2,1				Local		2/26/04	
					Provincial/State		2/26/04	
					Federal		2/26/04	
PM Review	5,4,2,1						3/3/04	
Board Review	5						3/4/04	
Public Meetings	3,5,4,2,1						2-5/04	
Rewrites	5,4,2,1						7/31/04	
PM Committee	5,4,2,1						8/4/04	
Board	5						8/5/04	
Rewrites	5,2,1						12/31/04	
Conference	5 (Sam)						1/14/05	
Public Meetings	3,5,4,2,1						2 – 5/05	
Final Rewrite	5					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

NRFP: FLOOD DAMAGE REDUCTION

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft	1,5	Basin Issues					10/30/03	
		Floods of Record					10/30/03	
		Tools					10/30/03	
Draft	5,4,1		IT Comments				10/30/03	
			New Mat'l				10/30/03	
Draft	1,4,5			Current Paradigm			7/31/03	
				Future Paradigm			7/31/03	
Draft					Mainstem		7/31/03	
					Tributaries		7/31/03	
					Upper Basin		7/31/03	
					Agland		7/31/03	
					Tools		7/31/03	
					Emergency Mngmt		7/31/03	
					Education		7/31/03	
PM Review—F, G/O	4,2,1						8/7/03- 9/4/03	
Board Review—F, G/O	4						9/5/03	
Rewrites	5,4,1						10/30/03	
PM Committee	5,4,2,1						11/5/03	
Board	5						11/6/03	
Rewrite	5,4,1						12/31/03	
Conference	5 (Sam)						1/15/03	
Public Meetings	3,5,4,2,1						2 – 5/04	
Rewrite	5,4,2,1						12/31/04	
Public Meetings	3,5,4,2,1						2-5/05	
Final Rewrite	5,4,1					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

NRFP: WATER QUALITY

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft		Water Quality Issues					2/28/04	
		Monitoring Issues					2/28/04	
Draft	5,1		IT Comments				2/28/04	
			New Mat'l				9/30/03	
Draft	5,4,2,1			Current Paradigm			2/28/04	
				Future Paradigm			2/28/04	
Draft	5,1				Water Quality		2/28/04	
	5,1				Monitoring		2/28/04	
PM Review	5,4,2,1						3/3/04	
Board Review	5						3/4/04	
Public Meetings	3,5,4,2,1						2-5/04	
Rewrites	5,1						7/31/04	
PM Committee	5,4,2,1						8/4/04	
Board	5						8/5/04	
Rewrite	5						12/31/04	
Conference	5 (Sam)						1/14/05	
Public Meetings	3,5,4,2,1						2 – 5/05	
Final Rewrite	5,1					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

NRFP: WATER SUPPLY

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft	5,1	Present					4/30/04	
		Future					4/30/04	
Draft	5,1		IT Comments				4/30/04	
			New Mat'l				4/30/04	
Draft	5,4,2,1			Current Paradigms			4/30/04	
				Future Paradigms			4/30/04	
Draft	5				Urban		4/30/04	
					Rural		4/30/04	
					Present		4/30/04	
Draft					Future		4/30/04	
PM Review	5						5/5/04	
Board Review	5						5/6/04	
Public Meetings	3,5,4,2,1						2-5/04	
Rewrites	5,1						8/30/04	
PM Committee	5,4,2,1						9/1/04	
Board	5						9/2/04	
Rewrite	5,						12/31/04	
Conference	5 (Sam)						1/14/05	
Public Meetings	3,5,4,2,1						2 - 5/05	
Final Rewrite	5					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

NRFP: DRAINAGE and HYDROLOGY

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft	5,4	Hydrology Needs					5/30/04	
		Drainage History					5/30/04	
		Production					5/30/04	
		Patterns					5/30/04	
Draft	5,4,2,1		IT Comments				5/30/04	
			New Mat'l				5/30/04	
Draft	5			Current Paradigms			5/30/04	
				Future Paradigms			5/30/04	
Draft	4,5				Productivity		5/30/04	
					Legal		5/30/04	
PM Review	5,4,2,1						6/2/04	
Board Review	5						6/3/04	
Public Meetings	3,5,4,2,1						2-5/04	
Rewrites	5,1						10/31/04	
PM Committee	5,4,2,1						11/3/04	
Board	5						11/4/04	
Rewrite	5,4						12/31/04	
Conference	5 (Sam)						1/14/05	
Public Meetings	3,5,4,2,1						2 - 5/05	
Final Rewrite	5					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

NRFP: CONSERVATION and FISH/WILDLIFE/OUTDOOR RECREATION

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft	4,5	Conservation					4/30/04	
		Fish Habitat					4/30/04	
		Wildlife Habitat					4/30/04	
		Outdoor Rec					4/30/04	
Draft	5,4		IT Comments				4/30/04	
			New Mat'l				4/30/04	
Draft	5,4,2,1			Current Paradigms			4/30/04	
				Future Paradigms			4/30/04	
Draft	4,5				Conservation		4/30/04	
					Fish		4/30/04	
					Wildlife		4/30/04	
					Outdoor Rec		4/30/04	
PM Review	5,4,2,1						5/5/04	
Board Review	5						5/6/04	
Public Meetings	3,5,4,2,1						2-5/04	
Rewrites	5,4						7/31/04	
PM Committee	5,4,2,1						9/1/04	
Board	5						9/2/04	
Rewrite	5,4						12/31/04	
Conference	5 (Sam)						1/14/05	
Public Meetings	3,5,4,2,1						2 - 5/05	
Final Rewrite	5,4					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

NRPF: PIRC

TASKS	WHO	INTRODUCTION	INVENTORY UPDATE	FRAMEWORK FUTURE	GOALS OBJECTIVES	INTEGRATION	DUE	DONE
Mail- IT-Update/G/O	1,8						8/15/03	
Draft	4,5,1	Problem Identif.					5/30/04	
		Challenges					5/30/04	
Draft	4,5,1		IT Comments				5/30/04	
			New Mat'l				5/30/04	
Draft	5,1			Current Paradigms			5/30/04	
				Future Paradigms			5/30/04	
Draft	5,1				International		5/30/04	
					Jurisdictional		5/30/04	
					Issues		5/30/04	
PM Review	5,4,2,1						6/2/04	
Board Review	5						6/3/04	
Public Meetings	3,5,4,2,1						2-5/04	
Rewrites	5,1						10/31/04	
PM Committee	5,4,2,1						11/3/04	
Board	5						11/4/04	
Rewrite	5						12/31/04	
Conference	5 (Sam)						1/14/05	
Public Meetings	3,5,4,2,1						2 - 5/05	
Final Rewrite	5					Full Plan	5/30/05	
PM	5,4,2,1						6/1/05	
Board	5						6/2/05	
Final Copy	5,1						6/30/05	

December 2003

DRAFT

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**BOARD OF WATER AND SOIL RESOURCES
ONE WEST WATER STREET
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55107
WEDNESDAY, DECEMBER 17, 2003**

BOARD MEMBERS PRESENT: Jerome Deal, Jim Anderson-Minnesota Extension Service, Kay Cook, Mark Dittrich-Minnesota Department of Agriculture, Quentin Fairbanks, Jack Frost, Karen Harder, Char Kahler, Randy Kramer, Gene Merriam, Minnesota Department of Natural Resources, Victor Ormsby, Dwain Otte, Lisa Thorvig, Minnesota Pollution Control Agency, Dan Wilson-Minnesota Department of Health

BOARD MEMBERS ABSENT:

Paul Krabbenhoft
Clair Nelson
Kevin Anderson

STAFF PRESENT: Ron Harnack, Jim Haertel, John Jaschke, Wayne Zellmer, Kevin Lines, Mary Jo Anderson

ADVISORS PRESENT:

Rick Reimer, MACDE
Ray Bohn, MAWD

OTHERS PRESENT:

Wayne Edgerton and Doug Norris, DNR

**BWSR Meeting Minutes
December 17, 2003
Page Two**

CALL MEETING TO ORDER - Chair Deal called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

**** ADOPT AGENDA** - Moved by Char Kahler, seconded by Dwain Otte, to adopt the
03-85 agenda as presented. Motion passed on a voice vote.

MINUTES OF OCTOBER 22, 2003 –Randy Kramer stated that the roll call vote on
page six regarding the WCA Appeal of an Exemption Decision should be added to
the minutes. The roll call vote - Affirmative: Frost, Harder, Kahler, Krabbenhoft,
Merriam, Ormsby, Thorvig, Wilson, Deal. Opposed: Kevin Anderson, Cook,
**** Kramer, Nelson, Otte. Abstained: Fairbanks. Moved by Jack Frost, seconded by**
03-86 Karen Harder, to approve the minutes of October 22, 2003 as corrected. Motion
passed on a voice vote.

REPORTS

Chair's Report – Chair Deal thanked staff for their work at the MASWCD, MAWD,
and AMC Conventions. Chair Deal will attend the EQB meeting on December 18.
He stated that the pipeline issue will be discussed at the meeting. Discussion
followed.

Executive Director's Report – Ron Harnack reported that staff were saddened by
two unfortunate incidents this past month. First, the unexpected death of Joe Beck,
staff technician, who passed away on November 27. Our prayers are with the
family. And second, Tim Fredbo was hit by a car while walking his dog on December
2. Tim is now at home recovering from a broken leg, fractured knee, fractured toes,
concussion and brain swelling – we wish him a quick recovery.

Ron stated that the MASWCD, MAWD, and AMC had very good conventions. Good
discussions at the MASWCD convention regarding joint powers boards and impaired
waters issues.

Ron gave an update on CREP. A meeting was held last week with conservation
groups, agricultural groups, the three CREP proposal area coordinators, state and
federal agencies, the Governor's office, and two facilitators from Mediation Services.
This was a good opportunity to discuss CREP issues and options. Another meeting
will be held on December 19 to continue discussions and hopefully find a
compromise that all can support or alternatively will not oppose. Discussion followed
regarding CREP.

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Dispute Resolution Committee – Jim Haertel reviewed the status of appeals.

Wetlands Committee – Recommendations of the committee are on the agenda.

Cost-Share/Soil Conservation Committee – Dwain Otte suggested conducting a survey regarding the NPEA JPB transition from eleven areas to seven. Other items will be addressed later in the meeting today.

Education and Public Relations Committee – Kay Cook stated that the Education Committee did not meet.

Administrative Advisory Committee – Chair Deal stated that the Committee met on November 24, those items will be addressed on the agenda later today.

AGENCY REPORTS

Mark Dittrich, Minnesota Department of Agriculture (MDA), reported that Perry Aasness left the MDA and will be coming back on January 9. MDA has been busy with the impaired waters process. Mark distributed a brochure on the 2004 Minnesota Organic and Grazing Conference and Trade Show that will be held January 23-24 in St. Cloud. Mark also distributed a brochure for the Minnesota Drainage Management Conference on January 8-9 in Crookston, and January 22-23 in Willmar.

Dan Wilson, Minnesota Department of Health (MDH), reported that MDH has purchased video recorders and cameras to monitor wells. Nearly 180,000 wells have been sealed. MDH is working with MPCA on abandoned oil exploration wells in Dakota County. Dan stated that the arsenic testing requirement will begin in January 2006. Discussion followed on well issues.

Gene Merriam, Department of Natural Resources (DNR), reported that DNR hosted a meeting on Monday with state and federal agencies regarding wetlands and shallow lakes. Commissioner Merriam stated that discussions will continue, as well as coordination, cooperation and the commitment for the recognition of the need for public awareness on wetland issues. Commissioner Merriam stated that this fall has been a good hunting season. Commissioner Merriam gave an update on the all terrain vehicles (ATVs) issues and the need for responsible riding.

Jim Anderson, Minnesota Extension Service (MES), reported on the reorganization that is occurring at the University of Minnesota. Effective January 5, the U of M will be in the process of moving into regional centers and reorganizing staff. Jim stated that Ron Struss, (in a shared position with MES and BWSR) has been located in the

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BWSR metro office for six years. Ron Struss has received approval to continue working with MES and BWSR in the BWSR metro office rather than relocating to Farmington. Jim stated that 19 local educator positions have been confirmed; 40 others are currently in negotiations; and other staff have received notification of their six-month work plan. Jim stated that this is a big change for both internal and external staffing. Jim commented on the Minnesota 2004 Waters Conference, March 23-24, in St. Paul. Jim was saddened to report that Pierre Robert, Director of the Precision Ag Center and Professor of Soil Science, passed away last Friday due to an accident.

Lisa Thorvig, Minnesota Pollution Control Agency, reported that an Impaired Waters Session will be held January 13 in St. Cloud. The stakeholders group has been meeting with MASWCD, MAWD, counties, cities, and has been well received by legislators. Lisa reported that a proposed fee will be generated for on the ground restoration activities and wastewater upgrades -- about \$75M per year. The Governor's Clean Water Cabinet will discuss this legislative initiative issue at their meeting on December 18. Lisa reported that MPCA will public notice in mid-January water impairments to approximately 2000; informational meetings will held statewide starting on January 5. Lisa commented on the MPCA legislative initiative regarding a phosphorus study. Lisa announced that MPCA has a signed memorandum of understanding with MNDOT for permit construction on road projects. This agreement may be a good model for discussions with county, city and township transportation authorities. Lisa reported that Minnesota is leading the nation in addressing mercury issues and commented on the mercury impairments in water. Lisa stated that a meeting with EPA will be held today to address the mercury issue.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

Ron Harnack explained the Legislative Initiatives for 2004 and the Administrative Advisory Committee's recommendations:

1) Shoreland Protection Program (103F.225) has a "sunset date" of June 30, 2004. The initiative would repeal the "sunset date" and leave the program authorization and program in place. Ron stated that even without funding, the program authority provides some good policy and guidance for local governments. Funding for the program is part of the bonding initiative being considered by the Governor. The Administrative Advisory Committee supports the legislative initiative to eliminate the sunset date. This program is referenced in the Clean Water Cabinet's pilot projects for the lakes region and is included in BWSR's bonding request. It also provides local governments with an additional lake management tool.

