

Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
August 20, 2018

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM, SECOND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, January 26, 2005

BOARD MEMBERS PRESENT:
Dan Wilson, Paul Krabbenhoft, Clair Nelson, Paul Brutlag, Kay Cook, Gene Merriam, Jim Anderson, Randy Kramer, Ron Harnack, Jerome Deal, Lori Wilson, Victor Ormsby, Karen Harder, Quentin Fairbanks, LuAnn Tolliver, Paul Burns

BOARD MEMBERS ABSENT:
Louise Smallidge, Lisa Thorvig

STAFF PRESENT:
Ron Harnack, Dave Weirens, Lori Wilson

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

Pledge of Allegiance

Adopt Agenda

** 05-01 Motion to approve and seconded to adopt the agenda as presented. Motion passed on a voice vote.

Minutes of ~~January 26, 2005~~ December 15, 2004

** 05-02 Motion by Victor Ormsby to approve the minutes, seconded by Clair Nelson. Minutes approved by voice vote.

REPORTS

Jerome Deal, Chairman

BWSR continues to receive a number of WCA appeals. The numbers are rising as applicants or other organizations dislike the decisions of local governments. These appeals require a lot of staff effort in mediation/facilitation that results in mutual resolution of the appeals, while others are decided by the DSR after hearing. Most of the decisions of the DSR support the original decision of the local government. That's an acknowledgement that the local governments are doing a pretty good job with WCA.

Ron Harnack, Executive Director

MaryJo Anderson is out with a back condition that may require surgery. If that happens she will be out for at least 6-8 weeks. Ron Harnack provides update on Louise Smallidge and wish her a speedy recovery. Jim Heartel's mother recently passed away and our thoughts and prayers go out to Jim and his family. Updated on the Governor's budget. The AAC will provide guidance and direction to Ron on budget issues as they arise. The move planning is going well. We anticipate moving the 3rd week of February. The next Board Meeting, March 23 will be in our new digs @ Lafayette. House and Senate hearings are being held on the Capital Budget. Senate hearing went well with CREP and wetland road replacement funded as well as recommendations for funding AREA II projects and the SLR, streambank, lakeshore and roadside program.

Clair Nelson, Wetlands Committee Chair reminded members of the committee meeting following today's board meeting. Agenda includes discussion of the interagency mitigation agreement issues and an update on banking fees.

Paul Krabbenhoft, Cost-Share Committee Chair. Reminder that there will be committee meetings scheduled for March, April and maybe May.

Kay Cook, Education & Outreach Chair reported on the December meeting. Goals are being refined.

Jerome Deal, Administrative Advisory Committee Chair. Meetings will be scheduled as needed to address budget issues

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Karen Harder presented the **Chisago County Priority Concerns Scoping Document** for consideration. Metro Water Planning Committee has reviewed and recommends approval and moves a motion to approve. LuAnn seconds the motion. Discussion by Board members. Motion approved on voice vote

** 05-03

Karen Harder presented the **Wright County Priority Concerns Scoping Document** for consideration. The committee has reviewed the effort and recommends approval. Discussion by Board members followed. Karen Harder offered motion to approve, Jim Anderson seconds. Approved on voice vote.

** 05-04

Northern Water Planning Committee

Quentin Fairbanks presented the **Middle-Snake-Tamarac Rivers WD Amendment to the watershed management plan (WMP)** and the committee recommends approval of the amendment. Board discussion. Quentin makes motion to approve and Kay Cook seconds. Approved on voice vote.

** 05-05

Quentin Fairbanks presented the **Grant County Priority Concerns Scoping Document** for consideration. The committee has reviewed the effort and recommends approval. Board discussion followed. Quentin Fairbanks makes motion to approve, Kay Cook seconds. Motion approved on voice vote.

** 05-06

Quentin Fairbanks presented **the Roseau County Priority Concerns Scoping Document** and the committee recommends approval of the document. Board discussion. Quentin makes motion to approve and Kay Cook seconds. Approved on voice vote.

** 05-07

Southern Water Planning Committee

Victor Ormsby presented **the Fillmore County Priority Concerns Scoping Document** and the committee recommends approval. Board discussion followed. Victor Ormsby makes motion to approve and Randy Kramer seconds. Approved on voice vote

** 05-08

Victor Ormsby presented the **Goodhue County Priority Concerns Scoping Document** and the committee recommends approval. Board discussion followed. Victor Ormsby makes motion to approve, Randy Kramer seconds. Approved on voice vote.

** 05-09

Victor Ormsby presented the **Mower County Priority Concerns Scoping Document** and the committee recommends approval. Board discussion followed. Victor Ormsby makes motion to approve, Dan Wilson seconds. Approved on voice vote.

** 05-10

Victor Ormsby presented the **Olmsted County Priority Concerns Scoping Document** and the committee recommends approval. Board discussion followed. Victor Ormsby makes motion to approve, Dan Wilson seconds. Approved on voice vote

** 05-11

Victor Ormsby presented the **Redwood County Priority Concerns Scoping Document** and the committee recommends approval. Board discussion followed. Victor Ormsby makes motion to approve, Randy Kramer seconds. Approved on voice vote.

** 05-12

NEW BUSINESS

Dave Weirens presented the **LCMR Local Water Management Challenge Grants** process for consideration and recommends approval. Gene Merriam moves motion to approve, Victor Ormsby seconds. Approved on a voice vote.

** 05-13

Ron Harnack presented the **Crow Wing SWCD Request for Change of Headquarters** location and recommended approval. Board discussion followed. Clair Nelson makes motion to approve, Quentin seconds. Approved on voice vote.

** 05-14

15 Minute Break

Paul Burns had to leave for another meeting.

Gene Merriam introduced the **"Working Lands Proposal for the Minnesota Prairie Pothole Region" and "A Model for Targeting and Prioritizing Wetland and Grassland Initiates"**. Jim Leach, U.S. Fish and Wildlife Service and Rex Johnson U.S. Fish and Wildlife Service gave a power point presentation. Board discussion with presenters followed including comments from Roger Peterson, Ducks Unlimited.

OLD BUSINESS

Ron Harnack presented highlights of the **Budget and Legislative Issues.** Board discussion followed. Jerome stated that the Administrative Advisory Committee would provide Ron with guidance and direction on budget issues as they arise.

AGENCY REPORTS

Paul Burns, Department of Agriculture – Paul Burns left earlier for another meeting.
Dan Wilson, Department of Health provided an update on contamination in wells.
Gene Merriam, Department of Natural Resources, provided comments earlier.
Jim Anderson, U of M, Extension, nothing specific to report.
Lisa Thorvig, Pollution Control Agency, not present.

ADVISORY COMMENTS

Annalee Garletz, AMC, not present, however, County Commissioner Board members made a few comments on AMC's behalf.
Rick Reimer, MACDE, voiced concern relating to the lack of technical capacity at the local, state and federal level to support getting conservation on the ground. He was also concerned about the TSP cost agreements, concerned that they only cover 50% of the actual costs. Also mentioned that the association is sponsoring engineering training and erosion classes.
LeAnn Buck, MASWCD, not present.
Sandy Hooker, MAT made comments earlier regarding the legislative issues for townships. She is glad to see the wetland road replacement funding supported by the Gov and both the Senate and the House.
Ray Bohn, MAWD, not present, however, Jerome made a few comments on behalf of MAWD regarding some of their legislative issues.
Tim Koehler, NRCS, not present.

Ron Harnack extended invitation for folks to stick around for the wetland meeting. Ron also reminded members that the next board meeting will be at Lafayette.

UPCOMING MEETING

- Next BWSR Meeting, March 23, 2005

** 05-15 Motion to adjourn the meeting at 12:15 p.m.
Approved by voice vote

Minutes Approved on March 23, 2005.

Respectfully submitted

Jerome Deal

Jerome Deal, Chair
BWSR

Jan. 26, 2005

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Rick Reimer	Kandiyohi SWCD	320-235-3906
2.	Jeff Nielsen	BWSR staff.	
3.	Brad Wozney	BWSR staff	
4.	Jack Frost	MCES	
5.	Paul Burns	MDA	651-296-1485
6.	Doug Smith	Star Tribune	
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Minnesota Board of Water & Soil Resources

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

DATE: January 20, 2005

TO: Board of Water and Soil Resources Members and Staff

FROM: Ronald D. Harnack, Executive Director

SUBJECT: Amendment to the January 26th Agenda

The Board of Water and Soil Resources received a request from the Crow Wing Soil and Water Conservation District regarding a "Resolution for Change in Headquarters" as required by Minnesota Statutes 103C.221.

Attached is a copy of the request, a copy of the resolution, and a copy of M.S. 103C.221.

This amendment to the agenda – Crow Wing SWCD Request for Change of Headquarters will be added to the agenda under New Business - *Decision item*

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

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

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

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

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

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

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

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

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Crow Wing Soil and Water Conservation District

512 C Street N. E.
Brainerd, Minnesota 56401
Telephone: (218) 828-6197

DEC 29 2004

December 27, 2004

Board of Water & Soil Resources
One West Water Street, Suite 200
St. Paul, MN 55107

Dear Board Members:

Enclosed are two original copies of a Resolution for Change of Headquarters as required by Minnesota Statutes 103C.221. The resolution was adopted by the Crow Wing SWCD Board of Supervisors during its regular meeting on December 21, 2004.

The USDA offices that we are collocated with are moving to a new office building in Baxter. It is estimated that our office will be moving into the new building on January 27, 2005.

We are respectfully requesting that BWSR approves this change of headquarters resolution with an effective date of January 27, 2005 and files this resolution with the Secretary of State.

Thank you for your cooperation in this matter.

Respectfully yours,

Keith A. Pohl
District Manager

Cc: Dan Steward- BWSR

RESOLUTION FOR CHANGE OF HEADQUARTERS

Be it resolved by the Crow Wing Soil and Water Conservation District supervisors that the headquarters of the district be changed from Brainerd to Baxter, Minnesota.

State of Minnesota)
)SS
County of Crow Wing)

I, George Heglund, secretary of the Crow Wing Soil and Water Conservation District, do hereby certify that the above resolution relating to the change of the location of the principal office of the supervisors of the Crow Wing Soil and Water Conservation District was adopted by the said district supervisors at a regular meeting thereof held on December 21, ~~19~~ 2004, that I have compared it with the original resolution as set forth in the minutes of the said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of the members of said Board was present thereat, and that said resolution was duly adopted thereat by a majority vote of the members present.

Signed: George Heglund, Secretary
Crow Wing Soil and Water Conservation District

Dated: December 21, ~~19~~ 2004

Minnesota Board of Water & Soil Resources

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fax (218) 723-4794

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fax (218) 736-7215

Marshall
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Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

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

Rochester
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Rochester, MN 55904
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Signed: George Heglund, Secretary
Crow Wing Soil and Water Conservation District

Dated: December 21, ~~19~~ 2004

Minnesota Statutes 2004, 103C.221

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Minnesota Statutes 2004, Table of Chapters

Table of contents for Chapter 103C

103C.221 Change of location of principal office.

The location of the principal office of the district board may be changed with the approval of the state board after the adoption of a resolution by a majority of the district board stating the new location and by filing a certified copy of the resolution with the secretary of state.

HIST: 1990 c 391 art 3 s 9

Please direct all comments concerning issues or legislation to your House Member or State Senator.

For Legislative Staff or for directions to the Capitol, visit the Contact Us page.

General questions or comments.