2) Technical Amendments to the Wetland Conservation Act Rule through the legislative process. Last years legislative changes to WCA would require BWSR to go through the rule making process to amend the rules. It is more efficient to do the changes legislatively as a technical change than to go through the cumbersome rule making process. The Administrative Advisory Committee recommendation is to hold off on this and work with the Revisor's Office. These may be technical changes that the Revisor's Office would move forward on without BWSR's separate initiative. Discussion followed.

3) Metro Surface Water Management Act amendment to delete or amend Minnesota Statute 103B.231, Subd 8. The agencies and WD's/WMO's have agreed that it is better for agencies to be proactive in the plan development process rather than waiting and reviewing after the plan is done. This amendment would still hold agencies accountable to the process while eliminating an unnecessary 60-day review period. The Administrative Advisory Committee recommends not moving forward with this until next year and see where the metro rules end up during the rule making process. The idea of streamlining is good, however, the metro rules coalition is still in deliberations. There was also interest in seeing how MPCA's stormwater initiative would fit into this rule. Discussion followed.

4) Administrative Penalty Order (APO) Authority for the Wetland Conservation Act. The general idea is to give local governments, BWSR, DNR, and organizations involved in wetlands enforcement an additional tool to achieve compliance as an alternative to the criminal process. Other organizations (i.e. MDA, MDH, and MPCA) have used this authority strategically and it has aided in compliance. The Administrative Advisory Committee felt that APO carries with it a need for specific guidance and utilization so as not to hinder appropriate administration and compliance with WCA. There is more assessment needed. In addition, this authority would be an additional work obligation that would be difficult to achieve. The Administrative Advisory Committee's recommendation is not to seek this authority for BWSR or LGU's. DNR is the primary enforcement mechanism, BWSR will continue to work with DNR as they review their interest in this authority for WCA as well as for other public waters and wetlands. Discussion followed.

****** Moved by Char Kahler, seconded by Dwain Otte, to adopt the Administrative
03-87 Advisory Committee's recommendations for the legislative initiatives. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 11:00 a.m. The meeting reconvened at 11:15 a.m.

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State Cost-Share Roll-Over Funds – Wayne Zellmer reported that the Administrative Advisory Committee examined the existing State Cost-Share Roll-Over fund balance at their November 24, 2003 meeting and considered allocation options for the available fund balance. Wayne explained that current BWSR policy requires that any State Cost-Share allocation funds that are not encumbered, or that become unencumbered after the end of the grant agreement period, be returned to the Board within 30 days after the end of the grant agreement period. The Administrative Advisory Committee recommends the State Cost-Share Roll-Over fund balance, in excess of \$123,000 (approximately \$150,000) be divided equally between the seven field staff areas and allocated for area high priority practices (Alternative #9). Practices will be selected by regional supervisors and board conservationists in consultation with SWCDs. Moved by Dwain Otte, seconded by Randy Kramer, to adopt the Administrative Advisory Committee's recommendation to divide equally between the seven field staff areas and allocate for high priority practices. Discussion followed. Motion passed on a voice vote.

**
03-88

SWCD Farm Bill Assistance Grants – Ron Harnack stated that BWSR has partnered with SWCD's, Pheasants Forever (PF) and DNR on grants to SWCD's to accelerate implementation of farm bill programs. The success of this over the past year has been an additional 20,000 + acres of lands enrolled in the various farm programs. There is a strong desire on the part of the districts, PF, DNR and BWSR to continue this partnership for another year, at a BWSR cost of up to \$150,000. We would use funds received from USFWS reimbursements that is not obligated to any specific project. SWCD's make a 25% match to the grant. The Administrative Advisory Committee recommendation is that this is a very worthwhile effort that keeps SWCD's in the forefront of conservation efforts and continues to help build local capacity and commitment to outcomes in conservation. Moved by Jack Frost, seconded by Dwain Otte, to approve the Administrative Advisory Committee's recommendation to continue the SWCD farm bill assistance grants. Discussion followed. Motion passed on a voice vote.

**
03-89

Brown's Creek Protection Initiative – Ron Harnack explained that the City of Stillwater is proposing to construct a project that would treat, control, and divert storm runoff and sewage away from Brown's Creek. This project has a cost estimate of \$2.1 million. The 2003 Legislature has appropriated \$1.3 million to BWSR for this project. Staff have reviewed the project with the City and DNR and has determined that the project meets the expectations of the appropriation. The Administrative Advisory Committee's recommendation is to approve the first installment of \$400,000 and recommend approval of the work plan/payment schedule for the entire project. Moved by Char Kahler, seconded by Victor Ormsby,

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- **
03-90 to adopt the Administrative Advisory Committee's recommendation to approve the Brown's Creek Protection Initiative. Motion passed on a voice vote.

Rules for Appeals of Watershed District Rules and Permit Decisions – John Jaschke explained that 2003 legislation required the Board to adopt exempt rules by January 1, 2005 and permanent rules within two years thereafter. Minnesota Statutes Section 103D.537 was also amended to allow public transportation authorities the ability to appeal watershed district permit decisions to the board. Further revisions to section 103D.537 gave public transportation authorities the option to request an expedited appeal process in appeals to the board of watershed district permit decisions.

A stakeholder group consisting of representatives from AMC, MNDOT, the Minnesota County Engineers Association, MAWD, and some watershed districts convened two times to review and comment on the draft rules. The draft rules were also forwarded for comment to the Governor's Office and to the senate and house environment and natural resources and transportation policy committees. Jim Haertel explained the process and details of the expedited appeals. Jim stated that the stakeholders group was in consensus of the draft rule, except the very last item dealing with expedited appeals in Chapter 8415.0120, Subpart 4, item D. The stakeholders all agreed it was the intent of the legislation to require BWSR to both hold a hearing and make a decision within 30 days of the expedited appeal being filed. However, the legislation language only required the hearing for expedited appeals to be held within 30 days of filing. The BWSR Administrative Advisory Committee recommended the rules be drafted to hold a hearing on expedited appeals within 30 days of filing and then have the board make a decision within 30 days of the hearing. Of particular concern to the committee was the possible need for special board meetings and the possible hearing of appeals by the full board instead of the dispute resolution committee conducting the hearing and then bringing the appeal to the full board for a decision.

John stated that upon further legal consultation, it was decided to make a "point-of-law" revision to the draft rules regarding the standard of review. It's been pointed out that having more than one standard of review for adjudication of a previous decision could result in improper or confused legal proceedings. Therefore, MR 8415.0120, Subp. 3.F, third and fourth lines (line number 4.22-4.23) the words "...the watershed district's findings of fact are not clearly erroneous or if ..." will be deleted. Thus, substantial evidence (the broader standard) will be the standard of

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- **
03-91 review. Moved by Victor Ormsby, seconded by Jack Frost, to approve the Administrative Advisory Committee and staff recommendation to adopt the exempt rules relating to water district appeals. Discussion follow. Motion passed on a voice vote.

Ron Harnack reported that the Administrative Advisory Committee also met with MASWCD Executive Committee at their November 24 meeting. It was decided that Chair Deal would appoint an ad hoc committee of the Board, with an invitation to participate to AMC, MASWCD and MAWD to begin discussion on a biennial budget strategy for '06-'07, including policy issues related to local government funding options for conservation programs. Chair Deal appointed: Kay Cook, Randy Kramer, Clair Nelson, Victor Ormsby and Karen Harder. Karen Harder was appointed as chair of the ad hoc committee. The Administrative Advisory Committee members may also attend from time to time. Doug Thomas will be the staff lead. The Ad Hoc Committee would provide recommendations to the Board no later than June 2004.

Wetland Committee

- Sale of Wetland Banking Credits** – John Jaschke and Doug Norris presented information regarding Minnesota Statutes 103G.222, Subd. 1(k), as amended in 2003, provides for the sale of wetland credits to public transportation authorities. This document establishes the cost of establishing the credits, and accordingly, the sales price to be charged to public transportation agencies. These sale prices will be updated annually via Board policy to reflect actual costs. The costs represent the average cost incurred by BWSR to establish or purchase credits at a number of wetland bank sites in each identified region. Moved by Victor Ormsby, seconded by
**
03-92 Quentin Fairbanks, to adopt the Wetland Committee's recommendation to approve the sale of wetland credits to public transportation authorities. Discussion followed. Motion passed on a voice vote.

- Wetland Banking Fees** (MS 103G.2242, Subds. 14-15) – John Jaschke presented information on the policy on wetland banking fees. Minnesota Statutes 103G.2242, Subds. 14 and 15 require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program. This action adopts the fee structure and procedures that will be implemented beginning January 1, 2004, and are subject to annual evaluation and possible change. Doug Norris explained the background, definitions, fee structure and procedures. John stated that the wetland banking fees are clarified by annual evaluation. Moved by Jack Frost, seconded
**
03-93 by Kay Cook, to approve the policy on wetland banking fees. Discussion followed. Commissioner Merriam questioned the authority to establish a fee without the

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adoption of rules. Karen Harder also noted that the statute states "account maintenance annual fee". John Jaschke contacted legal counsel regarding these issues and was advised that there was reasonable discretion left to the Board. Motion passed on a voice vote.

The Minnesota Routine Assessment Method (MnRam) Version 3 – John Jaschke explained that MnRAM is one of the accepted standard procedures for evaluating wetland functions and values. BWSR lead an interagency work group to develop a new version of this tool to help assess a wetland's contribution to the diversity and integrity of Minnesota's natural resources. It is available to local governments, consultants, and others with a role in implementing the Wetland Conservation Act and other wetland management programs. MN Rule 8420.0112 requires updates to items incorporated by reference to be approved by the Board. The interagency work group endorsed the updated version and the Wetland Committee recommends approval of Version 3 – Minnesota Routine Assessment Method. Moved by Jack Frost, seconded by Lisa Thorvig, to approve the MnRAM Version 3. Motion passed on a voice vote.

**

03-94

Chair Deal called for a lunch break at 12:50 p.m. The meeting reconvened at 1:15 p.m.

NEW BUSINESS

Storm Water Program Design Update – Lisa Thorvig introduced Brian Livingston, MPCA Design Team on Minnesota Storm Water. Brian reported that the MPCA has convened a storm water design team, comprised of a wide range of stakeholders, to design a state effort to reduce or eliminate the adverse environmental effects of storm water discharge to Minnesota's lakes, rivers, streams, wetlands, and groundwater. The purpose of the effort is to: i.) design or redesign the major storm water program elements (i.e., construction, MS4, industrial, partnership, education/outreach, and monitoring); ii) provide guidance for the storm water rule development; iii.) address the interrelationship between storm water and the Agency's impaired waters' efforts; iv.) be efficient by integrating storm water management into the existing planning, regulatory and governance framework to the maximum extent possible; v.) evaluate proposals and provisions for funding; and vi.) assure the development of technical tools (guidance) and training for those responsible for storm water management. Chair Deal thanked Brian for his presentation.

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New Budget Forecast – Ron Harnack gave an update on the budget outlook. The economy of the state is slowly recovering. A shortfall is still being projected, however a very small percentage. Ron stated that the budget is looking better, however, that does not mean we will be free from additional reductions for the balance of the biennium. The February forecast will have a great deal to do with the decisions regarding the remainder of the biennium.

Upcoming Meetings

2004 Legislative Session Begins – February 2, 2004.

2004 Board Meetings – Ron Harnack stated that the Board has previously discussed eliminating two board meetings consistent with our biennial budget strategy. One Board tour will be held in 2004 rather than two tours. The Board concurred with the board meeting schedule for 2004: January 28, March 24, April 28, May 26, June 23, August 25, September 22, October 27, and December 15; eliminating the February and July meetings.

ADVISORY COMMENTS

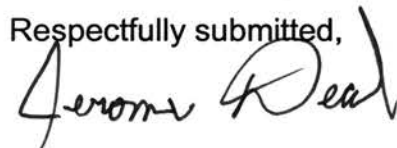
Rick Reimer, Minnesota Association of Conservation District Employees (MACDE) reported that the MASWCD convention was held earlier in the month. MACDE encouraged SWCDs to mirror county water plans, combining information into one plan. The next MACDE meeting will be held in January in Waite Park.

Jerome Deal commented for Ray Bohn, MAWD, and reported that the MAWD convention was very successful.

Chair Deal thanked the Board for the good discussion on issues today.

** Moved by Quentin Fairbanks, seconded by Dwain Otte, to adjourn the meeting at 1:50 p.m.
03-95

Respectfully submitted,



Jerome Deal
Chair

Dispute Resolution Report
December 3, 2003
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. Three new appeals have been filed since the last report of October 9.

There is an appeal of a restoration order in Carlton County. The violation involves the excavation of a ditch in wetland. The appeal is pending.

There is an appeal of a restoration order in Otter Tail County. The violation involves the placement of fill in wetlands to provide paths to deer stands. The appeal is pending.

There is an appeal of a replacement plan decision in the City of Savage in Scott County. The replacement plan approval is for a commercial development. The appeal has been withdrawn.

There is an appeal of an exemption decision in Morrison County. The appeal regards a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order have been issued. The appeal has been remanded for a hearing.

There is an appeal of a no-loss decision in the City of Hermantown near Duluth in St. Louis County. The site is an old refinery where Superfund cleanup has been done and is continuing. There are questions about the extent of wetlands on the property and whether a consent decree applied to the whole site. A meeting was held with representatives of the agencies that entered into the consent decree. The results of the meeting were conveyed to the landowner. The appeal has been accepted but it is unknown if the appeal will be heard depending on the outcome of a meeting with the city, the landowner and the TEP.

There is an appeal of a restoration order in St. Louis County. The proposed project involves an access road and a shooting range. The appeal is in abeyance pending a decision by the LGU on a replacement plan application.

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 County. The proposed project is for a residential development. The appeal is in abeyance since it was remanded to the WMO for an expanded TEP. Under remand the WMO made the same decision as before, and that decision has now been appealed. The present appeal was remanded again for further technical work. It appears the LGU and the applicant have come to agreement and the appeal will likely be withdrawn.

There is an appeal of a no-loss decision in Meeker County. At issue is the wetland delineation. The project involves wetland fill for a garage. 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 project involves filling a wetland for landscaping purposes. 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.

Appeals Filed in 2003 (All WCA)

File No.	LGU Action	County (City)	LGU	Status
03-				
1	Replacement Plan	Hennepin (Brooklyn Center)	Shingle Creek WMO	LGU decision affirmed
2	Replacement Plan	Hennepin (Brooklyn Center)	Shingle Creek WMO	LGU decision affirmed
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	Closed, appeal resolved
6	Exemption/NoLoss	Douglas (Alexandria)	SWCD	Closed, appeal resolved
7	Exemption/NoLoss	Ramsey (Vadnais Heights)	Vadnais Lake Area WMO	Remanded
8	Exemption/NoLoss	Wright	Middleville Township	Remanded
9	Replacement Plan	Washington	Forest Lake	Denied as meritless
10	Exemption/NoLoss	Hennepin	Pioneer-Sarah Creek WMO	LGU Decision affirmed
11	Restoration Order	St. Louis	County Board	Pending
12	Exemption/NoLoss	Ramsey (Vadnais Heights)	Vadnais Lake Area WMO	Remanded
13	Wetland Delineation	Benton (Foley)	Benton County	Denied as meritless
14	Restoration Order	Clearwater (Shevlin)	County	Closed, appeal resolved
15	Restoration Order	Mahnomen	SWCD	Closed, new order issued
16	Exemption/NoLoss	St. Louis (Hermantown)	City	Pending
17	Restoration Order	Goodhue	SWCD	Closed, appeal resolved
18	Exemption/NoLoss	Morrison	SWCD	Remanded
19	Replacement Plan	Scott (Savage)	City	Withdrawn
20	Restoration Order	Otter Tail	County	Pending

12/3/03

2003 MN Farmbill Initiative

Statewide Summary

COUNTY/MONTH	Hours	# Farmer Contracts	Total Enrolled #Contracts / #Acres	Filterstrips #Contracts / #Acres	Riparian Buffers #Contracts / #Acres	Field Borders & Contour Buffer #Contracts / #Acres	Field Wind Breaks #Contracts / #Acres	Shelterbelts #Contracts / #Acres	General CRP #Contracts / #Acres	Other-Wetlands, living snow fence #Contracts / #Acres	CCRP Farmed Wetland Pilot #Contracts / #Acres
STATEWIDE											
January	1105	446	64 373.9	21 150.5	15 69.4	6 29	5 21.4	10 42.6		4 38.6	3 22.4
February	1362	805	73 683.6	31 286.6	9 74.2	3 22.8	6 19.6	13 35.6		5 118.5	6 126.3
March	1840	897	102 1061.9	33 284.7	20 201.2	3 8.4	18 68.4	8 16.8		15 225	16 257.4
April	1796	875	59 551.9	17 177.5	11 86.5	4 12.1	8 40.6	7 11.4		6 95	6 128.8
May	1516	2257	98 1323.4	29 234.9	13 127.3	13 29.9	10 19.6	6 14.1		20 751.9	11 145.7
June	1666	2675	132 1546.6	48 426.1	9 78	0 0	7 36	10 27.2		16 166.8	42 812.5
July	1919	2564	52 432	25 166.3	3 72	0 0	3 9	3 4.4		12 108.8	6 71.5
August	1544	1012	213 5753.36	21 324.4	5 100.6	0 0	5 30.1	2 8.06	166 4070.2	11 1136.4	9 83.6
September	1887	1695	354 7423.24	89 883.82	50 740	0 0	14 148.6	14 63.4	83 1814.9	88 3098.32	32 674.2
October	1162	668	106 901.02	48 401.02	6 33.5	0 0	7 20.1	16 33.1		22 277.9	10 135.4
November	0	0	0 0	0 0	0 0	0 0	0 0	0 0		0 0	0 0
December	0	0	0 0	0 0	0 0	0 0	0 0	0 0		0 0	0 0
TOTAL	15796	13894	1253 20050.92	362 3335.8	141 1582.7	29 102.2	83 413.4	89 256.66	249 5885.1	199 6017.22	141 2457.8

BLUE EARTH

January																				
February																				
March																				
April																				
May																				
June		6	2	2.8			1	0.8									1	2		
July																				
August																				
September		6	26	349											26	349				
October																				
November																				
December																				
TOTAL	0	12	28	351.8	0	0	1	0.8	0	0	0	0	0	0	26	349	1	2	0	0

CHIPPEWA

January	Vacant																		
February	Vacant																		
March	Vacant																		
April																			
May																			
June																			
July																			
August																			
September																			
October																			
November																			
December																			
TOTAL	0	0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres	Filterstrips #Contracts / #Acres	Riparian Buffers #Contracts / #Acres	Field Borders & Contour Buffer #Contracts / #Acres	Field Wind Breaks #Contracts / #Acres	Shelterbelts #Contracts / #Acres	General CRP #Contracts / #Acres	Other-Wetlands, living snow fence #Contracts / #Acres	CCRP Farmed Wetland Pilot #Contracts / #Acres
CHISAGO											
January											
February	104	55	3	3.4			2	2.9	1	0.5	
March	112	46	16	44.7			8	30.1	2	1.9	4
April	96	15	4	15.4			2	7.3	1	0.5	1
May	88	14	2	7.9			2	7.9			7.6
June	80	34	0	0							
July	92	25	0	0							
August	80	19	0	0							
September	88	11	0	0							
October	92	13	0	0							
November											
December											
TOTAL	832	232	25	71.4	0	0	0	0	0	0	15.6

COTTONWOOD																			
January	30	20																	
February																			
March	115.8	148	16	215.4	7	37.6	7	52.3			4	12.2	2	4.4		1	1.4	5	107.5
April	148	195	0	0															
May	85	105	6	19.5							4	5.1	1	3.5				2	10.9
June	60	1850	0	0															
July	59	124	3	8.8							2	8	1	0.8					
August	55	75	21	640.2											21	640.2			
September	100.8	58	0	0															
October	89	135	9	71.6	4	44.2	4	26.3			1	1.1							
November																			
December																			
TOTAL	742.5	2710	55	955.5	11	81.8	11	78.6	0	0	11	26.4	4	8.7	21	640.2	1	1.4	7

FARIBAULT																			
January																			
February																			
March	2	1	0	0															
April	23	16	0	0															
May	60.5	16	7	8.5					7	8.5									
June	68	29	1	4.5			1	4.5											
July	61	11	4	4.7	4	4.7													
August	45	12	4	73.2	3	7.1									1	66.1			
September																			
October	49	9	5	19	4	15.5							1	3.5					
November																			
December																			
TOTAL	308.5	94	21	109.9	11	27.3	1	4.5	7	8.5	0	0	1	3.5	1	66.1	0	0	0

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer #Contracts / #Acres		Field Wind Breaks #Contracts / #Acres		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence #Contracts / #Acres		CCRP Farmed Wetland Pilot	Wetland #Contracts / #Acres
GRANT																				
January	168	17	13	64.5			2	9.8	4	15.1			7	39.6						
February	160	153	9	86.7			1	10					6	27.8			2	48.9		
March	140	46	1	7			1	7												
April	90	49	5	90.3	1	22.5					1	19.7	2	5.2			1	42.9		
May	96	20	4	43.9	2	28.1													2	15.8
June	100	25	5	142	2	22.9											2	79.6	1	39.5
July	58	20	1	8.3															1	8.3
August	120	59	28	539.2	2	29.5	1	9					1	2.1	21	469.7			3	28.9
September	178	63	26	417.3	11	113.9	6	136.3			3	34.1	2	5.4			1	49.8	3	77.8
October																				
November																				
December																				
TOTAL	1110	452	92	1399.2	18	216.9	11	172.1	4	15.1	4	53.8	18	80.1	21	469.7	6	221.2	10	170.3

JACKSON																				
January	180	35	6	38.2	1	9.4					4	20							1	8.8
February	48	17	4	35	2	15					1	6.3							1	13.7
March	54	26	3	26.7	1	3.7					1	12.9							1	10.1
April	17	4	2	2.5							1	1					1	1.5		
May	52	1537	1	3.8									1	3.8						
June	52	35	0	0																
July	138.5	1560	2	2.5							1	1					1	1.5		
August	103	43	24	507											24	507				
September	96	34	3	8.2	3	8.2														
October	13	5	4	15.4	3	14.1					1	1.3								
November																				
December																				
TOTAL	753.5	3296	49	639.3	10	50.4	0	0	0	0	9	42.5	1	3.8	24	507	2	3	3	32.6

LAC QUI PARLE																				
January																				
February																				
March																				
April																				
May	35.5	17	0	0																
June	33	17	1	1.3	1	1.3														
July	44	9	0	0																
August	42	29	0	0																
September	72	21	33	621.9	10	129.5							4	11.4	13	388.9	3	43.6	3	48.5
October	66.5	15	10	220.3	3	11.4											5	157	2	51.9
November																				
December																				
TOTAL	293	108	44	843.5	14	142.2	0	0	0	0	0	0	4	11.4	13	388.9	8	200.6	5	100.4

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer #Contracts / #Acres		Field Wind Breaks #Contracts / #Acres		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence #Contracts / #Acres		CCRP Farmed Wetland Pilot #Contracts / #Acres	
LE SUEUR																				
January																				
February																				
March	80	61	6	32.3	4	26					1	2.6							1	3.7
April																				
May																				
June		8	3	25.1	1	21.7					1	3					1	0.4		
July																				
August																				
September			4	176.8											4	176.8				
October																				
November																				
December																				
TOTAL	80	69	13	234.2	5	47.7	0	0	0	0	2	5.6	0	0	4	176.8	1	0.4	1	3.7

LINCOLN																				
January	NA																			
February	NA																			
March	NA																			
April	49	20	6	74.5	1	3.6	4	42.3											1	28.6
May	66	95	4	76.5	1	4.6	2	62.7											1	9.2
June	69	19	1	2.8									1	2.8						
July	5	8	1	4.6	1	4.6														
August	26	16	7	47.8	1	3.8	1	12							5	32				
September	114	35	34	409.2	1	2.9	32	404.9			1	1.4								
October	92	17	2	8.3			1	5.5											1	2.8
November																				
December																				
TOTAL	421	210	55	623.7	5	19.5	40	527.4	0	0	1	1.4	1	2.8	5	32	0	0	3	40.6

LYON																				
January																				
February	100	35	3	6	1	2					1	3	1	1						
March	100	16	11	23	1	1.7					1	2	2	5.3			7	14		
April	100	61	3	7.2	2	7.2	1	?												
May	100	86	2	15.6	1	12.8											1	2.8		
June	97	137	2	10																
July	130.5	279	8	37	5	27.4							1	2				2	10	
August	143	331	21	460.5											21	460.5		2	7.6	
September	50.75	547	3	26.5	2	1.9	1	24.6												
October																				
November																				
December																				
TOTAL	821.3	1492	53	585.8	12	53	2	24.6	0	0	2	5	4	8.3	21	460.5	8	16.8	4	17.6

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer #Contracts / #Acres		Field Wind Breaks #Contracts / #Acres		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence #Contracts / #Acres		CCRP Farmed Wetland Pilot #Contracts / #Acres	
MARTIN																				
January	8	5	1	1.6			1	1.6												
February	22	10	4	14.3	4	14.3														
March	76	22	2	4.2	1	2							1	2.2						
April	18	32	0	0																
May	20.5	29	1	3.3															1	3.3
June	19	17	3	11.5	1	0.5												2	11	
July	40.5	0	2	6.2	2	6.2														
August	40	10	4	312.8	4	167.5									145.3					
September	47	495	2	8	1	4													1	4
October	19	10	2	19.4	2	19.4														
November																				
December																				
TOTAL	310	630	21	381.3	15	213.9	1	1.6	0	0	0	0	1	2.2	0	145.3	0	0	4	18.3

MOWER																				
January																				
February	39	4	4	49.5							1	1.3	1	0.8			2	47.4		
March	146.5	167	0	0																
April	136	64	0	0																
May	129	28	13	135.4	5	57.6	4	4.9	0	0	2	1.8	2	2.7			1	0.5	2	67.9
June	142	13	26	257.4	11	124.9	1	4.9			2	3.5	5	8			3	4.2	4	111.9
July	142	14	8	85.5	3	37.7											4	7.8	1	40
August	30	5	4	13.9			1	10.7									3	3.2		
September	36	2	4	10.2	3	5.6							1	1.8			2	2.8		
October																				
November																				
December																				
TOTAL	800.5	297	59	551.9	22	225.8	6	20.5	0	0	5	6.6	9	13.3	0	0	15	65.9	7	219.8