Board Resolution # 05-13

FY 2006-07 Local Water Mgt. Planning Grants Application Procedures

WHEREAS the Board of Water and Soil Resources submitted a Request for a Proposal to the Legislative Commission on Minnesota Resources for funds to eligible local units of government to implement high priority actions identified in current, state-approved local water management plans through competitive grants known as Local Water Mgt. Planning Challenge Grants; and

WHEREAS the Legislative Commission on Minnesota Resources is recommending $500,000 in FY2006 and $500,000 in FY2007 from the Environment and Natural Resources Trust Fund for this proposal;

WHEREAS the Legislature is expected to appropriate these funds as part of the biennial environment, natural resources, and agriculture finance bill;

WHEREAS the Board of Water and Soil Resources is proposing to solicit for grant projects under this proposal, to be funded contingent on legislative appropriation;

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources will solicit for FY2006-07 Local Water Mgt. Planning Challenge Grants according to the attached guidelines. The agencies represented on the board will be invited to participate in the review and ranking of applications received, which will be completed prior to the April 2005 Board Meeting. Projects selected for funding will receive half of the funds in FY 2006 and half in FY 2007.

Jerome Deal

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

1/26/05

Date

From: "Jeff Falk" <Jeff.Falk@state.mn.us>
Date: 1/3/05 2:07PM
Subject: Governor Pawlenty unveils $816 million bonding proposal -- January 3, 2005

FOR IMMEDIATE RELEASE: Contact:
Brian McClung

January 3, 2005
(651) 296-0001

GOVERNOR PAWLENTY UNVEILS $816 MILLION BONDING PROPOSAL

~ Urges legislature to act quickly to move Minnesota forward ~

Saint Paul - Calling on the legislature to act quickly to get Minnesota moving forward, Governor Tim Pawlenty today released his bonding proposal for the 2005 legislative session.

"In order to build a stronger, more productive Minnesota we must prepare for the future now," said Governor Pawlenty. "This bonding proposal reflects strategic decisions to keep our quality of life tops in the nation."

The $816 million proposal includes $744 million in general obligation bonds and $72 million from trunk highway bonds, user financing and other sources. It would create an estimated 10,000 construction jobs. Debt service on the proposal would be approximately $60 million in the 2006-07 biennium.

"The legislature needs to send a bonding bill to my desk promptly in order to take advantage of the 2005 summer construction season and prepare Minnesota for the future," said Governor Pawlenty.

The package focuses on five key areas:

Investments in Education - $233 million

"Strong K-12 and higher education systems are keys to our quality of life," said Governor Pawlenty. Highlights include:

* $100 million for the University of Minnesota

* Includes $35 million for upgrading and remodeling academic health facilities, life science and science buildings

* $100 million for the Minnesota State Colleges and Universities system.

* Includes increased funding for remodeling of MnSCU science classrooms and numerous upgrades and renovations to technology, labs and classroom space

Jobs, Housing and Transportation - $203.8 million

"Targeted investments in our economic infrastructure can pay big dividends in the future," said Governor Pawlenty. Highlights include:

* $21.7 million for the U of M/Mayo Clinic biotechnology research facility in Rochester
* $15 million for biotechnology and health science zone grants
* $20 million to fight long-term homelessness
* $37.5 million for the Northstar Commuter Rail Line
* $10 million for Cedar Avenue Bus Rapid Transit
* $14 million for local road improvement grants and wetland replacement
* $28 million for local bridge replacement
* $2 million for improvements at Holman Field in St. Paul
* $18 million for loans to beginning farmers and small agribusinesses

Safer Communities - $132.9 million

"This proposal enhances Minnesota's prison system by adding beds and expanding facilities to house offenders who have been civilly committed," said Governor Pawlenty. The proposal will add 875 beds to the prison system. Highlights include:

* $84.8 million for an expansion of the corrections facility in Faribault
* $20.8 million for a 150-bed segregation unit at Stillwater prison
* $15.8 million for design and construction of a secure nursing facility for sex offenders and upgrading an existing facility
* $11 million for upgrades and renovations at existing facilities

Water, Environment and Natural Resources - $176.3 million

"Preserving and enhancing our environment has been a focus of my Administration. This bonding proposal will help us pass on the natural beauty of Minnesota to our children and grandchildren," said Governor Pawlenty. Highlights include:

* $23 million for the Conservation Reserve and Enhancement Program (CREP). These dollars plus future state funding will trigger approximately $200 million in federal funds if the bonding bill is passed before the federal money is distributed to other states
* $20 million for flood hazard mitigation grants
* $14 million for drinking water improvements, which will leverage matching federal funds
* $12 million for wildlife area land acquisition
* $10 million for the wastewater infrastructure fund
* $3 million for a new funding request for Greater Minnesota regional parks
* $22.4 million for design, construction and debt service forgiveness for the Minnesota Zoo
* $14 million to clean-up old landfills

Effective Government and Public Services - $69.8 million

"We must fulfill our obligations to help Minnesota communities like Roseau and Buffalo Lake who were struck by tragedy," said Governor Pawlenty. "This is also the year to honor our World War II veterans with a memorial at the Capitol." Highlights include:

* $670,000 for the World War II Veterans Memorial on the State Capitol mall
* $306,000 has been added for improvements at the Luverne Veterans Home.
* $10.6 million to assist the community of Roseau with rebuilding after the 2002 floods
* $690,000 to assist the community of Buffalo Lake with rebuilding after the 2003 tornado
* $4.6 million for the Colin Powell Youth Leadership Center in the Minneapolis Phillips neighborhood

Governor Pawlenty noted that the package as a whole is favorable to Greater Minnesota, with approximately 60 percent of the funds for projects in Greater Minnesota and 40 percent in the metro area.

The proposal is an update and refinement of the bonding package Governor Pawlenty outlined one year ago.

Year

General Obligation

bonds

Trunk Highway bonds,

user financing, other sources

Total amount

2004

$688 million

$66 million

$754 million

2005

$744 million

$72 million

$816 million

Of the increase, $28 million will cover higher construction costs - the proposal includes a 8.63% construction inflation rate on 31 building projects. The remaining $34 million covers new projects and enhancements to the 2004 proposal.

Full details of the Governor's bonding proposal are available at www.finance.state.mn.us <http://www.finance.state.mn.us/> .

--30--

Jeff Falk

Office of Governor Tim Pawlenty

130 State Capitol

Saint Paul, MN 55155

651-296-0058 phone

651-296-0056 fax

From: Peter Raeker
To: # Everyone
Date: 12/20/04 2:28PM
Subject: Clean Water Legacy proposal/FYI

Enclosed is information from a news conference held today (12/20) to unveil a "Clean Water Legacy" initiative (proposes a new fee to cover clean up of impaired waters).

First item is statement from Gov. Pawlenty.
Second is news article from today's Strib.
Third item is news release from Minn. Environmental Initiative.

***

A STATEMENT FROM THE GOVERNOR

~ Governor Pawlenty statement regarding Clean Water Legacy proposal ~

Saint Paul - The following is a statement from Governor Tim Pawlenty regarding a proposal announced today to test and clean-up Minnesota's waters.

"I applaud the dedicated work of the broad coalition making today's proposal. When I first took office, I directed our Administration to work on these issues, as part of our Clean Water Initiative. Clean up of impaired waters is critical to ensuring we have a vibrant economy and to protect our environment for future generations.

"The work of our Water Cabinet and the impaired waters coalition has resulted in a positive proposal. We are currently at work designing our budget proposal and will consider their idea in the context of our overall budget."

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(from today's Strib)

Water funding plan floated
Tom Meersman, Star Tribune
December 20, 2004 WATER1220

An unusual coalition of environmental, business and farm groups has proposed an ambitious plan to raise $80 million a year to clean up contaminated lakes and rivers by charging most Minnesotans an extra $36 a year on their water bills or property taxes.

The proposal, called "Clean Water Legacy: a partnership to restore Minnesota's impaired waters," is certain to receive hearings at the State Capitol.

The supporters include the Minnesota Chamber of Commerce, the largest business association in the state; the Minnesota Environmental Partnership, a coalition of 88 environmental and conservation groups; the Minnesota League of Cities, and both the Minnesota Farmers Union and

the Minnesota Farm Bureau.

More details of the plan were to be announced today in St. Paul.

In anticipation of the announcement, Gov. Tim Pawlenty issued a statement applauding the work of the coalition. He called the plan a "positive proposal" and said he will consider it "in the context of our overall budget."

Behind the unusual unity is a serious concern that cities, manufacturing plants, small businesses and food processing facilities won't be allowed to grow or expand in the future unless contaminated waters near them are cleaned up.

The federal Clean Water Act requires states to assess their lakes and streams, and to list those that are "impaired" because they contain too much mercury, fertilizers, phosphorus, human and animal waste, or other contaminants. Once listed, development that would increase pollution, including larger discharges from wastewater treatment plants, will not be allowed.

So far Minnesota has assessed 8 percent of its rivers and 14 percent of its lakes, and more than 40 percent of those -- about 1,900 waters -- have been listed as impaired.

Mike Robertson, environmental policy consultant to the Minnesota Chamber, said the Legislature does not have a choice about whether or not to deal with the problem.

"We see it as a very significant economic development issue for the state," he said. "If we wait, the cost and difficulty of addressing the problem will only get worse."

Tourism, manufacturing and agriculture rely heavily on water resources, and Minnesota can't afford to delay, Robertson said.

Maryland's legislature passed a similar funding plan last year to restore parts of Chesapeake Bay.

Craig Johnson, environmental and land use adviser for the League of Minnesota Cities, said cities recognize a need to tackle the problem before lawsuits and other roadblocks interfere with business and residential growth. Tax incentives have been used to encourage new or expanded businesses in some rural zones, but such growth could be jeopardized in areas near impaired waters, he said.

The Clean Water Legacy program would raise $80 million a year by imposing $3 monthly charges on water bills, and higher amounts on businesses, depending upon how much water they use. Rural areas served by septic systems would have an annual $36 added to each household's property taxes. There would be hardship exemptions from the fee for low-income residents.

The Association of Minnesota Counties is opposed to the property-tax approach, according to executive director Jim Mulder.

"Everything has to be on the table" as far as possible funding sources, he said, including the state's general fund.

Steve Morse, senior fellow at the University of Minnesota and a former legislator, said counties would benefit from the plan because much of the money would be devoted to improving rural water quality. Morse was chairman of the group of business, farm and environmental leaders brought together by the Minnesota Environmental Initiative to design the proposal over the past two years.

Fees would need to continue for several years, Morse said, and would be used not to establish new programs, but to bolster existing efforts by state environmental agencies, local watershed boards and other groups.

The new state money could be matched by $40 million in federal funds under the recent farm bill, Morse said. Other federal or private matching grants also could become available.

"We're behind the curve in getting this implemented," he said. "In a few years we expect there'll be more than 10,000 contaminated waters listed in the state."

***

PRESS RELEASE

For Immediate Release:
December 20, 2004

For More Information Contact:
Peter Frosch, Minnesota Environmental Initiative
(612) 334-3388 ext. 108

Unprecedented Partnership Endorses Plan
to Clean Up Minnesota's Lakes, Rivers and Streams
Clean Water Key to Economic Growth and Minnesota's Future

St. Paul, MN - An unprecedented partnership of local governments, environmental organizations, business, and agricultural interests today endorsed a plan called the "Clean Water Legacy: a partnership to restore Minnesota's impaired waters."

The partnership called on the Legislature to create a legacy of clean water by providing the necessary funds and a framework so local communities can clean up the state's polluted lakes, rivers and steams. Failure to address this issue threatens Minnesota's economic growth, public health and way of life, partnership leaders said.

40 Percent of Waters Tested are Contaminated

Only 8 percent of Minnesota's rivers and 14 percent of Minnesota's lakes have been tested by the Minnesota Pollution Control Agency to determine if they are clean, safe and healthy, partnership leaders noted. However, of those lakes and rivers tested, 40 percent have been found to be contaminated with animal and human waste, algae from phosphorus, mercury, and fertilizers.

Economic Growth Potentially Stalled

"This threat to our economy is not theoretical, it's real," said Mike Robertson, Minnesota Chamber of Commerce's Environmental Policy Consultant. "It is a fundamental economic growth issue facing our state. Minnesota must act now in order for businesses to expand and grow and have our state compete in the global market."