PIPESTONE																				
January																				
February																				
March																				
April																				
May	64	3	0	0																
June	160	81	0	0																
July	160	85	0	0																
August	160	90	5	22.96	2	14					1	1	1	5.96					1	2
September	160	52	5	19.02	4	17.02							1	2						
October	150	70	33	206.12	16	147.22					1	1.2	12	26.2			5	14	1	17.5
November																				
December																				
TOTAL	854	381	43	248.1	22	178.24	0	0	0	0	2	2.2	14	34.16	0	0	5	14	2	19.5

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer #Contracts / #Acres		Field Wind Breaks #Contracts / #Acres		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence #Contracts / #Acres		CCRP Farmed Wetland Pilot #Contracts / #Acres	
POPE																				
January	113.5	23	11	67.9	3	17.7	5	33	2	13.9							1	3.3		
February	148.3	97	17	285.8	5	138.5	5	36.4	3	22.8			1	1			1	22.2	2	64.9
March	180	69	20	164.1	5	30.1	10	121.4	3	8.4									2	4.2
April	140	41	11	96.1	2	11.4	4	29.9	3	10.9							1	4.9	1	39
May	184.5	78	22	185.9	5	65.2	7	59.7	6	21.4			1	1					3	38.6
June	171.5	120	11	150	3	58.8	5	64.3			2	25.9	1	1						
July																				
August	128	58	7	124	1	9.4	2	68.9			3	24.1			2	11.5			1	10.1
September	168	52	100	2717.42	11	215.8	11	174.2			7	100.6					62	2106.52	7	120.3
October	120	82	8	57.5	3	29.4	1	1.7			1	12.8	1	0.4			1	4	1	9.2
November																				
December																				
TOTAL	1354	620	207	3848.72	38	576.3	50	589.5	17	77.4	13	163.4	4	3.4	2	11.5	66	2140.92	17	286.3

REDWOOD																				
January																				
February																				
March																				
April																				
May	60	25	25	715.2	12	55.2											13	660		
June	60	45	6	16.8	4	14.4					1	1	1	1.4						
July	34	36	0	0																
August	2	0	8	105											8	105				
September	2	4	13	184.9	2	8.9											11	176		
October																				
November																				
December																				
TOTAL	158	110	52	1021.9	18	78.5	0	0	0	0	1	1	1	1.4	8	105	24	836	0	0

RENNVILLE																				
January	176	93	12	59.5	12	59.5														
February	140	62	8	56.5	8	56.5														
March	200	89	9	185.4	6	77.8							1	3					3	104.6
April	179	114	1	0.4							1	0.4								
May	167	119	0	0																
June	147	94	2	65													1	32.2	1	32.8
July	184	121	7	48.5	3	22.3							1	1.6			1	9	2	15.6
August	92	73	5	45.9	1	3.3													4	42.6
September	70	63	4	347.1	1	5.2									18	302.8	1	4.1	2	35
October	68	114	7	88.1	2	14.9					1	0.7					1	26.5	3	46
November																				
December																				
TOTAL	1423	942	55	896.4	33	239.5	0	0	0	0	2	1.1	2	4.6	18	302.8	4	71.8	15	276.6

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer #Contracts / #Acres		Field Wind Breaks #Contracts / #Acres		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence #Contracts / #Acres		CCRP Farmed Wetland Pilot #Contracts / #Acres	
ROCK																				
January	126	113	5	40.2	2	31.8	1	4.8					1	0.4			1	3.2		
February	115	84	5	27.4	2	5.5	2	21.2					1	0.7						
March	119	52	1	23.2	1	23.2														
April	127.5	18	0	0																
May																				
June			12	63.1	3	22.6	1	3.5			1	2.6	1	1			6	33.4		
July	36		3	5.2	1	1.6											2	3.6		
August	79		3	32.3											3	32.3				
September	40		2	5.6	1	4.7							1	0.9						
October			15	130.3	3	50.9							2	3			10	76.4		
November																				
December																				
TOTAL	642.5	267	46	327.3	13	140.3	4	29.5	0	0	1	2.6	6	6	3	32.3	19	116.6	0	0

SIBLEY/MCLEOD																				
January		2	1	24.6													1	24.6		
February		0	0	0																
March		2	0	0																
April	61	18	0	0																
May																				
June	26	10	0	0																
July																				
August																				
September																				
October																				
November																				
December																				
TOTAL	87	32	1	24.6	0	0	0	0	0	0	0	0	0	0	0	0	1	24.6	0	0

STEARNS																				
January	169	88	11	71.5	2	31.4	5	17.6			1	1.4					1	7.5	2	13.6
February	152.5	128	6	35	3	18.4	1	6.6											2	10
March	125	34	4	32.4	1	8.4	1	9.3			1	0.7							1	14
April	150	61	14	131.7	6	59.7	2	14.3	1	1.2			2	2.9					3	53.6
May																				
June	0	0	2	11.1	2	11.1														
July	93	0	3	44.3	1	15.6	2	28.7												
August																				
September																				
October																				
November																				
December																				
TOTAL	689.5	311	40	326	15	144.6	11	76.5	1	1.2	2	2.1	2	2.9	0	0	1	7.5	8	91.2

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres	Filterstrips #Contracts / #Acres	Riparian Buffers #Contracts / #Acres	Field Borders & Contour Buffer #Contracts / #Acres	Field Wind Breaks #Contracts / #Acres	Shelterbelts #Contracts / #Acres	General CRP #Contracts / #Acres	Other-Wetlands, living snow fence #Contracts / #Acres	CCRP Farmed Wetland Pilot #Contracts / #Acres
STEELE/RICE											
January											
February											
March	60.5	8	0	0							
April	88.5	60	0	0							
May	25	28	2	37.1							
June	0	0	37	627.9	5	20.6				2	37.1
July	41.5	9	1	35.9						1	35.9
August	38	15	4	75.6					4	75.6	
September	66.5	15	16	816.2	3	19.8				2	465.3
October											11
November											
December											
TOTAL	320	135	60	1592.7	8	40.4	0	0	0	0	43

STEVENS											
January											
February											
March											
April											
May											
June	43	11	0	0							
July	78	51	1	2.4	1	2.4					
August	75	32	5	156.2			1	5		4	151.2
September	86	35	19	400.9	8	111	2	10.5	4	37.7	22.4
October	77	48	7	31.9	5	28.9	2	3			
November											
December											
TOTAL	359	177	32	591.4	14	142.3	0	0	0	0	22.4

SWIFT											
January											
February											
March											
April											
May											
June	29	19	0	0							
July	103	53	0	0							
August	103	53	22	604.2							
September	53	33	16	167.6	11	128.4	1	2	1	4.2	33
October											
November											
December											
TOTAL	288	158	38	771.8	11	128.4	0	0	0	0	33

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres		Filterstrips #Contracts / #Acres		Riparian Buffers #Contracts / #Acres		Field Borders & Contour Buffer #Contracts / #Acres		Field Wind Breaks #Contracts / #Acres		Shelterbelts #Contracts / #Acres		General CRP #Contracts / #Acres		Other-Wetlands, living snow fence #Contracts / #Acres		CCRP Farmed Pilot	Wetland #Contracts / #Acres
TRAVERSE																				
January	30	7	2	3.3	1	0.7	1	2.6												
February	35	11	8	77.8	5	31.9					1	6.1	1	2.1					1	37.7
March	0	0	4	73	2	48.8											1	18.9	1	5.3
April	12.5	21	0	0																
May	15.5	1	0	0																
June	62.5	21	1	21.1	1	21.1														
July	76.25	48	7	94.8	4	43.8											3	51		
August	55	23	4	43.1	4	43.1														
September	132	60	3	46	2	18.6											1	27.4		
October																				
November																				
December																				
TOTAL	418.8	192	29	359.1	19	208	1	2.6	0	0	1	6.1	1	2.1	0	0	5	97.3	2	43
WASECA																				
January																				
February																				
March	19.5	8	2	186													2	186		
April																				
May	1	2	0	0																
June	1	1	1	13									1	13						
July																				
August																				
September																				
October																				
November																				
December																				
TOTAL	21.5	11	3	199	0	0	0	0	0	0	0	0	1	13	0	0	2	186	0	0
WATTONWAN																				
January				0																
February				0																
March				0																
April				0																
May				0																
June				0																
July				0																
August				0																
September				0																
October				0																
November				0																
December				0																
TOTAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

COUNTY/MONTH	Hours	# Farmer Contacts	Total Enrolled #Contracts / #Acres	Filterstrips #Contracts / #Acres	Riparian Buffers #Contracts / #Acres	Field Borders & Contour Buffer #Contracts / #Acres	Field Wind Breaks #Contracts / #Acres	Shelterbelts #Contracts / #Acres	General CRP #Contracts / #Acres	Other-Wetlands, living snow fence #Contracts / #Acres	CCRP Farmed Wetland Pilot #Contracts / #Acres
WILKEN											
January	99	38	2	2.6				2	2.6		
February	160	89	0	0							
March	160	62	5	42.1	2	23	1	11.2	2	7.9	
April	179.5	67	9	79.9	2	20.3		2	11.1	2	2.8
May	100	41	5	58.9	1	4.4		2	4.8		3
June	100	56	14	116	12	101					45.7
July	168	101	0	0							2
August	128	61	35	1912.7	1	9.9					49.7
September	137	80	6	35.6	6	35.6			34	920.8	2
October	163.5	101	1	10.3	1	10.3					15
November											
December											
TOTAL	1395	696	77	2258.1	25	204.5	1	11.2	0	0	6
YELLOW MEDICINE											
January	5	5	0	0							
February	138.5	60	2	6.2	1	4.5			1	1.7	
March	150	40	2	2.4	2	2.4					
April	180.5	19	4	53.9	3	52.8		1	1.1		
May	166.3	13	4	11.9	2	7			1	3.1	
June	145.8	27	2	5.2	2	5.2					1
July	174.5	10	1	43.3			1	43.3			1.8
August	0	8	2	36.8	2	36.8					
September	190	29	35	655.8	9	52.8			22	597.4	1
October	163	49	3	22.8	2	14.8					3.5
November											1
December											2.1
TOTAL	1314	260	55	838.3	23	176.3	1	43.3	0	0	1
											1.1
											2
											4.8
											22
											597.4
											2
											5.3
											3
											10.1

BROWN'S CREEK PROTECTION INITIATIVE

BACKGROUND

The Brown's Creek Protection Initiative is an environmental project within the City of Stillwater to preserve and protect Brown's Creek, one of the few remaining trout streams in the Twin Cities Metropolitan Area. Brown's Creek is located in the northern part of Stillwater in primarily a residential area. The neighborhood remains rural in character with no city services (sanitary sewer, watermain, storm sewer,). All existing homes have septic systems, and are served by wells for their water source. Storm water runoff and sewage from the septic systems flow into Brown's Creek posing environmental concerns to Brown's Creek.

ISSUE

The City is proposing to construct a project that would treat, control, and divert storm runoff and sewage away from Brown's Creek. This project has a cost estimate of \$2.1 million. The 2003 legislature has appropriated \$1.3 million to BWSR for this project. The City will provide the balance of project costs.

RECOMMENDATION

The City of Stillwater has submitted to BWSR a budget and workplan for this project, which has been approved by BWSR staff. The Administrative Advisory Committee recommends the approval of this allocation.



Phil

RECEIVED

SEP 08 2003

Bd. of Water & Soil Resources
St. Paul

September 2, 2003

Phil Beliori
Board of Water and Soil Resources
One West Water St, Ste 200
St. Paul, MN 55107

Subject: Stillwater Brown's Creek Protection Initiative - Request for Disbursement of Funds

Dear Phil:

As you are aware the State Legislature awarded a \$1.3 million grant to the City of Stillwater to complete the Brown's Creek Protection Initiative. The City of Stillwater is undertaking a project known as the North Hill Project that will incorporate various improvements that will directly and indirectly protect and enhance Brown's Creek. On August 5, 2003, the City of Stillwater held a public hearing on this project. After hearing testimony the City Council passed a resolution, Resolution No. 2003-17 Ordering Improvement and Preparation of Plans & Specifications for the North Hill Project (Project 2000-15). Based on this direction city staff has begun an ambitious program completing the plans and specifications with the intent of installing some of the improvements prior to the end of the year.

The cost of this project has been estimated at \$6,400,000.00, as shown in the attached feasibility report and amended feasibility report. The following table describes portions of the project that will directly or indirectly protect and enhance Brown's Creek. The table also shows the estimated costs of the portion of the proposed improvements that will benefit Brown's Creek.

Portion of Improvement
Protecting Brown's Creek

Sanitary Sewer - The project will install sanitary sewer to 130 homes that currently have aged and failing septic systems. Some of these septic systems are suspected of leaching towards the creek.	\$400,000
Water Main - Water main will be installed thru the entire neighborhood eliminating the need for wells. It's suspected that wells along the bluff line are tapping into groundwater sources that supply the creek with cold spring water	\$400,000
Storm Sewer - The project involves a significant storm water system. A large portion of which will divert water away from Brown's Creek into ponding and detention systems that discharge to the river.	\$800,000

Grading Work and Street Improvements - This work will include repairing some of eroded bluff lines and installation of curb that will redirect water from the bluff line.	\$500,000
TOTAL:	\$2,100,000

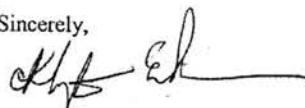
As shown in this chart the North Hill will include construction that benefits the creek in excess of \$2,000,000. The state grant was an important component to get the project to proceed. The City of Stillwater intends to pursue the project aggressively. In order to do so we request that the State release funds according to the following schedule.