The federal Clean Water Act requires that states test lakes, rivers and streams to determine if they are safe, study polluted water bodies, and establish a cleanup plan. Minnesota faces serious economic restrictions on cities and businesses by failing to comply, Robertson said.

Minnesotans Value Our Lakes, Rivers and Streams

"Minnesotans rely on our state's lakes, rivers and streams to provide water for drinking, swimming, boating and fishing," said Marie Zellar, Executive Director of Clean Water Action Alliance. "But our water is not as clean as it should be. The Minnesota Department of Health has issued a fish consumption advisory for every lake in the state due to mercury contamination, and we are seeing more and more beach closings to protect public health. We have a right to know if our waters are contaminated or safe. But to date, only a small percentage has been tested for contaminants."

Zellar asked legislators to put aside partisan politics and work together. "The proposal today is a classic 'polluter pays' solution. Clean water isn't a Democratic or a Republican issue, it's a Minnesota value," she said.

Community Growth Dependent on Clean Lakes and Rivers

The local impact of contaminated waters is seen statewide, as cities struggle to grow and maintain their tax bases. In order to comply with federal regulations, communities won't be allowed to expand if they are located near a contaminated lake, river or stream unless a plan to clean up the water body is in place. Cities reliant on tourism will see a significant decline in revenue as more lakes become unsafe or less desirable for fishing, swimming or boating, said Craig Johnson, Intergovernmental Representative for the League of Minnesota Cities.

"Many growing cities are caught in a Catch-22," said Johnson, "Communities that want to grow require increased wastewater capacity, but where lakes and rivers are polluted, permits to upgrade cannot be obtained until a clean up plan is in place."

Farmers Involved in the Clean Up Plans

Contaminated waters result from a variety of sources, including agriculture runoff. The majority of privately owned land in Minnesota is owned by farmers. Under the partnership's proposal, farmers will be asked to implement practices that will reduce runoff and improve water quality.

Chris Radatz, Government Relations Director at the Minnesota Farm Bureau Federation, says that farmers are willing to make the investment. "There is a contaminated lake, river or stream in virtually every county in the state," said Radatz. "Our proposal will ensure that farmers and other private landowners are very involved early on."

Proposed Sewage Fee to Pay for Testing, Clean-up & Protection

The partnership endorsed a plan that will raise $80 million in new funds annually to continue testing the state's lakes, rivers and streams; clean up contaminated waters; and protect clean lakes and rivers. The proposal calls for a monthly $3 fee on municipal wastewater connections and septic systems. It will include exemptions for those who cannot afford to pay; increased fees for those who use more water such as owners of apartment buildings and larger businesses; and the proposal will leverage millions of dollars in private and federal dollars.

The partnership emphasized that the proposal will focus resources on "cleaning up pollution, not creating bureaucracy" and that it will "provide resources to existing organizations and programs, not create new ones."

###

From: Dianne Hubbell
To: # Everyone
Date: 1/11/05 9:38AM
Subject: Mileage reimbursement rates

As of January 1 the Mileage reimbursement rates have increased from .375 to .405 per mile when a state owned vehicle is not available and an employee is required to use his or her own vehicle.

The reimbursement rate when a state-owned vehicle is offered, but is declined by the employee has increased from .305 to .335 per mile.

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Board Packet

HOUSE RESEARCH

Information Brief

John Helland, Legislative Analyst
651-296-5039

January 2005

Conservation Easements

The use of conservation easements to protect critical natural resource land is a growing trend throughout the country and in Minnesota. This information brief answers basic questions about conservation easements and describes the conservation easement programs and work of governmental and nonprofit organizations. It also summarizes a recent Department of Natural Resources report on the subject and the 2004 effort to enact a federal-state Conservation Reserve Enhancement Program. This issue is likely to come before the legislature again in 2005.

Introduction 2
Conservation Easement Questions 2
Programs Administered by DNR and BWSR 4
DNR Working Group Report 7
County Conservation Easement Programs 9
Private Groups Administering Conservation Easements 10
The 2004 CREP Proposal 11

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Many House Research Department publications are also available on the Internet at: www.house.mn/hrd/hrd.htm.

What restrictions are included in a conservation easement?

First, conservation values are defined and then restrictions are created to protect those values. Restrictions may apply to all of a landowner's property or to only a portion of it.

Typically, easements address subdivision, commercial or industrial uses, mining, construction of buildings or roads, utilities, disturbance of the vegetation or topography, and any activities on the property that might interfere with the conservation purpose for the easement.

An easement preserving rare woodland habitat may require that the property be left entirely in its natural state, prohibiting all development. Or, to protect a lake or stream, an easement may allow limited inland construction of buildings or trails while restricting such activities along the more fragile shoreline. Some easements may permit continued farming or limited timbering. Others may provide for enhancement of wildlife habitat or restoration of native prairie.

What are the effects of a conservation easement on a landowner's property rights?

A landowner retains all rights to the property not specifically restricted or relinquished by the easement. The landowner still owns the land and has the right to use it for any purpose that is consistent with the easement; the landowner may also sell, transfer, or leave the land through a will. Typically, landowners also retain the right to restrict public access.

What obligations come with a conservation easement?

The landowner remains responsible for the land—for its maintenance and upkeep, for paying taxes, and for otherwise meeting the typical obligations of landownership. Conservation easements add only a few further requirements:

- To notify the easement holder of proposed changes to the property
- To allow annual monitoring visits
- To notify the easement holder when selling or transferring the property
- To comply with the restrictions in the easement

What are the benefits of a conservation easement?

Conservation easements can be a cost-effective tool to protect increasingly threatened land and water resources, preserve wildlife habitat, and safeguard waters and shorelands.

Conservation easements can give landowners peace of mind, knowing that their commitment to protecting their unique land will be forever respected and remain an enduring legacy for their family and their community.

Easements may provide financial benefits by reducing a landowner's tax obligations in a number of ways:

Conservation Reserve Enhancement Program (CREP)

This program combines RIM and the CRP (See below).

Conservation Reserve Program (CRP)

A federal program aimed at protecting the environment by protecting sensitive agricultural lands with cover. Eligible lands include croplands and certain marginal pasturelands. Landowners receive rental payments calculated based on a projected value of the land and the amount of revenue lost from nonproduction.

Rental Payment Structure

Regular RIM Reserve	Wetland restoration: $1,200/acre Riparian and marginal agricultural land: $1,000/acre As of March 2003: 1,923 easements and 59,587 acres
MN River CREP	Wetland restoration: $765/acre Riparian (perpetual): $644/acre Riparian (limited easements): $350/acre Marginal pasture (limited easements): $350/acre As of March 2003: 2,449 easements and 100,482 acres
PWP	$645/acre As of March 2003: 300 easements and 11,803 acres

DNR Conservation Easement Programs

Under all DNR easement programs in the last seven years, there have been 217 easements protecting 7,173 acres of land at a total cost of $10.4 million.

Metro Greenways

This is a relatively new program that started in 1998 in response to a report by concerned citizens, called *Metro Greenprint*. The program is designed to protect nature from urban growth. It promotes collaboration between local government and nonprofits in the acquisition of fee-for-title property and conservation easements in the seven-county metro area. The program helps coordinate funding sources, provide technical assistance, provide grants, and identify significant natural features. The most common acquisition process involves local and nonprofit entities acquiring the land; then the DNR purchases a perpetual conservation easement on the land. The program has protected about 1,500 acres.

Native Prairie Bank

Started in 1987, this program is designed to protect native prairie (never plowed and less than 10 percent tree cover). The program allows for limited easements but there is a minimum of

Jean Williams Farm, Conservation Easement: 205 acres in Carver County valued at $318,756.

These 205 acres of private land have undergone extensive environmental restoration. The area contains 13 ponds, more than 50 acres of prairie grasses and wildflowers, 30 acres of wetland, and 75 acres of timber.

The area has important ecological values and provides an excellent habitat for white-tailed deer, wild turkeys, woodland songbirds, grassland birds, waterfowl, and a variety of nongame wildlife. It lies within the boundaries of the Minnesota River Watershed and has unique elements of transitional hardwood forest and prairie communities.

Water Bank

This program began in 1976. It was intended to help rural landowners who wanted to drain wetlands for agricultural purposes who felt that conservation efforts had restricted their property rights. There are some records, but the easements were not surveyed. There are still-existing easements that the DNR monitors.

Wild and Scenic Rivers

Currently, this is an inactive state program (last funded for easements in 1989), intended to preserve scenic, recreational, historical, and scientific values of rivers.

DNR Working Group Report

The DNR had a working group of selected staff that looked at its easement programs and made recommendations at the end of 2002. Some the group's findings include the following:

- Some easement purchases may not be cheaper than buying land in fee; however, under certain conditions, their use may be the only way to accomplish a conservation goal.
- The biggest challenges in acquiring conservation easements are in the legal documentation, monitoring, and enforcement of the restrictions, including the data collection and records systems, and the management and funding necessary to accomplish these activities, which are part of the true costs of owning the easements.
- The DNR staff generally is not out working on easement land and must make additional efforts to enforce the terms of the easements. In general, enforcement of easement terms can be very adversarial and sometimes is viewed as counterproductive to relationship building with landowners, which DNR staff is committed to improving. A volunteer easement monitoring program, such as what the Minnesota Land Trust uses, may be useful here.
- Over a long period of time, the DNR needs to consider whether the extra management burdens that come with conservation easements are worth the resource protection they provide. This comes into play when DNR makes decisions on selling land that

In exchange for the easement, Cass County was to pay up to 90 percent of the assessed value of the property. Although it was valued at over $454,000, the camp accepted the pilot money of $235,000 for the easement. Under the conditions of the easement, the camp still owns the property, but the county monitors the easement. Funding has not been available in the past four years for more easements.

Debt for Nature Program (DFN) or Debt Cancellation Conservation Contract Program

The program aims at protecting different types of land (such as marginal cropland and other environmentally sensitive lands) by forgiving portions of debt owed to the federal Farm Security Administration (FSA). Landowners can choose from 10-, 30-, or 50-year easements. The payment is calculated by factoring in the market value of the farm, FSA debt, and total number of acres. For landowners who are up-to-date on payments, no more than 33 percent of the loan can be forgiven. For delinquent landowners, the amount can exceed the 33 percent, but may not exceed the appraised value of the land.

County Conservation Easement Programs

Dakota County Program

Dakota County voters approved the sale of $20 million in bonds in November 2002 to fund the program. Working farmland will be protected through the donation or sale of permanent easements from willing landowners. Natural area protection will involve multiple partners in the donation or sale of permanent conservation easements or fee title from willing landowners. As of 2004:

- A 34-acre easement in the city of Eagan has been donated to the county.
- The county has successfully secured $2.1 million in federal funds for farmland easements, the first county in the state to do so.
- Appraisals have been completed on ten farmland easements, totaling 1,578 acres, and negotiations have begun with each landowner.
- Six natural area projects, totaling 632 acres, are in varying stages of progress to be protected.

Washington County Program

In 2000, Washington County received a $300,000 appropriation from the legislative commission on Minnesota Resources. Called the "Green Corridor Project," the legislative dollars were matched by local units of government money and leveraged to total $1.3 million. The money protected prime natural areas through conservation easements, totaling 142 acres at an average cost of $9,373 per acre. Several cities, besides the county, hold the easements.

Effectiveness of Program: Monitoring of compliance is key to program effectiveness. Currently, a portion of funds is kept in a Stewardship Fund to fund monitoring programs. Programs include annual visits and relationship building with landowners. No serious violations have been found in its ten-year history.

Partnerships: Occasionally landowners will sell half of the land to Minnesota Land Trust and half of the land to a public entity to add a check and balance into the system and to ensure their desires are kept.

Nature Conservancy

The Nature Conservancy prefers to purchase land, but does some work with conservation easements. It works in specific areas of Minnesota that include northeast forest lands, northwest native prairie lands, Lake Superior shore land, the Brainerd area, and the southeast (Weaver Dunes). Conservation easements are primarily put on grasslands and forestlands. The land must be in one of the areas they work in and show significant biodiversity. The easement is run like many others: appraisals determine easement value, and the Nature Conservancy is responsible for monitoring the easement.

As of 2004, the Nature Conservancy had 12 easement agreements on 15 separate land tracts, comprising 2,053 acres.

The 2004 CREP Proposal

Minnesota has a proposal to enroll 120,000 acres of eligible land in the Conservation Reserve Enhancement Program (CREP) of the USDA. Under the federal farm bill, the federal match of dollars for the acres would be four to one, or $160 million matched by $40 million state funding. This has been called "CREP II," after the initial Minnesota River One.

The new effort will target the Red River watershed, which borders North Dakota, the lower Mississippi area of the state, and the Des Moines and Missouri river regions in southwest Minnesota.

Issue

The previous CREP enrollment along the Minnesota River was for perpetual easement enrollment, so that the land would forever provide some conservation benefit and the public dollars would be maximized. An earlier state program, Reinvest in Minnesota, had gone to perpetual easements in 1986 for soil conservation, water quality restoration, and wildlife benefits, and always had more willing landowners wanting to enroll than state dollars available.

However, in the last couple of years, farm groups wanted to ensure that existing farmland would be available to be farmed for future farmers and crop needs. They supported CREP for limited duration easements of 20 years, but they didn't want the program to enroll any more perpetual easements.

Outcome

The compromise proposal was to be part of an overall state bonding bill in the 2004 session, which didn't emerge from committee for floor consideration. It's fully expected to be revived for possible passage in the 2005 session.

For further information on conservation easements see the House Research Department short subject *Conservation Easements: A Chronology of Recent Law*, November 2003.

For more information about environmental protection, visit the environment and natural resources area of our web site, www.house.mn/hrd/issinfo/environ.htm.

Minnesota Board of Water & Soil Resources

Board of Water and Soil Resources UPDATE

A publication of the Minnesota Board of Water and Soil Resources January 2005

ENGINEERING

On Jan. 12-14, the Red River Basin Commission sponsored the 22nd Annual Red River Basin Land and Water International Summit Conference in Fargo, N.D. The conference was attended by representatives of local, state, provincial, and federal governments, as well as representatives of colleges, nonprofit organizations, and technical service providers from Minnesota, North Dakota, and Manitoba. Ron Harnack and Al Kean represented BWSR, along with Jerome Deal and Paul Krabbenhoft, who also represented the Bois de Souix Watershed District and Clay SWCD, respectively. Conference title was "Shared Resources, Shared Responsibilities." The theme was built around a basin-wide approach, including the Natural Resources Framework Plan developed by the Red River Basin Commission. Topic areas included conservation, water supply, drainage, and water quality. All of the topic areas were introduced in relation to the applicable portions of the Natural Resources Framework Plan. Al Kean filled in for Dr. Gary Sands, U of M, under the drainage topic to give a presentation entitled "Subsurface Drainage: Hydrology and Water Quality Considerations." The conference provides a major annual forum for cross-border coordination for water management in the Red River Basin.

Al and Dr. Gary Sands are assisting the Technical Advisory Committee (TAC) of the Red River Basin Water Management Board (RRWMB) to increase knowledge and consensus regarding subsurface drainage effects on hydrology and water quality. TAC members help inform and advise the RRWMB and watershed districts in the Red River Basin. Surface ditches and field swales have been the primary method of drainage in most of the Red River Basin to date. However, subsurface drainage (tile) is becoming more prevalent in some areas. The TAC is seeking to better understand the field scale and cumulative effects of tile drainage on basin hydrology and water quality in different soils and landscapes, and to better advise the RRWMB and watershed districts about this developing drainage practice.

During this back side of the CREP 1 workload wave, before new WREP and CREP 2 waves, BWSR engineering is updating some of our standard drawings and construction specifications, as well as wetland restoration database information. Drawing and specification updates are intended to achieve the following objectives:

- Refine and enhance application of lessons learned during CREP 1.
- Refine compatibility with the NPDES Phase 2 for erosion control during construction.
- Enhance design and construction efficiencies for wetland restorations.

The database update is to expand our capabilities to categorize and evaluate wetland restorations for such things as:

- pre-restoration drainage method(s);
- wetland and associated upland acreage;
- restoration method(s) used;
- wetland type(s) restored; and
- other pertinent site information.

We're planning for the future when eLINK, or an associated database, might be the primary method of acquiring, storing, and evaluating conservation easement and wetland restoration data. Funding to help create this database is one of several EPA grant applications BWSR is currently coordinating with MPCA and others.

A number of wetland restoration projects continue to work their way through drainage system proceedings this winter to allow associated public drainage system modifications. Tom Wenzel serves as the appointed engineer for most of these projects to help advise drainage authorities about the effects of these wetland restorations, including the multiple benefits of wetland restorations and proposed project designs to avoid adverse impacts to adjacent landowners and road authorities. BWSR and SWCD technicians and engineers continue to revise and complete designs for these and other wetland restoration projects still in the pipeline.

Continued on next page

Board of Water and Soil Resources Update, Page 2

In anticipation of CREP 2, we have relocated Scott Santjer, BWSR engineering technician, from Montevideo to Marshall. Our Montevideo office was a strategic location for CREP 1, which had many wetland restorations in the western portion of the Minnesota River Basin. Marshall will be a better office location for CREP 2, which includes counties in the southwest corner of the state. Scott will now be located in space provided by the Area II Minnesota River Basin joint powers group, adjacent to BWSR's Marshall office space. We are grateful to Area II for helping to make this relocation work, because the owner of the Marshall office building was unwilling to subdivide available space in the building. Because Area II receives some 75 percent state grant funding from BWSR for operations and projects, we won't sublet the space, but will plan to assist Area II periodically via technical assistance. This should be a win-win partnership.

DNR staffing changes in the Lake Superior region will necessitate some updated coordination of roles and working relationships. Mike Peloquin, DNR area hydrologist in Two Harbors, recently accepted a regional hydrologist position in Grand Rapids. Tricia Ryan, who had served as manager of the Lake Superior Coastal Program since its adoption in the 1990s, recently moved to a new job with the National Oceanic and Atmospheric Administration in Charleston, S.C. DNR is expected to fill the positions vacated by Tricia and Mike in the coming months. These are important positions involved in the interagency partnership of which BWSR is a member for coastal nonpoint pollution control in the Lake Superior basin.
-Submitted by Al Kean

BRIEFS

For more than 10 years, high school students studying natural resource issues have squared off in the Minnesota Envirothon, a daylong competition that tests students' knowledge about soils, aquatic ecology, wildlife, forestry, and a current issue in natural resources.

Students taking the challenge work as teams made up of five students. They travel to five outdoor learning stations and take an exam related to the station's topic. Exams stress hands-on learning and critical thinking skills. Teams also give a presentation on the year's current topic. At the end of the day, the team with the highest score on all of the activities wins.

In Minnesota, teams participate in regional events and the state competition. The winner of the state event competes in the Canon Envirothon, a weeklong event held in the summer. The winning team receives a stipend to cover their travel expenses to the Canon Envirothon; in 2005, that competition will be held at Southwest Missouri State University in Springfield, Mo.

The state's Soil and Water Conservation Districts, BWSR, conservation organizations, and state and federal agencies work together on Minnesota's Envirothon events.

Plans are well underway for the 2005 events in Minnesota. This year's current event topic is "Managing Cultural Landscapes." The 2005 oral presentation scenario will require teams to study this issue and apply it to a marketing plan for Kathio State Park. Here is a schedule of the events:

Area I
Lake Bronson State Park, Wednesday, April 27
Itasca State Park, Wednesday, April 27
Rydell National Wildlife Refuge, Wednesday, April 27

Area II
Prairie Wetlands Learning Center, Fergus Falls, Thursday, May 5

Area III
Cloquet Forestry Center, Monday, May 2

Area IV
Gayle Woods Farm, Minnetrista, Thursday, May 5

Area V
Camden State Park, near Marshall, Wednesday, May 4

Area VI
Lake Hanska County Park, southwest of New Ulm, Thursday, May 5

Area VII
Alexander Park North, Faribault, Thursday, May 5

State Envirothon
Camp Onomia, near Onamia, Wednesday, May 18

Deadline for next edition: March 16

OFFICE OF GOVERNOR TIM PAWLENTY

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NEWS RELEASE

FOR IMMEDIATE RELEASE:
January 25, 2005

Contact: Brian McClung
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GOVERNOR PAWLENTY PROPOSES LARGEST BUDGET IN STATE HISTORY, 5.8% INCREASE OVER CURRENT BUDGET

~ $29.6 billion balanced budget sets priorities and spends smarter ~

St. Paul – Governor Tim Pawlenty today unveiled a balanced budget that controls state spending, restores the state's budget reverses and makes key investments in K-12 education, higher education, public safety and other areas.

"Today we are rising to the challenge facing Minnesota," said Governor Tim Pawlenty. "The budget I am submitting responds to our fiscal challenge and builds on the positive changes we've made in the last two years. It funds priorities important to Minnesotans and keeps government affordable and accountable. We've made tough choices, but this budget will put us on track to a better and more stable financial future."

The budget Pawlenty presented eliminates a projected budget shortfall of $700 million for the two-year state budget that begins on July 1, 2005. Proposed general fund spending for the FY06-07 budget is $29.667 billion, a $1.6 billion or 5.8 percent increase over the current budget.

	FY 06-07 Budget Proposal
K-12 Education	$12,414
Higher Education	$2,774
Property Tax Aids	$2,890
Health & Human Services	$7,901
Environ., Ag., & Econ. Development	$647
Transportation	$159
Public Safety	$1,668
State Government	$555
Debt Service & Other	$837
Total General Fund Spending	**$29,667**

****figures in millions***

Spending priorities in the Governor's budget proposal reflect Minnesota values: promoting quality education, protecting our children and at-risk populations, maintaining safe and livable

- more -

communities and concern for the environment. Highlights include:

- $369 million package to increase classroom funding and teacher improvement and accountability reforms in K-12 education
- $232 million to increase the quality and competitiveness of our higher education institutions
- $90 million for public safety programs to provide funding for prisons, courts and programs dealing with new criminal and security threats
- $656 million increase in general fund spending for Health and Human Services to meet our commitment to children, elderly, disabled and at-risk populations and provide a stable safety net
- $11 million in benefits to our military personnel to recognize the sacrifices they are making

The Governor's budget solution includes five parts:

Forecast Shortfall for FY06-07	**$700 million**
• Spending Cuts/Reallocations	$426 million
• New Spending/Priorities	($476 million)
• Increased Revenues	$338 million
• New Gaming License Revenue	$200 million
• Health Care Finance Realignment	$220 million
Balance	**$8 million**

Included in the proposal is $200 million from a one-time casino license fee. The Governor outlined his "Gaming Fairness" proposal today, which includes a partnership casino with interested tribes and an optional new compact.

"We've seen explosive growth in Minnesota's tribal casino industry over the past 15 years," said Governor Pawlenty. "That growth has not benefited 85 percent of tribal members nor the state as a whole. Numerous other states have reexamined their gaming agreements to ensure greater fairness and it's time for Minnesota to do the same."

The new casino would split revenues between the tribal entity, the State of Minnesota, a newly created Community Asset Account, the host community and programs for problem gaming. Revenue to the state is projected to be more than $100 million per year beginning in FY 2008.

"We've come a long way since tackling a $4.5 billion shortfall two years ago," said Governor Pawlenty. "This budget proposal keeps us moving forward, while ensuring that Minnesota stays competitive when it comes to keeping and attracting jobs. I look forward to working with legislators to get the job done this year in a timely and responsible manner."