PROJECT SCHEDULE

<u>Date</u>	<u>Description</u>	<u>Estimated Expense</u>	<u>Requested Grant Disbursement</u>
Aug 03	City begins design of 1 st phase of the project	\$400,000	\$250,000
Dec 03	City awards 1 st phase of project	\$900,000	\$400,000
April 04	City completes design on phase 2 and Phase 3 of the project and awards contract	\$4,800,000	\$400,000
Nov 04	City substantially completes Phase 2 and Phase 3 improvements	\$300,000	\$250,000

Under this funding proposal the State will issue four disbursements throughout the course of the project. The initial disbursement would be made immediately to assist the City in completing the engineering and initial project planning process. The final disbursement would not be released until the project is substantially complete. Hopefully this memorandum along with the attachments will provide you with enough information to review and approve the proposed disbursement schedule. If you have any questions or wish to discuss this issue further please feel free to give me a call.

Sincerely,



Klayton Eckles, P.E.
Director of Public Works

STATE COST SHARE ROLL-OVER FUNDS

BACKGROUND

Current Board policy requires that any State Cost Share allocation funds that are not encumbered, or that become unencumbered after the end of the grant agreement period, be returned to the Board within 30 days after the end of the grant agreement period.

ISSUE

At their November 24, 2003 Meeting, the BWSR Administrative Advisory Committee examined the existing State Cost Share Roll-Over fund balance and considered allocation options for the available fund balance:

Balance on November 6, 2003 - \$248,000

Estimated Amount of this Needed for
FY 05 State Cost Share Base Grant Allocations - \$123,000

Roll-Over Balance -

\$125,000
+ 60,000

\$185,000

Alternative Allocation Options for Roll-Over Balance

- 1) Select one or two projects from each region for funding.
- 2) Reserve balance for future Special Projects Program.
- 3) Reserve balance for future disaster relief.
- 4) Divide equally (\$1,374 per SWCD) and allocate with FY 05 Base Grant.
- 5) Fund the next eligible implementation projects from FY 04 LWM Challenge Grant Program.
- 6) Provide for needed eLINK enhancements.
- 7) Fund SWCD financial/accounting assistance.
- 8) Use for costs associated with NPEA JPB transition from eleven > seven.
- 9) Divide equally between the seven field staff areas (\$17,857 each) and allocate for high priority practices.

RECOMMENDATION

The Administrative Advisory Committee recommends the State Cost Share Roll-Over fund balance, in excess of \$123,000, be divided equally between the seven field staff areas and allocated for area high priority practices (Alternative #9). Practices will be selected by Regional Supervisors and Board Conservationists in consultation with SWCDs.

*approved
12/17/03*

Sale of Wetland Credits to Public Transportation Authorities

Minnesota Board of Water and Soil Resources

December 17, 2003

(Board Action 03-92)

I. Background

Minnesota Statutes 103G.222, Subd. 1(k), as amended in 2003, provides for the sale of wetland credits to public transportation authorities:

(k) For projects involving draining or filling of wetlands associated with a new public transportation project and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits.

This document establishes the cost of establishing the credits, and accordingly, the sales price to be charged to public transportation agencies. These sale prices will be updated annually by the Board to reflect actual costs.

II. Cost of Credits/Sales Price for CY 2004

The cost to establish wetland credits and thus the sale price for public transportation authorities that purchase the credits are as follows:

Location	Sales Price (BWSR's cost to establish)
7-County Metropolitan Area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington Counties)	\$8,992/acre
Outside of the 7-county metro area but within a major watershed that is wholly or partially in the Metro Area (see Figure 1.)	\$4,930/acre
Areas of the state other than those listed above	\$2,877/acre

The cost/sales figures above represent the average cost incurred by BWSR to establish or purchase credits at a number of wetland bank sites in each of the identified regions.

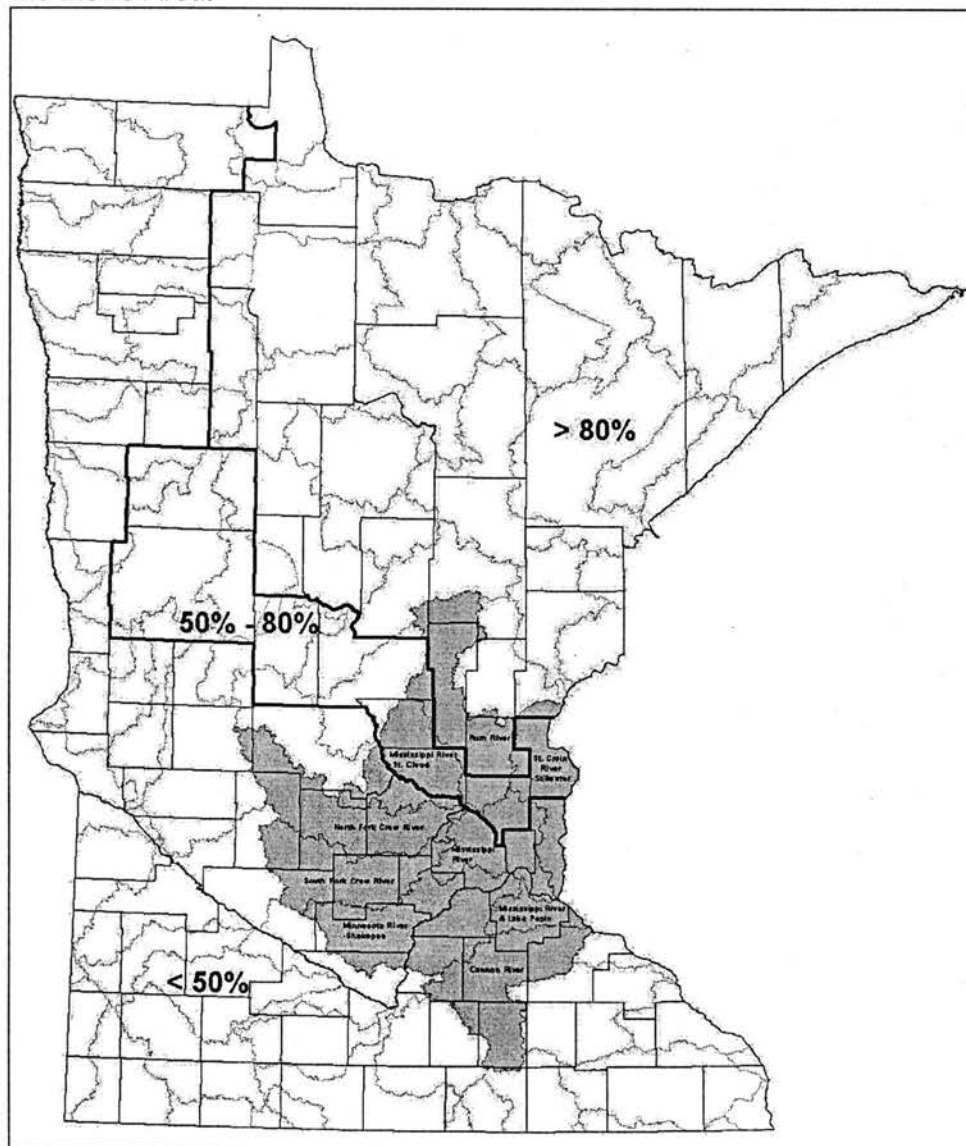
III. Purchasing Credits.

When purchasing credits for qualifying wetland impacts, the sales price charged to public transportation authorities will be based on the location of the wetland impact. For projects that have impacts in more than one of the three regions shown in Part II, the sales price will be based on the amount of wetland impact occurring in each region.

DRAFT

To purchase credits, public transportation authorities should contact the BWSR Wetland Bank Administrator (651-297-4958) for information on available credits. The location and number of credits (acres or square feet) to be purchased must be identified on a "Minnesota Wetland Conservation Act Application for Withdrawal of Wetland Credits from the Minnesota Wetland Bank," (available at <http://www.bwsr.state.mn.us/wetlands/wcamanual/index.html>) which must be included with the wetland replacement plan application prepared by the public transportation authority. Once the "Application for Withdrawal of Credits" has been signed by the appropriate regulatory authorities (box 7), the form should be submitted by the public transportation authority to the BWSR Wetland Bank Administrator along with a check (payable to BWSR) for the amount due. BWSR will then deduct the appropriate credits from the bank and provide confirmation to the public transportation authority and the appropriate regulatory authorities.

Figure 1. Shaded areas are major watersheds wholly or partially in the Metro Area.



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Policy on Wetland Banking Fees

Minnesota Board of Water and Soil Resources

December 17, 2003

(Board Action 03-93)

I. Background

Minnesota Statutes 103G.2242, Subds. 14 and 15 require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program:

Subd. 14. Fees Established. Fees must be assessed for managing wetland bank accounts and transactions as follows:

- X (1) account maintenance annual fee: one percent of the value of credits not to exceed \$500;
- (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed \$1,000 per establishment, deposit, or transfer; and
- (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

Subd. 15. Fees Paid To Board. All fees established in subdivision 14 must be paid to the board of water and soil resources and credited to the general fund to be used for the purpose of administration of the wetland bank.

The fee structure and procedures described in Part II will be implemented beginning January 1, 2004 and are subject to annual evaluation and possible change.

II. Definitions (from M.R. Chap. 8420.0110)

- A. Account or wetland bank account. "Account" or "wetland bank account" means a record of wetland banking debits and credits established by an account holder within the state wetland banking system.
- B. Account holder. "Account holder," in the state wetland banking system, is a person, corporation, government agency, or organization that is the owner of credits.
- C. Wetland banking credits. "Wetland banking credits" means acres or parts of acres of restored or created wetland or adjacent upland buffer described by type and topographic setting, or areas as described in parts 8420.0540 and 8420.0541, that have been approved for deposit in the wetland bank.

III. Fee Structure and Procedures

- A. Account Establishment and Deposit Fees. Account establishment and deposit fees will be assessed at 6.5% of the value of the credits

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deposited, not to exceed \$1,000. The value of the credits will be determined according to Part III.E.1. The account establishment fee will be collected at the time of initial deposit of wetland credits into the bank for the subject account¹. The establishment and deposit fees are limited to \$1,000 for each account, i.e., credits deposited into an account after the initial establishment (for instance, if the Technical Evaluation Panel did not certify all of the credits at one time) will be assessed a 6.5% deposit fee until the \$1,000 limit is reached. Subsequent deposits into the same account will not be assessed deposit fees unless the restrictive easement for the bank site has to be revised to reflect the additional credits. In that case, deposit fees will be assessed at 6.5% of the value of the credits deposited, not to exceed \$1,000. (To avoid these additional fees, banking applicants are encouraged to draft the original restrictive easement to cover all anticipated deposits.)

When the "Application to Deposit Wetland Bank Credits" form has been approved by the appropriate Local Government Unit (LGU), the applicant should submit the form, along with a check (payable to BWSR) for the amount due to the BWSR Wetland Bank Administrator. Applicants may contact the BWSR Wetland Bank Administrator to verify the amount due. Wetland credits deposited into a wetland bank account cannot be used for replacement purposes until the establishment/deposit fees have been paid.

Accounts for which the Wetland Banking Plan Application has received approval by the Local Government Unit after August 1, 2000 and prior to January 1, 2004 are exempt from account establishment fees. However, subsequent deposits after January 1, 2004 will be assessed deposit fees as described above.

- B. Account Maintenance Fee. Account maintenance fees will be assessed annually at 1% of the value of the credits in each account, not to exceed \$500. The value of the credits will be determined according to Part III.E.1. Account maintenance fees will be assessed at the time of the first transaction (withdrawal, transfer or deposit) of each year and will be based on the credits in the account at that time. If there are no transactions in an account for the year, then no maintenance fees will be assessed for that year. No transactions will be processed until the current year's maintenance fees have been paid.
- C. Account Transfer Fee. Account transfer fees will be assessed at 6.5% of the value of the credits transferred, not to exceed \$1,000. The value

¹ The exception to this is if the credits are deposited in a new account by transfer from an existing account. In that case, account transfer fees (see Part III.C) will be assessed.

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of the credits will be determined according to Part III.E.1 or Part III.E.2. Transfer fees are assessed when credits are transferred by any means (e.g., sale, gift, donation, exchange) from one account holder to a new owner, but not used for replacement purposes². To transfer credits, an "Application to Transfer" form, along with a check (payable to BWSR) for the applicable transfer fee should be submitted to the BWSR Wetland Bank Administrator. The Wetland Bank Administrator may be contacted to verify the amount of the transfer fee. BWSR will not transfer the credits until the fee is paid.