Budget documents can be found on the Governor's Office website at www.governor.state.mn.us.

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WATER & SOIL RESOURCES BOARD

Agency Overview

Dollars in Thousands

	Current		Governor Recomm.		Biennium
	FY2004	FY2005	FY2006	FY2007	2006-07
Direct Appropriations by Fund					
Environment & Natural Resource					
Current Appropriation	651	651	651	651	1,302
Recommended	**651**	**651**	**900**	**900**	**1,800**
Change		0	249	249	498
% Biennial Change from 2004-05					38.2%
General					
Current Appropriation	15,432	15,431	15,431	15,431	30,862
Recommended	**15,432**	**15,431**	**15,026**	**15,026**	**30,052**
Change		0	(405)	(405)	(810)
% Biennial Change from 2004-05					-2.6%
Expenditures by Fund					
Direct Appropriations					
Environment & Natural Resource	651	651	900	900	1,800
General	14,271	16,673	15,026	15,026	30,052
Statutory Appropriations					
Special Revenue	845	1,030	635	280	915
Federal	14	302	208	0	208
Total	**15,781**	**18,656**	**16,769**	**16,206**	**32,975**
Expenditures by Category					
Total Compensation	3,243	4,116	3,624	3,416	7,040
Other Operating Expenses	683	1,821	1,283	937	2,220
Local Assistance	11,855	12,719	11,862	11,853	23,715
Total	**15,781**	**18,656**	**16,769**	**16,206**	**32,975**
Expenditures by Program					
Water & Soil Resrcs Bd	15,781	18,656	16,769	16,206	32,975
Total	**15,781**	**18,656**	**16,769**	**16,206**	**32,975**
Full-Time Equivalents (FTE)	**42.3**	**40.3**	**38.3**	**38.3**	

WATER & SOIL RESOURCES BOARD

Change Summary

Dollars in Thousands

	FY2005	Governor's Recomm. FY2006	Governor's Recomm. FY2007	Biennium 2006-07
Fund: ENVIRONMENT & NATURAL RESOURCE				
FY 2005 Appropriations	**651**	**651**	**651**	**1,302**
Technical Adjustments				
One-time Appropriations		(651)	(651)	(1,302)
Subtotal - Forecast Base	**651**	**0**	**0**	**0**
Change Items				
LCMR Projects	0	900	900	1,800
Total Governor's Recommendations	**651**	**900**	**900**	**1,800**
Fund: GENERAL				
FY 2005 Appropriations	**15,431**	**15,431**	**15,431**	**30,862**
Subtotal - Forecast Base	**15,431**	**15,431**	**15,431**	**30,862**
Change Items				
Administrative Reallocations	0	(300)	(300)	(600)
Area II	0	(105)	(105)	(210)
Total Governor's Recommendations	**15,431**	**15,026**	**15,026**	**30,052**
Fund: SPECIAL REVENUE				
Planned Statutory Spending	**1,030**	**635**	**280**	**915**
Total Governor's Recommendations	**1,030**	**635**	**280**	**915**
Fund: FEDERAL				
Planned Statutory Spending	**302**	**208**	**0**	**208**
Total Governor's Recommendations	**302**	**208**	**0**	**208**

WATER & SOIL RESOURCES BOARD

Change Item: Administrative Reallocations

Fiscal Impact ($000s)	FY 2006	FY 2007	FY 2008	FY 2009
General Fund				
Expenditures	($300)	($300)	($300)	($300)
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	($300)	($300)	($300)	($300)

Recommendation

The Governor recommends reallocation of $600,000 in administrative costs over the FY 2006-07 biennium to reduce costs and eliminate duplicative administrative functions and provide for more efficient program management.

Background

The Board of Soil and Water Resources (BWSR) will be co-locating with a larger agency in FY 2005. This relocation offers opportunity for both rent savings and shared administrative services. The agency anticipates eliminating 2.0 FTE and entering into an interagency agreement to perform required administrative work in fiscal, human resources and land and water grants management.

Relationship to Base Budget

This reduction represents a 7.5% reduction in BWSR's administrative budget and a 2.6% reduction in their overall General Fund appropriation.

Alternatives Considered

The agency reviewed all of its programs and determined that certain administrative activities were of lower priority than other programs providing direct services to clients.

WATER & SOIL RESOURCES BOARD

Change Item: Area II

Fiscal Impact ($000s)	FY 2006	FY 2007	FY 2008	FY 2009
General Fund				
Expenditures	($105)	($105)	($105)	($105)
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	($105)	($105)	($105)	($105)

Recommendation

The Governor recommends moving programs of the joint powers organization in Area II in order to eliminate duplication and facilitate more efficient use of the state's flood hazard mitigation grant programs. Program responsibilities have been assumed by other agencies including DNR and LCMR.

Background

The Area II joint powers board was formed to reduce recurrent flooding problems in the Minnesota River basin in southwestern Minnesota. The joint powers board has nine members representing Brown, Cottonwood, Lac qui Parle, Lincoln, Lyon, Murray, Pipestone, Redwood, and Yellow Medicine Counties. The board provides 25% match to the state appropriation and makes small grants, primarily for road retention projects. In previous budget cycles other joint powers organizations under BWSR were eliminated in an effort to reduce duplication of services. Area II is the last one currently in operation.

The Department of Natural Resources (DNR) provides service of a similar nature on a statewide basis through the Flood Hazard Mitigation Grant Program. The economies of scale achieved by the DNR program likely yields more benefit at less cost and offers a broader framework for flood mitigation planning. Flood reduction programs will be available for competitive projects in Area II through the DNR.

Alternatives Considered

The agency examined all of its activities and determined that this program was a lower priority item.

WATER & SOIL RESOURCES BOARD

Change Item: LCMR Projects

Fiscal Impact ($000s)	FY 2006	FY 2007	FY 2008	FY 2009
General Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Environment & Natural Resources				
Expenditures	$900	$900	0	0
Revenues	0	0	0	0
Net Fiscal Impact	$900	$900	0	0

Recommendation

The projects recommended by the Legislative Commission on Minnesota Resources (LCMR) are displayed as part of the Board's Biennial Budget request. The Governor is not making specific recommendations on these projects.

Background

Local Water Management Matching Challenge Grants - $1,000,000

To accelerate the local water management challenge grant program by providing matching grants to implement high-priority activities in state approved comprehensive water management plans.

Effects of Land Retirements on the Minnesota River - $300,000

To evaluate effects of retired or set aside agriculture lands on the water quality and aquatic habitat of streams in the Minnesota River basin in order to improve priority-setting for future land retirements.

Soil Survey - $500,000

To accelerate digitizing of completed soil surveys for web-based user application and for agreements with Pine and Crow Wing counties to begin soil surveys.

Relationship to Base Budget

Project funding is available for FY 2006-07.

Key Measures

See individual project proposals or visit the LCMR web site at http://www.lcmr.leg.mn/lcmr.htm

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

Agency Project	Governor's Recommendation
Administration, Department of	
DOT Exterior Repair	9,342
Statewide CAPRA	4,000
Agency Relocation	4,882
Asset Preservation - Admin Properties	6,600
Ford Building Demolition	1,176
Parking Improvements	1,873
Agency Total	27,873
Agriculture, Department of	
Rural Finance Authority Loan Participation	18,000
Agriculture Water Management Research Partnership	619
Agency Total	18,619
Capitol Area Architectural and Planning Board	
Capitol Building Repair	2,357
Agency Total	2,357
Corrections, Department of	
MCF-Faribault Expansion	84,844
DOC - Asset Preservation	11,000
MCF-Stillwater 150-Bed Segregation Unit	20,848
MCF-Willow River Expansion	380
Agency Total	117,072
Education, Department of	
Duluth Grant School Youth and Community Center	1,157
ISD 38, Red Lake Middle School	24,040
East Metro Magnet School/Crosswinds Middle School	1,083
Agency Total	26,280

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

Agency Project	Governor's Recommendation
Employment & Economic Development	
US EPA Drinking Water/Wastewater Capitalization	14,380
Biotechnology and Health Science Zone Grants	15,000
Redevelopment Grant Program	10,000
Wastewater Infrastructure Fund	10,200
UofM/Mayo Clinic Biotechnology Research Facility	21,726
Agency Total	71,306
Finance, Department	
G.O. Bond Sale Expenses	714
Trunk Highway Bond Sale Expenses	20
Agency Total	734
Grants to Political Subdivisions	
Buffalo Lake Maintenance Garage & Street Repair	690
Colin Powell Youth Leadership Center	4,595
Lewis and Clark Rural Water System	2,000
Roseau Infrastructure Repair & Improvements	10,662
St. Paul - Phalen Corridor	1,500
St. Paul - Holman Field	2,000
Agency Total	21,447
Housing Finance Agency	
Permanent Supportive Housing Loans	20,000
Agency Total	20,000
Human Services, Department of	
St. Peter - New Facilities Sex Offender Program	3,259
Forensic Nursing Facility	12,600
System-Wide Campus Redevelopment/Reuse/Demolition	6,150
System-Wide Roof Repair and Replacement	1,014
System-Wide Asset Preservation	4,000
Agency Total	27,023

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

Agency Project	Governor's Recommendation
Metropolitan Council	
Cedar Avenue Busway	10,000
Metropolitan Regional Parks Capital Improvements	7,000
Agency Total	17,000
Military Affairs, Department of	
Asset Preservation	4,000
Facility Life/Safety	1,000
Agency Total	5,000
Minnesota Historical Society	
Historic Sites Asset Preservation	7,167
Historic Fort Snelling Revitalization	1,979
Agency Total	9,146
Minnesota State Academies	
Asset Preservation	4,255
Agency Total	4,255
Minnesota State Colleges & Universities	
HEAPR (Higher Education Asset Preservation and Replacement)	49,000
Winona SU - Pasteur Hall Science Renovation	11,118
MSU Moorhead - Hagen Hall Science Renovation	10,477
Century CTC - Technology Center Renovation	4,888
St. Cloud SU - Centennial Hall Renovation	3,150
St. Cloud TC - Science Classroom Renovations	1,065
South Central TC - Applied Lab Renovation	5,157
Systemwide Science Lab Renovations	9,668
Systemwide Workforce Training Classrooms	2,173
Systemwide Technology-Updated Classrooms	2,000
Systemwide Demolition Initiative	1,625
Agency Total	100,321

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

Agency Project	Governor's Recommendation
Natural Resources, Department of	
Flood Hazard Mitigation Grants	20,000
Dam Repair/Reconstruction/Removal	1,150
RIM - Critical Habitat Match	4,000
RIM - Wildlife Area Land Acquisition	12,000
Fisheries Acquisition and Improvement	1,050
Water Access; Acquisition. Betterment, & Fishing Piers	3,500
Stream Protection & Restoration	500
Reforestation	3,000
Metro Greenways and Natural Areas	1,000
Native Prairie Bank Easements & Development	1,000
SNA's Acquisition & Development	300
State Trail Acquisition & Development	2,000
County Forest Land Reforestation	1,000
Fish Hatchery Improvements	1,750
RIM - Wildlife Management Area Development	600
State Forest Land Acquisition	1,000
Forest Roads and Bridges	1,000
State Park Acquisition	2,000
State Parks Bldg. Dev & Rehab/Infrastructure	3,000
Lake Superior Safe Harbors	2,000
Statewide Asset Preservation	4,500
Field Office Renovation & Improvements	800
Office Facilities Development	-
Greater Minnesota Regional Parks	3,000
Agency Total	70,150
Office of Environmental Assistance	
Capital Assistance Program	4,000
Agency Total	4,000
Perpich Center for Arts Education	
Campus Asset Preservation	558
Beta Building Demolition	525
Alpha Building Renovation	810
Agency Total	1,893

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

Agency / Project	Governor's Recommendation
Pollution Control Agency	
Closed Landfill Bonding	14,000
Agency Total	14,000
Transportation, Department of	
Local Bridge Replacement Program	28,000
Mankato Headquarters Building	16,620
Local Road Improvement Grants	10,000
Small Capital Projects	4,128
Northstar Commuter Rail	37,500
Agency Total	96,248
University of Minnesota	
HEAPR (Higher Education Asset Preservation and Replacement)	45,100
UMD Life Science Renovation	10,103
UMTC Koltoff Hall Renovation	17,381
UMTC Education Sciences Building	14,448
UMTC Academic Health Facilities	10,428
Morris District Facilities	2,890
Agency Total	100,350
Veterans Affairs, Department of	
Minnesota World War II Veterans Memorial	670
Agency Total	670
Veterans Homes Board	
Asset Preservation	6,000
Luverne Dementia Wander Area	306
Agency Total	6,306
Water & Soil Resources Board	
RIM Reserve Program and CREP	23,000
Local Government Road Wetland Replacement	4,362
Agency Total	27,362

GOVERNOR'S 2005 CAPITAL BUDGET RECOMMENDATIONS

($ in Thousands)

Agency Project	Governor's Recommendation
Zoological Gardens	
Zoo Master Plan Design/Construction	20,640
Asset Preservation	6,000
Agency Total	26,640

GRAND TOTAL	**$816,052**
General Obligation Bonding	**$743,991**
User Finance Bonding	**$36,869**
General Fund Projects	**$5,082**
Trunk Highway Fund	**$0**
Trunk Highway Bonding	**$30,110**

Zoo debt service forgiveness (biennial total) **$1,875**

KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you **need to** change the display of stricken and/or underscored language.

Authors and Status ■ List versions

S.F. No. 1, 2nd Engrossment: 84th Legislative Session (2005-2006) Posted on Jan 24, 2005

A bill for an act

relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; making adjustments to previous bond authorizations; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2004, sections 16A.671, subdivision 3; 116.182, subdivision 2; 116J.571; 116J.572, subdivision 2; 116J.573, subdivisions 1, 2, 5; 116J.575, subdivision 1; 134.45; 136F.60, by adding a subdivision; 174.52, by adding a subdivision; Laws 2000, chapter 492, article 1, section 7, subdivision 21; Laws 2002, chapter 393, section 13, subdivision 7, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2003, First Special Session chapter 20, article 1, section 11; proposing coding for new law in Minnesota Statutes, chapters 446A; 641.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

APPROPRIATIONS AND RELATED LANGUAGE

Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]

The sums in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes. Appropriations of bond proceeds must be spent as authorized by the Minnesota Constitution, article XI, section 5, paragraph (a), to acquire and better public land and buildings and other public improvements of a capital nature, or as authorized by the Minnesota Constitution, article XI, section 5, paragraphs (b) to (j), or article XIV. Unless otherwise specified, the appropriations in this act are available until the project is completed or abandoned subject to Minnesota Statutes, section 16A.642.

SUMMARY

UNIVERSITY OF MINNESOTA	$ 118,383,000
MINNESOTA STATE COLLEGES AND UNIVERSITIES	243,971,000
EDUCATION	28,780,000
MINNESOTA STATE ACADEMIES	5,841,000
PERPICH CENTER FOR ARTS EDUCATION	1,983,000
NATURAL RESOURCES	117,779,000

POLLUTION CONTROL AGENCY		14,000,000
OFFICE OF ENVIRONMENTAL ASSISTANCE		4,000,000
BOARD OF WATER AND SOIL RESOURCES		29,297,000
AGRICULTURE		864,000
ZOOLOGICAL GARDEN		12,000,000
ADMINISTRATION		10,124,000
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD		3,570,000
AMATEUR SPORTS COMMISSION		3,200,000
MILITARY AFFAIRS		5,000,000
VETERANS AFFAIRS		670,000
PUBLIC SAFETY		1,269,000
TRANSPORTATION		107,040,000
HEALTH		1,400,000
HUMAN SERVICES		15,173,000
VETERANS HOMES BOARD		12,009,000
CORRECTIONS		81,720,000
EMPLOYMENT AND ECONOMIC DEVELOPMENT		183,683,000
HOUSING FINANCE AGENCY		24,250,000
IRON RANGE RESOURCES AND REHABILITATION		1,800,000
MINNESOTA HISTORICAL SOCIETY		9,996,000
BOND SALE EXPENSES		1,038,000
TOTAL		$1,038,840,000
Bond Proceeds Fund		
(General Fund Debt Service)		911,839,000
Bond Proceeds Fund		
(User Financed Debt Service)		62,961,000
Maximum Effort School Loan Fund		24,040,000
State Transportation Fund		40,000,000
		APPROPRIATIONS
		$
Sec. 2. UNIVERSITY OF MINNESOTA		
Subdivision 1. To the Board of Regents of the University of Minnesota for the purposes specified in this section		118,383,000
Subd. 2. Higher Education Asset Preservation and Replacement (HEAPR) To be spent in accordance with Minnesota Statutes, section 135A.046.		50,000,000
Subd. 3. Duluth Campus		
(a) Life Science Building To design, renovate, furnish, and equip the Life Science Building for the pharmacy program and other academic programs on the Duluth campus. The renovation may include, but is not limited to, improvements to correct air quality problems, life safety and accessibility code deficiencies, asbestos, and fireproofing of the facility.		10,100,000
(b) Recreational Sports Addition To construct, furnish, and equip the recreational sports facility, an addition to the existing sports and health center. The facility will include fitness and conditioning space, multipurpose recreational space, and office space.		8,700,000
Subd. 4. Morris Campus -		

2004/05 Local Water Management Challenge Grant RFP Summary & Ranking

Requests for proposals (RFPs) received: 66
(swcds 26; counties 22; and wds/wmos 18)

Total funds requested: $1,518,578.00
Total match offered: $2,157,675

Ranked Projects: Below is a list of the projects submitted for funding, ranked from the highest to the lowest score.

	Project	Local Unit of Govt	requested amount $
1	Develop and implement lake management plans for 2 lake associations on 5 lakes, create a model surface water use management plan for 15 townships, develop comprehensive plans for two pilot townships, and develop criteria and processes for implementing an intra-lake land reclassification model to be tested on five pilot lakes.	Cass SWCD	$23,800
2	Conduct water quality monitoring for different lake types in St. Louis and Itasca counties. Use these and other data to develop lake carrying capacities for all lake types. Further, use this information to develop and implement performance-based land use regulations to achieve future sustainability of lake water quality.	Itasca SWCD St. Louis County	$28,425 $19,000
3	Develop a multi-use, Natural Resources Inventory and Management Plan that identifies, protects and enhances conservation corridors, including river, wetland, sensitive areas and other natural resources corridors in Blue Earth County for habitat, recreation, open space and water quality purposes.	Blue Earth COUNTY	$20,000.00
4	Groundwater's role in surface water management is vital, but poorly understood. Watershed Districts will integrate groundwater elements into their management strategies and policies protecting lakes, wetlands, streams, and water supplies dependent on groundwater.	Washington SWCD	$60,450
5	Revise the Winona County Zoning Ordinance to provide a programmatic foundation to better control erosion and manage stormwater in the county. The regulation and accompanying education will help citizens understand the need to plan for construction and consider impacts of development.	Winona COUNTY	$15,000.00
6	The goal of the Silver Creek Corridor Implementation Plan is to protect and restore the in-stream and riparian resources of Silver Creek and its headwater lake system and develop a watershed-based implementation plan emphasizing the restoration and protection of a 15-acre riparian wetland and 1000 LF of stream channel.	Carnelian Marine WD	$25,000.00
7	Create an accurate drainage system inventory detailing past use and current status of the system, that can be utilized as a management tool within a drainage management plan, to make best management decisions based on all available data for the improvement of water quantity and quality within the system.	Le Sueur COUNTY	$25,000.00
8	Establish a Coalition of Lake Associations with the intent that the COLA will aid lake associations in the development of lakeshed assessments and management plans.	Stearns COUNTY	$25,000.00
9	Develop lakeshed management plan and implementation project to facilitate the implementation of on the ground conservation projects.	Stearns SWCD	$23,000.00

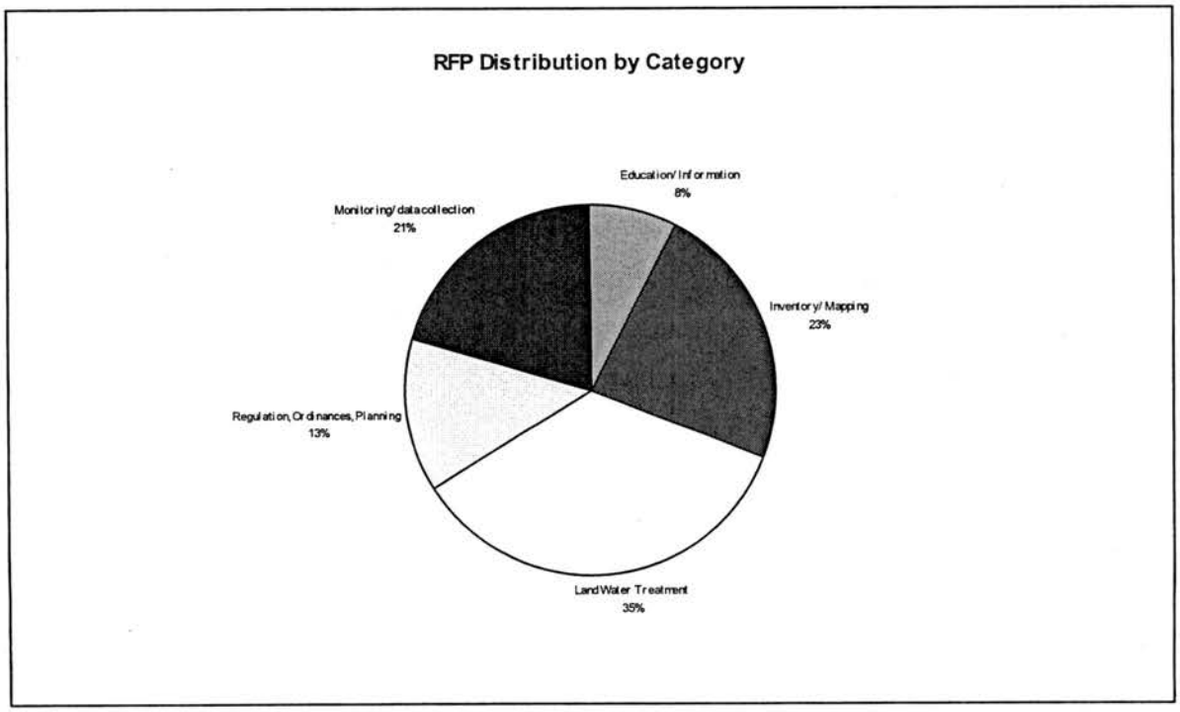
	Project	Local Unit of Govt	requested amount $
10	Provide technical and financial support to 4 lake associations to develop/implement lake management plans that will improve and protect water quality through education and training, monitoring and installation of best management practices.	Todd SWCD	$25,000.00
11	Acquire Fish Lake water quality data and develop a Lake Management Plan that addresses upgrading on-site septic systems around and fertilizer management affecting Fish Lake.	Jackson COUNTY	$10,000.00
12	Develop a Comprehensive Drainage Watershed Management Plan. Build on existing documentation for County Ditch 3 as a model to assess the diverse impacts subsurface drainage has on water quality.	Faribault SWCD	$25,000.00
13	Begin building a comprehensive drainage system by converting paper ditch records to an electronic digital format. Modernize records to allow natural resource GIS layers to be linked directly with drainage systems.	Swift COUNTY	$18,975.00
14	Offer lake/river management planning for Hubbard and Wadena Counties and expand on implementation working with the Initiative Foundation Healthy Lakes and Rivers Program. Promote river management in the Crow Wing River Watershed .	Wadena SWCD	$20,000.00
15	Engage local residents and agencies in the development of a management plan for Fish Lake. The project will fill in monitoring gaps and provide watershed information to assist residents and resource managers in identifying goals, evaluating management options, and developing a sustainable lake management plan.	Prior Lk- Spring Lake WD	$8,350.00
16	Identify and organize a detailed history of the County drainage ditch information. This information will be used to assess and develop an education program concerning the importance of drainage and water quality.	Chippewa COUNTY	$25,000.00
17	Transfer all county and judicial ditches information from paper maps to ArcView and to add inventory of existing buffer strips along the drainage ditches. This information will be used to target landowners and encourage them to place their ditch banks into available programs.	Yellow Medicine COUNTY	$16,000.00
18	Develop a comprehensive GIS-based inventory of Meeker County's public drainage ditch systems, both surface and subsurface, which will enable drainage authorities and other stakeholders to spatially analyze water quality and quantity projects, as well as past maintenance and repair activities	Meeker COUNTY	$25,000.00
19	Develop a comprehensive GIS-based inventory of Kandiyohi County's public drainage ditch systems, both surface and subsurface, which will enable drainage authorities and other stakeholders to spatially analyze water quality and quantity projects, as well as past maintenance and repair activities	Kandiyohi COUNTY	$25,000.00
20	Provide government officials and landowners with clear, concise information regarding wetland regulations, best management practices, the social and environmental benefits wetlands provide, and the cumulative effects of wetland removal.	Carelton County	$37,000.00