- D. Withdrawal Fee. Withdrawal fees are incurred when credits are withdrawn for the purposes of wetland replacement and will be assessed at 6.5% of the value of the credits withdrawn. The value of the credits will be determined according to Part III.E.1 or Part III.E.2. The applicable withdrawal fee should be submitted to the BWSR Wetland Bank Administrator along with the "Application for Withdrawal of Wetland Credits" form that has been approved by the appropriate regulatory authority(ies). Withdrawal fees will not be charged in cases where the "Application for Withdrawal of Wetland Credits" is received after January 1, 2004 and for which a purchase agreement was signed during calendar year 2003. Credits will not be withdrawn from the bank until the applicable withdrawal fees have been paid. After receiving payment, BWSR will deduct the appropriate credits from the subject account and notify the account holder, the user of the credits and the approving regulatory authority(ies).
- E. Value of Credits. The value of wetland credits for the purpose of assessing fees will be determined as follows:

² In cases of account transfers, the new account holder will not be charged account establishment or deposit fees.

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1. Credit Value (\$/acre) = Avg. agricultural land value (\$/acre) in the county where the bank is located (from Dept. Revenue – see Table 1 for 2003 values) x Wetland Credit Value Coefficient (currently 7.0).

The Wetland Credit Value Coefficient reflects the value added to the land by the wetland credits. It is determined by BWSR based on the average ratio of credit sale price to county land value for credits that BWSR has purchased from existing bank accounts statewide. The current coefficient of 7.0 is based on 32 separate credit sales from 1999 – 2000. This coefficient will be updated annually by BWSR Board Policy to reflect recent wetland credit market values. For the purposes of the formula above, the most recent agricultural land values available from the Minnesota Department of Revenue will be used.

2. For determining withdrawal or transfer fees, account holders may present other evidence to BWSR demonstrating the value of credits, such as actual sales values. When using actual sales data to determine credit values, account holders will be required to submit to BWSR actual bills of sale as documentation.

Table 1. Average agricultural land values for Minnesota counties for 2003 (from Minn. Dept. Revenue)

COUNTY	AVG \$/ACRE TILLABLE
AITKIN	\$542.53
ANOKA	\$2,917.14
BECKER	\$694.61
BELTRAMI	\$342.03
BENTON	\$1,449.43
BIG STONE	\$904.39
BLUE EARTH	\$2,248.75
BROWN	\$2,062.30
CARLTON	\$553.98
CARVER	\$2,272.57
CASS	\$762.94
CHIPPEWA	\$1,421.41
CHISAGO	\$1,586.46
CLAY	\$853.20
CLEARWATER	\$403.02
COOK	\$1,154.67

COTTONWOOD	\$1,672.88
CROW WING	\$1,052.26
DAKOTA	\$2,070.77
DODGE	\$2,059.35
DOUGLAS	\$1,016.84
FARIBAULT	\$1,952.24
FILLMORE	\$1,659.84
FREEBORN	\$1,835.25
GOODHUE	\$1,983.58
GRANT	\$1,033.89
HENNEPIN	\$4,002.21
HOUSTON	\$1,484.00
HUBBARD	\$1,027.51
ISANTI	\$1,319.30
ITASCA	\$366.12
JACKSON	\$1,806.27
KANABEC	\$957.55
KANDIYOHI	\$1,422.36
KITSON	\$446.82
KOOCHICHING	\$475.86
LAC QUI PARLE	\$1,057.49
LAKE	\$735.06
LAKE/WOODS	\$260.54
LE SUEUR	\$2,292.13

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LINCOLN	\$893.34	RENVILLE	\$1,828.18
LYON	\$1,453.95	RICE	\$2,601.63
McLEOD	\$1,860.42	ROCK	\$1,876.42
MAHNOMEN	\$528.47	ROSEAU	\$294.40
MARSHALL	\$450.60	ST. LOUIS	\$390.50
MARTIN	\$2,175.25	SCOTT	\$3,566.71
MEEKER	\$1,437.35	SHERBURNE	\$1,185.11
MILLE LACS	\$952.87	SIBLEY	\$1,977.26
MORRISON	\$1,078.12	STEARNS	\$1,257.80
MOWER	\$1,995.15	STEELE	\$1,992.70
MURRAY	\$1,512.93	STEVENS	\$1,117.95
NICOLLET	\$2,510.33	SWIFT	\$1,158.76
NOBLES	\$1,728.17	TODD	\$735.14
NORMAN	\$663.40	TRAVERSE	\$1,151.25
OLMSTED	\$1,821.06	WABASHA	\$1,639.46
OTTER TAIL	\$745.86	WADENA	\$701.55
PENNINGTON	\$306.64	WASECA	\$2,202.83
PINE	\$1,075.50	WASHINGTON	\$4,002.21
PIPESTONE	\$1,395.05	WATONWAN	\$1,797.90
POLK	\$697.20	WILKIN	\$1,036.09
POPE	\$986.24	WINONA	\$1,751.68
RAMSEY	\$4,002.21	WRIGHT	\$1,768.53
RED LAKE	\$345.25	YELLOW MEDICINE	\$1,276.79
REDWOOD	\$1,718.60		

MnRAM ver. 3 - Summary

December 17, 2003 (Board Action 03-94)

BWSR led an interagency group to develop a new version of a tool to help assess a wetland's contribution to the diversity and integrity of Minnesota's natural resources. It is available to local governments, consultants, and others with a role in implementing the Wetland Conservation Act and other wetland management programs.

The Minnesota Routine Assessment Method (MnRAM) is a standard procedure for evaluating wetland functions and values. MnRAM is considered a common lens through which the functions and inherent values of wetlands (and potential wetlands established via restoration or creation) can be accurately and fairly judged.

The upgraded version of MnRAM includes a series of questions programmed into a database for a quick picture of overall wetland ecologic health, vulnerability, and social value. The database format allows each local authority to sort wetlands based on the functions deemed most desirable for a given project. By popular demand, it is also being made available as an Excel worksheet. Once a wetland inventory has been completed, reference standards can be identified and individual wetlands ranked based on a local scale for land use planning.

Changes from Version 2.0 include scientifically referenced parameters, numeric ranking, clear direction on office-versus-field questions, less reliance on personal judgment and reference-based subjectivity, integrated GIS capability, comprehensive data management, added amphibian function evaluation, improved landscape-level evaluation (including buffer, upland soils, and upland land use), and less emphasis on groundwater assessment. Every question was re-evaluated in light of recent scientific knowledge as well as practicality for regulatory or planning purposes.

A series of sessions this past summer trained over 150 people across the state on use of the new method (many people had to be turned away because the sessions filled over capacity, thus additional sessions will be held in 2004). MnRAM has also been well-received in presentations at both local and national conferences. The workgroup has made modifications based on suggestions from participants at these events and we expect that the method will evolve over the years to incorporate future scientific and technical advances.

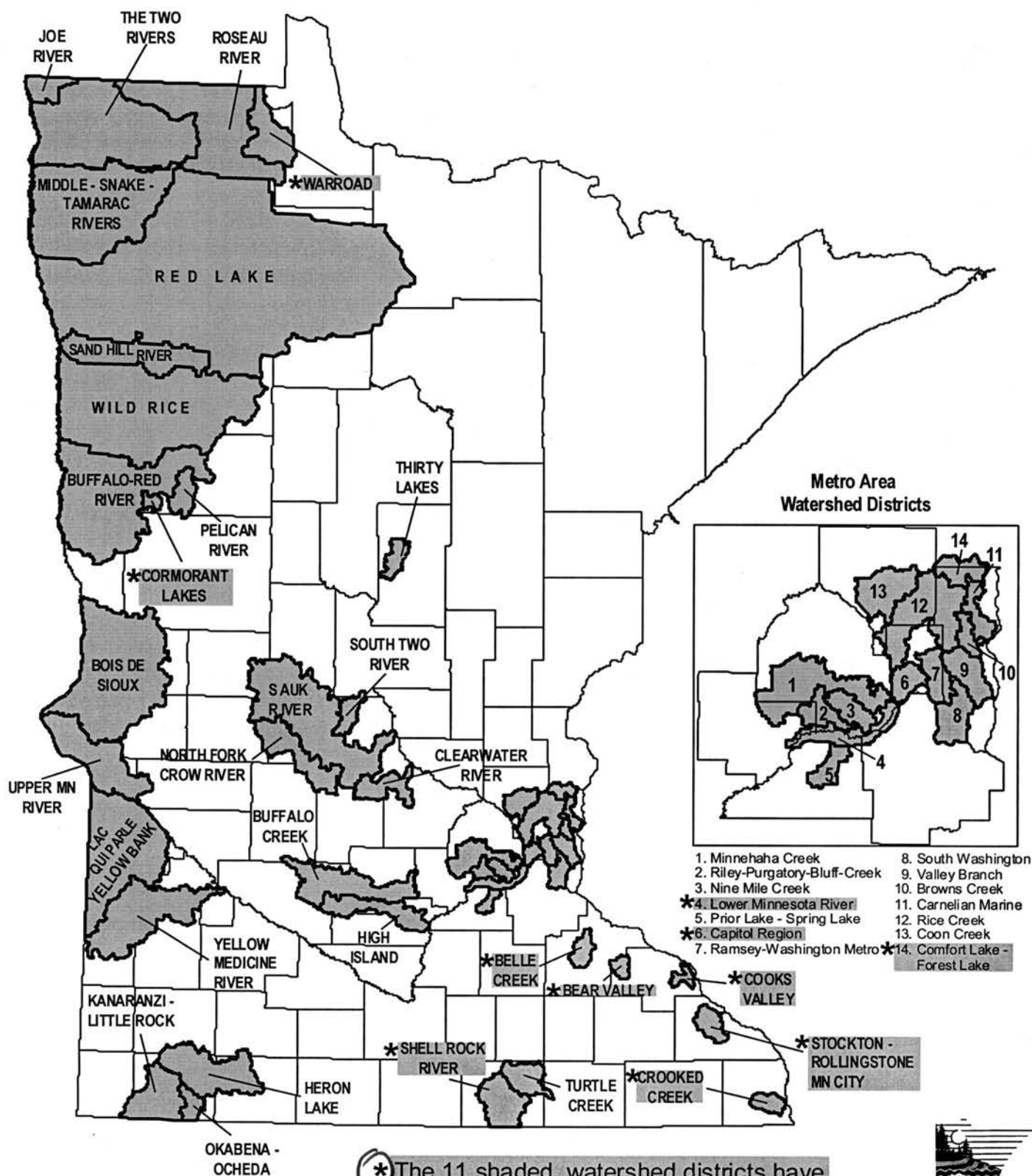
A policy-implementation procedure ("management classification") is intended as a companion document to be used in conjunction with MnRAM. This will help local planners interpret and use the MnRAM rating information, making adjustments for local goals. This will be more fully developed in the coming year (2004). Together with the potential to collect data statewide, these tools make the evaluation work done today valuable for evaluating landscape and water quality relationships now and into the future.

All available material relating to MnRAM is posted on the BWSR website at:
<http://www.bwsr.state.mn.us/wetlands/mnram/index.html>

The Workgroup suggests that the BWSR Board consider approving "use of the current version of MnRAM," so that future minor upgrades (to version 3.1, etc.) will not need to be approved separately.

Minnesota Association of Watershed Districts

MAWD



*The 11 shaded watershed districts have no rules available.

12-17-03

To: Board Members

Fr: John Jaschke, BWSR Staff

Re: Proposed Rules - Watershed District Rule & Permit Appeals by
Public Transportation Authorities (MS § 103D.537)

Upon further legal consultation, we have decided to make a "point-of-law" revision to the draft rules regarding the standard of review. It has been pointed out that having more than one standard of review for adjudication of a previous decision could result in improper or confused legal proceedings.

Therefore, in MR 8415.0120, Subp. 3.F, third and fourth lines (line numbers 4.22-4.23) the words "... the watershed district's findings of fact are not clearly erroneous or if ..." will be deleted. Thus, substantial evidence (the broader standard) will be the standard of review. The attached file shows the revision.

Attch.