END OF PROJECTS THAT RECEIVED FUNDING

	PROJECTS BELOW WERE NOT FUNDED Project	Local Unit of Govt	requested amount $
21	Inventory and assess public drainage systems for areas in need of buffers/conservation practices and develop a useful GIS program.	Lincoln COUNTY	$25,000.00
22	Provide decision makers with the accurate and complete natural features information to skillfully guide development and growth while reducing human impacts on the environment.	Douglas COUNTY	$25,000.00
23	Identify and inventory existing private and public drainage ditch systems and promote BMPs to protect surface water quality.	Wadena SWCD	$5,000.00
24	Investigate the cause of hydrological changes impacting numerous wetlands in rapidly developing Brooklyn Park, and develop a master plan for preserving and restoring wetland functions and values.	West Mississippi WMO	$15,000.00
25	Inventory and inspect Renville County's Ditch Systems and identify potential water quality and erosion problems.	Renville SWCD	$25,000.00
26	Construct a pervious pavement parking lot within the shoreland zone of a high priority lake.	South Wash WD	$25,000.00
27	Update 1990 Corp of Engineers Alternatives Report to integrate into new Lake Management Plan for Sauk Lake in Stearns and Todd Counties.	Sauk River WD	$4,600.00
28	Address stormwater management issues, identify and mediate severe soil erosion sites, implement shoreline stewardship demonstration sites.	Beltrami SWCD	$19,020.00
29	Create a forum for communication, be a resource for shoreline stewardship, and begin a lake sampling regime to help develop lake management plans for member lake associations.	Beltrami SWCD	$24,400.00
30	Restore native shoreline on Martin and Typo Lakes in Anoka County to address nutrient runoff and shoreline erosion problems.	Anoka SWCD	$7,850.00
31	Design a multi-level drainage system inventory method and apply it to a pilot area.	Carver COUNTY	$7,000.00
32	Construct a storm water retention pond for storm water treatment before it enters Spirit Lake. A $30,000 DNR Habitat Restoration grant is available to help with some funding. Storm water treatment is a high priority in the Spirit Lake Managment Plan, written in 2002 utilizing 02-03 LWM funds.	Wadena SWCD	$8,650.00
33	Assist 5 communities with the inventory and evaluation of existing ISTS's, educate community residents about the importance of the proper disposal and treatment of waste water and the development of a community wide wastewater disposal plan.	Wilkin COUNTY	$16,850.00
34	Create a plan for reducing sediment and nutrient loads entering Silver Creek from the City of Clearbrook and its watershed.	Red Lake SWCD	$18,500.00
35	Enhance citizen awareness of storm water issues and help create local examples of storm water management alternatives. Additionally, data collection and database development will support Douglas County's efforts to make better storm water management decisions in a time of rapid development.	Douglas COUNTY	$19,400.00
36	Develop a stormwater implementation plan for Arcola Creek, one of the last remaining trout streams in the TCMA.	Marine on St. Croix WMO	$25,000.00
37	Construct a basin for sediments to filter out before entering Grove Lake and Judicial Ditch 1 (the North Fork Crow River).	North Fork Crow River WD	$25,000.00

	Project Name	Local Unit of Govt	requested amount $
38	Powers Pond Park Pervious Pavement Parking Pad	South Washington WD	$25,000.00
39	Provide cost share and increased technical assistance to expedite application of non-engineered feedlot solutions in the SFRR.	Fillmore SWCD	$25,000.00
40	Develop guidelines for shoreland restoration to help citizens comply with updated shoreland mitigation standards.	Carlton COUNTY	$6,475.00
41	Educate decision makers on stormwater BMPs for small cities along with tools and information available for stormwater planning.	Sauk River WD	$4,200.00
42	Implement a broad based citizen education effort on the results, value, use of the completed NRI's.	Carver COUNTY	$3,000.00
43	Improve surface water quality and reduce runoff in Nobles County and the Heron Lake, Kanaranzi-Little Rock and Okabena-Ocheda WD's by establishing a BMP cost-share program.	Nobles SWCD	$75,000.00
44	Provide education and financial incentives to encourage landowners to seal unused wells and to remove unused fuel storage tanks.	Sherburne SWCD	$11,000.00
45	Build a database of arsenic levels and trends using GIS and working to educate the public about arsenic in drinking water.	Sibley SWCD	$4,000.00
46	Create a GIS layer-compatible map of the public ditch benefiting areas and a private ownership map.	Mahnomen SWCD	$22,500.00
47	Study how a wastewater facility and roads impact the hydrology of Nicols Meadow. Assess the viability of Nicols Fen and associated trout streams, recommend actions to protect these resources.	Gun Club Lake WMO	$17,500.00
48	Repair severe and ongoing erosion in Judicial Ditch #10 and to prevent future erosion of the ditch side slopes and bottom.	Two Rivers WD	$22,500.00
49	Construct a sequential stormwater BMP system emphasizing infiltration and natural processes to treat runoff and reduce phosphorus loadings to Crystal Lake (a 303(d) listed water.	Black Dog WMO	$25,000.00
50	Establish a county-wide monitoring network to ensure that there is early detection of contamination and impacts to the watersystems. Establish a centralized data repository for all data collected to enable each agency/LGU to have a proactive big picture approach.	Washington COUNTY	$75,000.00
51	Investigate, analyze, and evaluate existing and gathered information on Minnehaha Creek for the purpose of identifying existing areas of concern and potential areas of future improvements to the creek and tributary watersheds.	Minnehaha Creek WD	$24,800.00
52	Provide financial assistance to priority projects in order to reduce run-off, sedimentation, and flooding in the Root River Watershed.	Root River SWCD	$75,000.00
53	Reduce sedimentation resulting from the eroding area of the property along the Two Rivers.	Kittson SWCD	$14,148.00
54	Update the soil survey so that information is digitized and is compatible with other conservation software tools.	Pipestone SWCD	$25,000.00
55	Determine the normal water level, OHW level and 100-year flood level for chosen sub-watersheds in Thirty Lakes Watershed District	Thirty Lakes WD	$22,500.00
56	Partner with local townships and landowners to repair eroding riverbanks and improve in-stream aquatic habitat.	Watonwan COUNTY	$25,000.00

57	Seal unused, abandoned wells with a cost share program. Promotion of the program is educational for residents of Sibley County.	Sibley SWCD	$4,000.00
58	Fund low cost options for water retention and erosion control.	Root River SWCD	$20,000.00
59	Reduce sedimentation resulting from the eroding area of the property along the Two Rivers.	Kittson SWCD	$9,225.00
60	Develop a model that will determine run-off and pollution contribution on a parcel by parcel basis throughout the watershed.	Sauk River WD	$8,000.00
61	Develop cost estimates for BMP improvements and complete a cost-effectiveness assessment of proposed water quality improvement options seveal watersheds in the LMRWMO.	Lower Mississippi WMO	$22,000.00
62	To determine the TMDL for four sub-watersheds and update three existing sub-watersheds with TMDL configuration studies.	Thirty Lakes WSHED	$24,000.00
63	Create an education plan on the processes required to develop and implement projects, aiding the district's progress. The project also creates a comprehensive written plan that can be modified elsewhere in the state.	Wild Rice WD	$24,960.00
64	Study patterns that are changing in response to the changes in the flow regime.	Elm Creek WMO	$50,000.00
65	Develop a marketing tool that would highlight the beauty of Pope County's natural resources, but explains the responsibility of lake stewardship and how to preserve high environmental standards.	Pope COUNTY	$18,000.00
66	Match EQUIP grants	Waseca COUNTY	$25,000.00
			$1,518,578.00



Local Water Management Review Team
Issues and Recommendations from
November 22, 2004 Meeting

* Need reminder agenda of timeframes.

1. Issue: Inconsistent response from agencies to PCSD and Final Water Plan and role of BWSR staff in following up with agencies to encourage comments.

Recommendation:

- Guidelines should state that the LGU should mail the PCSD and final water plan directly to the BWSR Regional Supervisor, the BWSR BC, and the five agency contacts. Include a deadline for comments.
- The Regional Supervisor sends a reminder e-mail to the agency contact and attaches review forms and instructs agency contacts to use review forms to send comments to both the Regional Supervisor and LGU. Regional Supervisor will forward agency comments to BC.
- BWSR staff will not be expected to follow-up with agency staff beyond the one reminder message. If agency comments are not received by the deadline, it will be assumed that they approve.

2. Issue: Priority concerns being drafted by BCs may not be reflecting BWSR priorities and the process to develop them may be inefficient.

Recommendation:

- Each regional supervisor will collect the Priority Concerns statements already developed by BCs. These will be collated into one reference list of statements.
- Each Regional Supervisor will convene a meeting of the region's BCs along with Greg, Al, and Dave W. to complete a list of priority concerns for the region.
- The BC will then select appropriate priority concerns from the regional list and tailor as necessary to individual counties. The Regional Supervisor review not needed.
- The BWSR priority concerns list should be reviewed annually at a regional field staff meeting.

3. Issue: The process for committee approval of the final water plan is unclear and could be burdensome if the committee has to meet a second time to review the final plan.

Recommendation:

- The Regional Supervisor will mail a final review packet to the committee members who participated in the PCSD review meeting. The packet will contain an executive summary of the plan, the action plan, budget, agency comments, and cover letter (talking points) written by the BC.
- The BC cover letter will verify that the final plan meets all requirements; that agencies have approved the plan or their comments have been sufficiently addressed; that the final plan is consistent with the previously reviewed PCSD,

and any other information that the BC deems necessary for committee consideration.

- The BC meets with the review committee if convenient, i.e. if an review committee meeting is already scheduled in a location and at a time that makes sense for the BC to attend. The BC will attend and review his/her recommendation of the final plan and respond to any questions. The committee will make a motion regarding approval of the plan for approval by the full BWSR Board. If a committee meeting is not timely or convenient, the BC will consult with the committee Chair to discuss final approval of the water plan in preparation for full board action. Full board action will require a motion and a second under this scenario.
- The LGU may be asked to attend a second review committee meeting at the request of the committee Chair, or if the Regional Supervisor and BC think it is necessary due to unresolved issues with the plan.
- BC attendance at the BWSR Board meeting is optional unless requested by the committee chair or directed by the Regional supervisor.
- The committee chair will present the final water plan to the full BWSR Board.