C: Jim Haertel
Ron Harnack
Doug Thomas

- 1.1 Board of Water and Soil Resources
- 1.2 Adopted Exempt Rules Relating to Watershed District Appeals
- 1.3 8415.0100 PURPOSE.
- 1.4 The rules of procedure in parts 8415.0100 to 8415.0120
- 1.5 govern appeals to the board pursuant to Minnesota Statutes,
- 1.6 section 103D.537.
- 1.7 8415.0110 DEFINITIONS.
- 1.8 Subpart 1. Scope. The terms used in this chapter have the
- 1.9 meanings given them in this part.
- 1.10 Subp. 2. Board. "Board" means the Minnesota Board of
- 1.11 Water and Soil Resources.
- 1.12 Subp. 3. Day. "Day" means a calendar day unless specified
- 1.13 otherwise. The day of the event must not be used in counting
- 1.14 any time period.
- 1.15 Subp. 4. Dispute resolution committee. "Dispute
- 1.16 resolution committee" means the committee of the board
- 1.17 established pursuant to Minnesota Statutes, section 103B.101,
- 1.18 subdivision 10.
- 1.19 Subp. 5. Executive director. "Executive director" means
- 1.20 the executive director of the Minnesota Board of Water and Soil
- 1.21 Resources.
- 1.22 Subp. 6. Person. "Person" means an individual,
- 1.23 partnership, joint venture, private or public corporation,
- 1.24 association, firm, public service company, cooperative,
- 1.25 political subdivision, municipal corporation, government agency,
- 1.26 public utility district, or any other entity, public or private,
- 2.1 however organized.
- 2.2 Subp. 7. Public transportation authority. "Public
- 2.3 transportation authority" means a state, county, city, or
- 2.4 township road authority.
- 2.5 8415.0120 APPEALS.
- 2.6 Subpart 1. Appeal of rules.
- 2.7 A. An interested person may appeal a rule made by the
- 2.8 managers of a watershed district by filing a petition with the
- 2.9 board.
- 2.10 B. An appeal is effective upon submittal of the
- 2.11 petition to the executive director with evidence that a copy of
- 2.12 the petition has been served upon the watershed district.
- 2.13 C. An appeal filed under this subpart must follow the
- 2.14 procedures in subpart 3.
- 2.15 Subp. 2. Appeal of permit decisions.
- 2.16 A. A public transportation authority may appeal a
- 2.17 final permit decision of a watershed district issued to it by
- 2.18 filing a petition with the board. The appeal must be filed
- 2.19 within 30 days of the decision by the watershed district
- 2.20 managers pursuant to Minnesota Statutes, section 103D.537. The
- 2.21 watershed district must notify the public transportation
- 2.22 authority promptly of its permit decision.
- 2.23 B. An appeal is effective upon submittal of the
- 2.24 petition to the executive director with evidence that a copy of
- 2.25 the petition has been served upon the watershed district.
- 2.26 C. An appeal filed under this subpart must follow the
- 2.27 procedures in subpart 3 unless the public transportation
- 3.1 authority makes a request in the petition for an expedited
- 3.2 appeal hearing. The procedures in subpart 4 must be followed if
- 3.3 an expedited appeal hearing is requested in the petition.
- 3.4 Subp. 3. Board appeal procedures.
- 3.5 A. Within 30 days after receiving the petition with
- 3.6 evidence that the watershed district has been served with a copy
- 3.7 of the petition, the board or its dispute resolution committee
- 3.8 or executive director shall decide whether to grant the petition
- 3.9 and hear the appeal. The board or its executive director shall
- 3.10 grant the petition unless the appeal is deemed meritless,
- 3.11 trivial, untimely, or brought solely for the purposes of delay;
- 3.12 or that the petitioner has not exhausted all local
- 3.13 administrative remedies.
- 3.14 B. The board or its executive director may remand the
- 3.15 appealed decision back to the watershed district if the

3.16 petitioner has not exhausted all local administrative remedies
3.17 such as a public hearing or if the watershed district's record
3.18 is not adequate. If an appeal is remanded, the watershed
3.19 district must make a decision within 60 days unless the remand
3.20 order, or a subsequent order, specifies a longer period.

3.21 C. After granting the petition, the appeal must be
3.22 heard by the dispute resolution committee and decided by the
3.23 board within 60 days after the filing of the watershed
3.24 district's record, submittal of the written briefs for the
3.25 appeal, and the hearing by the dispute resolution committee.
3.26 Parties to the appeal are the appellant and the watershed
3.27 district. For appeals of rules, interveners are allowed. For
4.1 appeals of permit decisions, interveners are not allowed unless
4.2 they have been granted intervenor status by the watershed
4.3 district prior to the final permit decision.

4.4 D. Upon appeal, the watershed district shall forward
4.5 to the board the record on which it based its decision within 30
4.6 days of the granting of the petition. The board shall make its
4.7 decision on the appeal after hearing. Thirty days' notice of
4.8 the hearing must be given by the board to the parties. The
4.9 parties may present written and oral argument. When the
4.10 watershed district has made formal findings contemporaneously
4.11 with its decision or there is an accurate verbatim transcript of
4.12 the proceedings and the proceedings were fairly conducted, the
4.13 board shall base its review on the record. Otherwise it may
4.14 remand the matter.

4.15 E. In the case of appeals of watershed district rules
4.16 filed under subpart 1, the board shall affirm the watershed
4.17 district's decision to adopt the rule if there was a rational
4.18 basis to adopt the rule and if no procedural errors prejudicial
4.19 to a party were made.

4.20 F. In the case of appeals of watershed district
4.21 permit decisions filed under subpart 2, the board shall affirm
4.22 the watershed district's decision if the watershed district's
4.23 findings of fact are not clearly erroneous or if substantial
4.24 evidence supports the findings of fact, if the watershed
4.25 district correctly applied the law, watershed district rule and
4.26 the watershed district's board-approved watershed management
4.27 plan to the facts, and if the watershed district made no
5.1 procedural errors prejudicial to a party. Otherwise, the board
5.2 shall reverse the decision, amend it, or remand it with
5.3 instructions for further proceedings.

5.4 Subp. 4. Expedited board appeal procedures.

5.5 A. A public transportation authority that requests an
5.6 expedited appeal hearing via a petition filed with the executive
5.7 director must include a written brief with the petition setting
5.8 forth the items in dispute and the reasons for seeking expedited
5.9 review including the consequences of proceeding under subpart
5.10 3. A copy of the written brief must be provided to the
5.11 watershed district at the same time as the petition as specified
5.12 in subpart 2, item B.

5.13 B. Intervenors are not allowed unless they have been
5.14 granted intervenor status by the watershed district prior to the
5.15 final permit decision.

5.16 C. The watershed district must submit a copy of the
5.17 record as soon as possible and in no case later than in
5.18 conjunction with a written brief to the executive director and
5.19 the public transportation authority at least ten days before the
5.20 hearing. No further written submittals by the parties are
5.21 allowed unless specifically authorized by the board.

5.22 D. The board or its dispute resolution committee
5.23 shall hold a hearing within 30 days of receiving the petition.
5.24 The board shall make a decision within 30 days of the hearing
5.25 and apply the standard of review in subpart 3, item F, unless it
5.26 decides there is not sufficient basis to grant the request to
5.27 expedite the appeal in which case subpart 3 would apply. If the
6.1 board must convene a special board meeting to decide the appeal,
6.2 it may assess the costs of the special board meeting to the
6.3 appellant.



**State of Minnesota
Department of Finance**

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FOR IMMEDIATE RELEASE
Wednesday December 3, 2003

Contact: John Doan
(651) 297-8778

STATE BUDGET OUTLOOK WEAKENS SLIGHTLY

Saint Paul, MN - Minnesota's general fund budget is now forecast to show a deficit of \$185 million at the end of the 2004-05 biennium according to a report issued today by the state's Department of Finance. Projected biennial revenues have been lowered by \$407 million (1.4 percent), from end-of-session estimates. That reduction to the revenue forecast was partially offset by a decline of \$143 million in projected future expenditures and changes of \$79 million to carry forwards and reserves. Lower income and sales tax forecasts were the source of the decline in projected revenues.

"If this budget forecast were a traffic signal," said Finance Commissioner Dan McElroy, "it would be a flashing yellow light. There is no reason to slam on the brakes, but we do need to proceed with caution. With a biennial budget of over \$28 billion, a \$185 million variance is about half of one percent. That's the closest a November forecast has come to a February forecast in recent history."

The U.S. and Minnesota economies appear to be entering a period of robust growth, but strong economic growth was forecast last February. The November baseline forecast of Global Insight, Minnesota's national economic consultant, calls for real GDP growth of 4.1 and 4.0 percent for FY 2004 and 2005 respectively; growth rates that are nearly the same as those in their February baseline forecast. "Last February no one expected real GDP to grow by 8.2 percent during the third quarter," said state economist Tom Stinson. "That was a pleasant surprise. But more than a little of that activity was borrowed from the future, leaving the longer-term outlook largely unchanged." Stinson also noted that state revenues had yet to reflect the strong economic growth observed nationally during the third quarter.

On a positive note, the Department of Finance announces that the budget reserve will amass \$631 million by the end of the FY 2004-05 biennium. Under current law, any available balance at close of the FY 2002-03 biennium was assigned to the budget reserve.

Projected revenues and other resources for the 2006-07 biennium are \$914 million lower than end-of-session estimates, and expenditures increase by \$6 million. "That's a real concern," commented Commissioner McElroy, "but we still have a projected structural balance of \$46 million for fiscal 2007. We need to continue to be vigilant, plan accordingly and maintain our fiscal discipline."

The complete November Forecast can be found on the Department of Finance's website at www.finance.state.mn.us.

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State of Minnesota - Department of Finance

658 Cedar Street, Suite 400, Saint Paul, MN 55155

Phone: (651) 296-5900, Fax: (651) 296-8685

Department of Finance Contacts

The Minnesota Relay service phone number is 1-800-627-3529.

Upon request, the information on this web site is available in an alternate format.

Registration Form

Please Mail Registration and Payment to:
Minnesota Department of Agriculture (MDA)
Finance and Budget Division
90 West Plato Boulevard
St. Paul, MN 55107

Must be received by: **Friday, January 16, 2004**

*Registrations may be mailed or will be accepted at the door.
Meals are included in the registration fee, but not
guaranteed if you register after January 16.*

Pay By Jan. 16

- ☐ Full Conf. (2 Day): \$100 ☐ \$125
 ☐ Spouse/Farm Partner \$70 ☐ \$70
☐ 1 Day only: \$75 (Fri or Sat) ☐ \$100 (Fri or Sat)
 ☐ Spouse/Farm Partner \$50 ☐ \$50

Please circle which day you plan to attend.

- ☐ Students (2 Day): \$50 ☐ \$55

*Payment can be made by check, money order, or inter-
agency payment (GFS PV2 transaction documentation).*

Name: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

Email: _____

*For Interagency Payments use only, please fill in the
following GFS PV2 Transaction #: _____*

(A refund will be given if written notice is
received by Friday, January 16, 2004.)

Meeting Location

St. Cloud Civic Center
10 - 4th Avenue South
St. Cloud, MN 56301
Phone: 1-800-450-7272

Directions: From I-94, Exit 171 to Washington
Memorial Drive (Cty. Rd. 75). Right on Hwy. 23
(Division Street) for 1 mile to 4th Avenue.

Parking: Parking stalls are on the lower level, with a
second ramp across the street.

Hotels & Motels: Best Western Inn (Kelly Inn) -
Attached to the Civic Center, 320-253-0606. Request
rooms reserved for the Minnesota Organic Conference
- \$69.00 for one, \$75.00 for two, plus 12% tax. Rooms
will be held until January 7, 2004.

Trade Show and Pre-Conference Workshop

The Minnesota Organic and Grazing Conference Trade
Show will be in the Terry Haws Center of the St. Cloud
Civic Center. Contact Mary Hanks at 651-296-1277 for
exhibit or sponsor information.

The conference will be preceded by a daylong
grazing workshop: **The Organic Cow: Treatments &
Approaches to Keep Them Healthy,**
Featuring Jerry Brunetti
on Thursday, January 22 at the Kelly Inn.

Contact Doug or Janet Gunnink at: 507-237-5162,
dgunnink@prairie.lakes.com for more information.

Partners

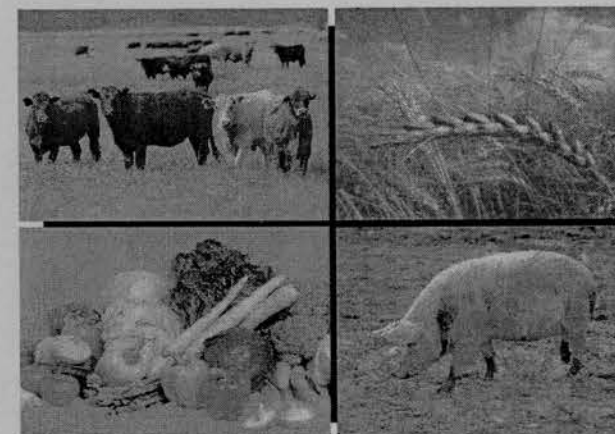
USDA Natural Resources Conservation Service
USDA Farm Services Agency
Organic Crop Improvement Association - MN Chapter
University of Minnesota - MISA
Minnesota Crop Improvement Association
Midwest Organic & Sustainable Education Services
Midwest Organic Services Association

Contact

Please contact Mary Hanks at: 651-296-1277,
fax: 651-297-7678, or e-mail: Mary.Hanks@state.mn.us

Minnesota Department of Agriculture
Sustainable Agriculture and Integrated Pest Management Program
90 West Plato Boulevard
St. Paul, MN 55107

2004 Minnesota Organic and Grazing Conference and Trade Show



**Friday and Saturday
January 23-24, 2004**

St. Cloud Civic Center
St. Cloud, Minnesota

Agenda January 23-24, 2004

The Minnesota Organic and Grazing Conference offers learning and networking opportunities for beginning, intermediate, and advanced graziers and organic farmers. Producers, researchers, educators, technical assistance providers, business owners, and food buyers will have plenty of time to talk and learn together. Enjoy!

Friday, January 23

- 8:00am** Registration
- 9:00am** Welcome - Jim Boerboom, Asst. Commissioner of Agriculture, and Bill Hunt, NRCS State Conservationist
Keynote Speaker - Ben Bartlett, Michigan State University Extension
- 10:15am** Elementary My Dear Watson: Organics for Beginners - Jeff Riesgraf, Lynn Brakke, and Greg Reynolds, Farmers
Managing Pests in Organic Cropping Systems - George Heimpel, U of M (invited); Glen Borgerding, Ag Resource Consulting
ABCs of Grazing: The Wonderful World of Grass - Doug Gunnink, Graziers Supply
Pasture CPR: How to Renovate a Pasture that Looks Beyond Hope - Howard Moechnig, USDA/NRCS
Organic Processing: Adding Even More Value - Jim Riddle, Organic Independents
Is Subscription Farming for You? Stories from CSA Farms - Nett Hart, Webster Farm Organics; John Fisher-Merritt, The Food Farm
- 11:30am** Lunch and Trade Show
- 1:00pm** Putting Pencil to Paper: Crafting an Organic Plan that Will Wow Your Certifier (2 hrs) - George Kuepper, NCAT/ATTRA; Pam Riesgraf, OCIA
Getting to the Core of Organic Fruit Production - Frank Folz and Paul Otten, Farmers (invited)
Is Organic Dairying for Me? - Dennis Johnson, U of M
Homemade Natural Remedies for Farm Livestock (2 hrs) - Jerry Brunetti, Agri-Dynamics

- 1:00pm** Continued -
The Bird's Eye View: Using NASA's Satellite Imaging Resources - Noreen Thomas, IMAC
Opening New Doors: Finding New Markets for You and Your Farm - Katherine Martin, Aveda Corp.; Barth Anderson, Wedge Community Co-op; Jim Ennis, Midwest Food Alliance
- 2:15pm** Black Gold: The Basics of Organic Composting - Jeff Riesgraf, Farmer
Working with Mother Nature: Grazing Sensitive Areas Safely - Howard Moechnig, USDA/NRCS; Daniel Hall, SW MN K-Fence
Growing Your Green: Financial Record Keeping Systems that Work - Chris Barnier, USDA/FSA
Postcards from the Edge: Nifty Ideas from Farms Around the World - Ron Desens, Farmer; Jim Riddle, Organic Independents; Bud Markhart, U of M
- 3:15pm** Break and Trade Show
- 3:45pm** Ask a Certifier - Brenda Rogers, MCIA; Dave Engel and Mary Wilson, MOSA; Jon Hapka, OCIA; Fred Ehlert, QAI
Minnesota Organic Farmers Information Exchange: Growing a Network of Organic Farmer Mentors - Emily Evans, U of M and mentors
Selling What You Sow: The Organic Grain Marketplace - Adam Sobieski, MN Shippers Assoc.; Bill Wilcke, U of M; Curt Petrich, Earthwise Foods LLC
The Mind of the Beast: Understanding Animal Behavior and Instinct - Ben Bartlett, MSU
Federal Services and Programs Available to Graziers and Organic Farmers - Amanda Bilek, MN Project; Paul Flynn, NRCS; Laurie Fredricks, RMA; USDA Rural Development (invited)
Poultry in Motion from Farm to Fork: On-farm Poultry Processing Techniques and Safety - Jacquie Jacob, U of M; Lori Callister, Farmer (invited)
- 5:00pm** Dinner on Your Own

- 7:00pm** Modern Day Human Health Issues - Jerry Brunetti, Agri-Dynamics
Who's Buying? Organic Milk Buyers Panel - Pride of Main Street; Greg Welsh, Organic Valley; Jule Taylor, Horizon Organic
Organic Gardening: The Backyard Basics - Bud Markhart, U of M; Nett Hart, Webster Farm Organics
What's Cooking? Sneak a Peek at 2004's Hot Legislative Issues - Paul Strandberg, MDA; Amy Fredregill, Izaak Walton League (invited); Thom Petersen, MN Farmers Union; MN Farm Bureau (invited)

Saturday, January 24

- 8:30am** Tips and Tricks: Organic Record Keeping - Jeremy Dobson, Organic Inspector; Joyce Ford, Organic Independents
The Science of Organic: U of M Research - Hans Kandel, U of M Extension; Matt Harbur, U of M; Paul Porter, U of M
Thinking Outside the Crate: Strategies in Alternative Pork Production - Wayne Martin, U of M; Warren Roberts and Arvid Jovaag, Farmers (invited)
Bundle up Your Bovines: How to Winter Livestock Outside (Even in Minnesota) - Joe Molitor and Richard Handeen, Farmers (invited)
Organic Pasture Production - George Kuepper, NCAT/ATTRA
How Grass-fed Benefits Taste and Nutritional Quality of Meat, Milk, and Eggs - Mary Jo Forbord, SFA; AURI (invited)
- 9:30am** Break and Trade Show
- 10:00am** Ka-Chiinggg! The Economics of Grazing - Margot Rudstrom, U of M; Roger Imdieke, Farmer
Good-for-You Plants: Medicinal and Cosmetic Herb Production - Craig Hassel, U of M Extension; Tim Kapsner, Aveda Corp.; Renne Soberg, Farmer

- 10:00am** Continued -
Plants Out of Place: Swap and Share Weed Management Strategies (2 hrs) - Nick Jordan, U of M; Glen Borgerding, Ag Resources Consulting
The L-M-N-O-P's of Grazing: Beyond the Basics (2 hrs) - Ben Bartlett, MSU
Running Your Enterprise Like a Business: A Hands-on Session About Business Planning (2 hrs) - Gigi DiGiacomo, Consultant
Natural and Organic Meats: Opportunities in a Growing Market (2 hrs) - Paul Sand, MDA; John Jaska, Wedge Co-op; Randy Wallerich, Organic Valley; Sylvia Oliveira, Bon Appetit
- 11:15am** Organic Under Glass: Extend Your Season with Greenhouse Production - Farmer (invited)
Livestock Smorgasbords: Design Your Own Pasture Mixes - Paul Peterson, U of M
- 12:15pm** Lunch and Trade Show
- 2:00pm** From the Very Beginning: Sourcing (and Producing) Organic Seed - Albert Lea Seed House; George Kuepper, NCAT/ATTRA; Greg Reynolds, Farmer
From the Two-step to the Waltz: Extended Crop Rotations for Organic Systems - Jim Riddle, Organic Independents
Small Ruminants for Smaller Acreages - Wendy Lange and Janet McNally, Farmers
Out to Pasture: Breeding and Selecting a Better Grazing Animal - Researcher, U of M (invited); Luverne Forbord, Farmer
You Don't Need a Lab Coat: Research Methods for Your Farm - Jim Stordahl, U of M Extension; Paul Porter, U of M
Person to Person: Honing Your Sales and Marketing Skills - Katy Young, St. Peter Food Co-op; Julie Bloor, SFA; Jean Andreasen, Midwest Food Alliance
- 3:15pm** Plenary Session - Sylvia Oliveira, Bon Appetit

Registration!

Cost: \$75 (1-day, \$45)

Forms and instructions available online at:

<http://wrc.coafes.umn.edu/MDM/>

For more information, contact:

Gary Sands, 612-625-4756
grsands@umn.edu

For questions about the registration process, call:

1-800-876-8636

Featured Speakers:

Bruce Albright, Buffalo Red – Manston Marsh Project
Bob Barth, Bonestroo, Rosene, Anderlik & Assoc., Inc.
Jerry Bents, Houston Engineering
Jerome Deal, BWSR Board Chair
Kurt Deter, Rinke-Noonan Attorneys at Law
Greg Eggers, US Army Corps of Engineers
Mark Holsten, Deputy Commissioner, DNR
Steve Hobbs, Rice Creek Watershed District
John Jaschke, MN BWSR
Al Kean, MN BWSR
Kevin Keuhner, Seven Mile Creek Water Mgmt Project
Dave Leuthe, MN DNR
Harlen Madsen, AMC Vice Pres
Ralph Prescher, Former Faribault Co. Commissioner
John Linc Stine, MN DNR
Ken Moon, MPCA
Ron Ringquist, MN Viewers Association
Jon Roechlein, Bois de Sioux Watershed District
Chad Surprenant, I & S Engineers and Architects
Jim Weidemann, MN Viewers Association
Tom Wenzel, MN BWSR
Paul Wymar, Watershed Scientist



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Department of Natural Resources, Division of Waters
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Minnesota Association of Soil and Water Conservation Districts
Minnesota Association of Water Districts
MN Drainage Inspectors Association
MN Viewers Association
MN Land Improvement Contractors Association



Water Resources Center
173 McNeal Hall
1985 Buford Avenue
St. Paul, MN 55108
612-625-9282

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UNIVERSITY OF MINNESOTA

Minnesota Drainage Management Conference

A conference for
water managers
& planners,
drainage authorities,
conservation planners
and their staffs

Choose your venue:

January 8 – 9, 2004

Sahlstrom Conference Center
U of M – Crookston Campus
2900 University Avenue
Crookston, MN 56716

Registration Deadline: Jan. 1, 2004

January 22 – 23, 2004

Holiday Inn, Willmar
2100 East Hwy. 12
Willmar, MN 56201

Registration Deadline: Jan. 15, 2004

Visit the web site to register:

<http://wrc.coafes.umn.edu/MDM/>

Preliminary DAY 1— Administration, Viewing, and Legal Issues (January 8 in Crookston; January 22 in Willmar)

Time	Track 1	Track 2
9:00 am	Conference Opening	
9:15 am	Plenary Session: When County Ditches go to Town—Case studies of drainage systems in transition	
9:45 am	Roles of Key Players in Drainage Administration	Utilizing GIS For Drainage System Records Management
10:45 am	BREAK Refreshments, view posters and exhibits	
11:00 am	The ABC's & D's of the Viewing Process	Taking On Advanced Legal Procedures
12:00 pm	LUNCH View posters and exhibits	
1:00 pm	Making Cents of the Viewers' Report	Developing A County Drainage Policy Document
2:00 pm	Minnesota Drainage Law	Viewing of Unique Properties
3:15 pm	BREAK Refreshments, viewing of posters and exhibits	
3:30 pm	Minnesota's Drainage Law: Are changes needed to meet the growing needs and issues of the 21st century?	
4:30 pm	Event assessment – meeting Minnesota's future drainage education needs	
4:45 pm	RECEPTION Retire to display room for food, socializing, and viewing of posters and exhibits	

Preliminary DAY TWO – Engineering and Environmental

Time	Track 1	Track 2
8:00 am	Conference Opening	
8:15 am	<i>Crookston:</i> Drainage In The New Millennium <i>Willmar:</i> Drainage and TMDLs In Seven Mile Creek	
9:00 am	Hydrology, Drainage and Engineering <i>Crookston:</i> Flow Management through Culvert Downsizing, Tile System Limits Consideration of Downstream Drainage/Flooding Problems in Improvement Proceedings <i>Willmar:</i> Chippewa River Watershed Project Monitoring Network and Data Analysis Consideration of Downstream Drainage/Flooding Problems in Improvement Proceedings	Keeping Soil Corralled: Erosion Control, Stormwater Management and NPDES Permit Having it Both Ways - Integrating Wetland Restoration with Drainage
10:15 am	BREAK Refreshments, view posters and exhibits	
10:30 am	Wetland regulations: Update on Simplification Plans What Is In It For You? Getting the Most from Engineer's Reports	Of Floods and Mud: Impact of Hydrology Changes Modeling for Storage Watershed Projects - Case Studies
12:00 pm	LUNCH View posters and exhibits	
1:00 pm	Managing Drainage at All Levels: Drainage from Multiple Perspectives (<i>basin, watershed, drainage system, and farmer/landowner levels</i>)	
3:00 pm	Adjourn	

All you need to know...wrc.coafes.umn.edu/MDM/
 ♦ link to online registration (**deadlines: Crookston 1/1/04; Willmar 1/15/04**)
 ♦ view **final** schedule when it is completed (*preliminary* schedule in this brochure)
 ♦ accommodations information

The **BWSR Wetland Committee** met at 12:30 p.m., **November 24th, 2003** in the Lower Level Conference Room at the BWSR St. Paul office at 1 West Water.

Members present: Clair Nelson, Kay Cook, Karen Harder, Wayne Edgerton, Dwain Otte, Lisa Thorvig, Jack Frost, Char Kahler.

Staff present: Doug Norris, Natasha DeVoe, John Jaschke, Bill Eisele

Decision Items

1. Wetland Banking Fees - establishment and process (see Handout = draft policy)
Jaschke provided program history and '03 legislation requiring fees. Norris reviewed proposal beginning with valuation alternatives. Discussion on Grandparenting of fees for projects already in place prior to fee establishment. Alternative 3 was selected after review of statistics on numbers and type of accounts. Discussion on whether not charging an annual fee if no activity in calendar year was consistent with statute. Selected proposed staff alternative pending legal consultation which rendered affirmation of proposed alternative.
2. Banking Credits - sale price to road authorities (see Handout = draft policy)
Jaschke provided program history and '03 legislation requiring sale to public road authorities. Norris reviewed proposal and noted that the prices are based on actual costs to agency to buy or build wetland credits provided by Bruce Sandstrom, BWSR Wetland Banking Coordinator. Since legislation did not note otherwise, the receipts from sales go to the General Fund rather than to establishment of additional wetland credits. A legislative change will be pursued.
3. MNRAM v. 3.0 - add to approved methods list (PowerPoint presentation, see BWSR website).
Norris presented a Powerpoint on version 3 changes which is now a fully electronic version linked to a database. The Interagency Wetland Group and local government representatives developed the updated tool after over a year of research and field testing. Initial training has been completed with demand requiring additional sessions this spring.

Informational Items

4. WCA Admin. Manual Guidance. These items have been develop and reviewed in concert with Interagency Wetland Group members and will be posted on BWSR web site.

A. Replacement Credit

- credit for restoration of partially drained wetlands
- approved stormwater management plans
- Impacts on Rare Natural Communities

B. Wetland temporary flood storage guidance

5. Drainage Conferences: Crookston (Jan 8th) and Willmar (Jan 22nd) - FYI see:
<http://wrc.coafes.umn.edu/MDM/>

Potential future items include:

- Wetland Delineator Certification
 - EPA Triagency grant project
 - Def. of Ag Activities
 - Swampbuster Exemption Agreement
 - Status/Assessment of Wetland Plans
 - GP-2
 - mitigation MOU
 - Road Replacement Program: rim-like practice payments, projects selection, '04 bonding
-