4. Issue: Busy schedules and long travel distances have made the requirement to have a quorum present for review committee meetings difficult to achieve.

Recommendation:

- The requirement for a quorum should be changed to a suggestion for a quorum with a requirement that at least two board members must be present for a review committee.
- If a quorum is not present for the review committee the board action will require a motion and a second.
- If the suggestion to eliminate the quorum is not accepted, this work team suggests that the regional committees be capped at 5 members so that a quorum will only require three members to attend.
- The Regional Supervisor provides an additional neutral review presence at the committee meetings and should help assure a complete review when only two board members are present.

5. Issue: How is the final approval letter handled and who signs it?

Recommendation

- The committee recommends that since the full board takes action on the PCSD and the final plan, that the approval letters should be signed by the BWSR Chair.
- The letter should be drafted by the BC sent to Mary Jo Anderson for signature by the Chair and mailing by the central office.

6. Issue: Are agency alternates really committee members?

Recommendation

- This question needs to be clarified by the Director and Board members.

7. Issue: The Local Water Management Guidelines and Checklists will have to be revised.

Recommendation

- The work team will address this action after the above items have been decided.

8. Issue: The current BWSR Adoption and Implementation Resolution is problematic for LGUs to sign.

Recommendation

- The work team will address this issue at the next meeting.

Future Work Team Actions

- Dave, Ron and Jeff will review the above recommendations with Doug and/or RDH after the Dec 14 SMT meeting.
- The work team will meet again December 22 in St. Cloud to discuss and revise original recommendations based on discussions with RDH and Doug. The Work team will look through the guidelines and checklists for areas that need to be revised, and review the Adoption Resolution at this meeting as well.
- Ron and Dave will bring final product to January SMT.
- SMT will make recommendation on best path for board approval i.e. through water review committees, admin advisory committee, or RDH take to full board.

Minnesota Board of Water & Soil Resources

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

My JAN Bud File

December 20, 2004

TO: List of Addressees

FR: Jim Haertel, Water Management Specialist

PH: (651) 297-2906

RE: Notice of Public Hearing – Establishment Petition for Middle Fork Crow River Watershed District

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A citizen petition to establish the Middle Fork Crow River Watershed District has been filed with the Board of Water and Soil Resources. A copy of the legal notice is attached. Also attached is a map showing the proposed boundaries of the watershed district.

The proposed watershed district encompasses approximately 275 square miles of land in Kandiyohi, Meeker, Pope and Stearns Counties. It includes land in the Cities of Atwater, Belgrade, New London and Spicer.

The public hearing on the establishment petition will be held on Thursday, January 6, 2005, beginning at 7:00 PM at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer.

The purpose of the hearing is to receive public comments on the petition. At the hearing, all interested persons will be given opportunity to submit pertinent information.

Additionally, information may be submitted at any time prior to the hearing plus the hearing record will remain open for three weeks after the hearing. The hearing record will close at 4:30 PM on Thursday, January 27, 2005. Comments and information may be entered into the hearing record by forwarding to me at the St. Paul address to be received, not postmarked, before 4:30 PM on Thursday, January 27, 2005.

Please contact me if you have any questions.

Attachments (Legal Notice, Map, List of Addressees)

cc: Board Members: Jerome Deal, Paul Krabbenhoft, Lisa Thorvig, Randy Kramer, Clair Nelson
BWSR: Ron Harnack, Doug Thomas, Dave Weirens, Jeff Nielsen, Ron Shelito, Tom Fischer, Dan Steward, David Sill

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

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

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

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

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

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

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

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

NOTICE OF PUBLIC HEARING
MIDDLE FORK CROW RIVER WATERSHED DISTRICT
ESTABLISHMENT PETITION

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

In the matter of the petition for the establishment of the Middle Fork Crow Rock River Watershed District pursuant to Minn. Statutes Section 103D.221.

Whereas, the subject petition dated November 16, 2004, has been filed with the Board of Water and Soil Resources (Board), the auditors of Kandiyohi, Meeker, Pope and Stearns Counties, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters, pursuant to Minn. Statutes Section 103D.205.

Now therefore, the Board hereby issues the following:

NOTICE IS HEREBY GIVEN that a public hearing on the establishment of a watershed district will be held on Thursday, January 6, 2005, beginning at 7:00 PM at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer, Minnesota.

The purpose of the hearing is to receive public comments on the establishment of a watershed district in the area of the Middle Fork Crow River watershed pursuant to Minn. Statutes Section 103D.225. At the hearing, all interested persons will be given opportunity to submit pertinent information.

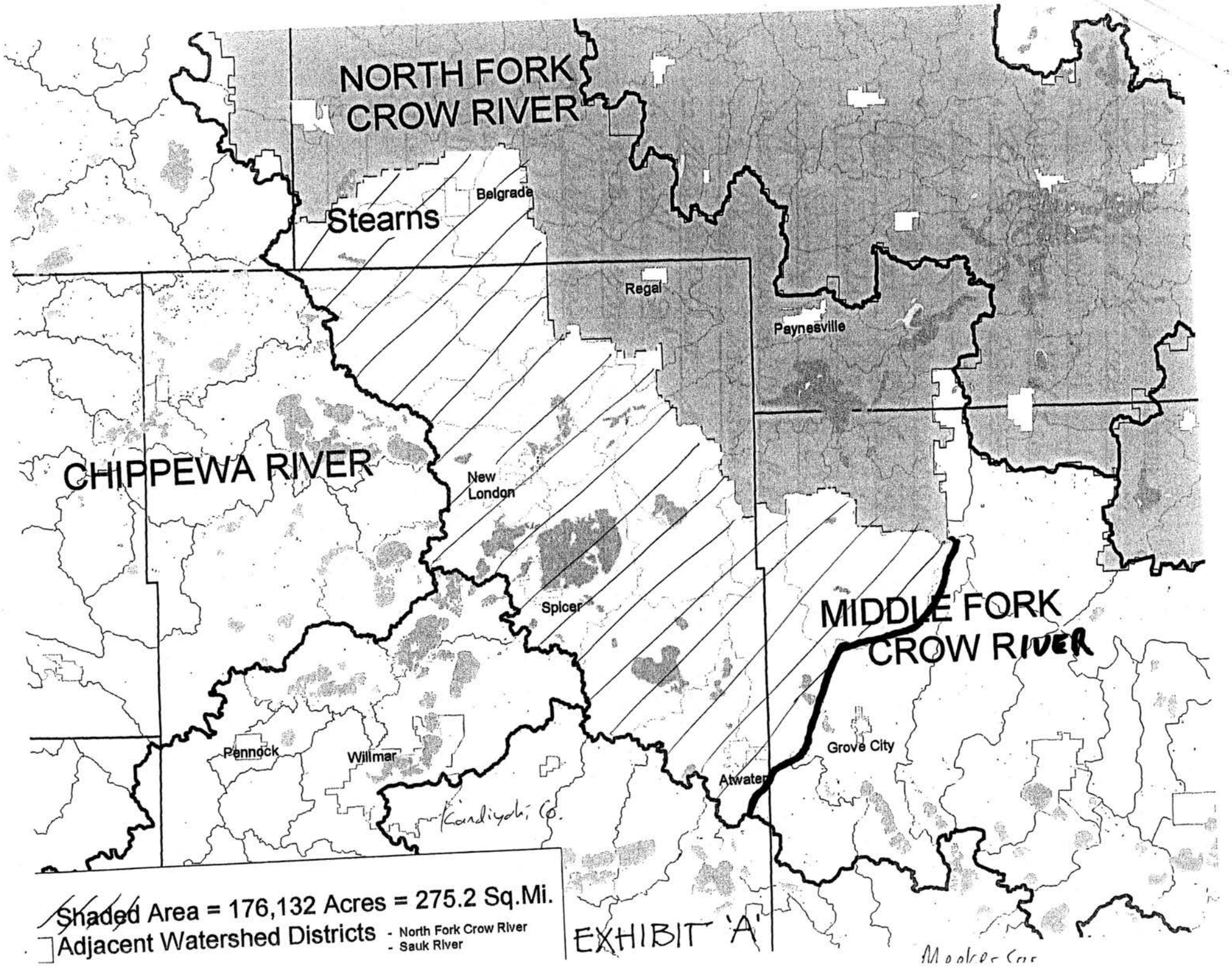
The proposed watershed district encompasses approximately 275 square miles of land in Kandiyohi, Meeker, Pope and Stearns Counties. It includes land in the Cities of Atwater, Belgrade, New London and Spicer, and the Towns of Acton, Burbank, Colfax , Crow Lake, Crow River, Gennessee, Green Lake, Harrison, Harvey, Irving, Kandiyohi, Lake Andrew, Lake Johanna, Manannah, New London, Norway, Roseville, Swede Grove and Union Grove.

The purpose for the establishment of the watershed district and contemplated improvements is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.

For further information contact Jim Haertel of the Board at 651-297-2906.

Dated in Saint Paul, Minnesota this 16th day of December, 2004.

/s/ Jim Haertel
Water Management Specialist


NORTH FORK
CROW RIVER
Belgrade
Stearns
Regal
Paynesville
CHIPPEWA RIVER
New
London
Spicer
MIDDLE FORK
CROW RIVER
Grove City
Atwater
Willmar
Pennock
Kandiyohi Co.
Shaded Area = 176,132 Acres = 275.2 Sq.Mi.
Adjacent Watershed Districts - North Fork Crow River
- Sauk River
EXHIBIT 'A'

List of Addressees
Middle Fork Crow River Watershed District
Establishment Petition Public Hearing
December 20, 2004

Kandiyohi County Board of Commissioners
Meeker County Board of Comissioners
Pope County Board of Comissioners
Stearns County Board of Comissioners
Kandiyohi County Auditor
Meeker County Auditor
Pope County Auditor
Stearns County Auditor
Kandiyohi County Water Planner
Meeker County Water Planner
Pope County Water Planner
Stearns County Water Planner
Kandiyohi SWCD
Meeker SWCD
Pope SWCD
Stearns SWCD
Mayor, City of Atwater
Mayor, City of Belgrade
Mayor, City of New London
Mayor, City of Spicer
Clerk, Town of Acton
Clerk, Town of Burbank
Clerk, Town of Colfax
Clerk, Town of Crow Lake
Clerk, Town of Crow River
Clerk, Town of Gennessee
Clerk, Town of Green Lake
Clerk, Town of Harrison
Clerk, Town of Harvey
Clerk, Town of Irving
Clerk, Town of Kandiyohi
Clerk, Town of Lake Andrew
Clerk, Town of Lake Johanna
Clerk, Town of Manannah
Clerk, Town of New London
Clerk, Town of Norway

List of Addressees
Middle Fork Crow River Watershed District
Establishment Petition Public Hearing
December 20, 2004

Clerk, Town of Roseville
Clerk, Town of Swede Grove
Clerk, Town of Union Grove
Kent Lokkesmoe, DNR-Waters Director
DNR Regional Administrator, New Ulm
Skip Wright, DNR Area Hydrologist, Spicer
Ronald Schneider
Ann Latham
Ruth Schaefer
Al Kuseske, North Fork Crow River Watershed District
Ray Bohn, MAWD

Board Packet

PUBLIC OPINION STRATEGIES

Turning Questions Into Answers.

Fairbank, Maslin, Maullin & Associates

Opinion Research & Public Policy Analysis

MEMORANDUM

TO: THE NATURE CONSERVANCY/ TRUST FOR PUBLIC LAND

FROM: LORI WEIGEL
PUBLIC OPINION STRATEGIES

JOHN FAIRBANK AND DAVE METZ
FAIRBANK, MASLIN, MAULLIN & ASSOCIATES

RE: LESSONS LEARNED REGARDING THE "LANGUAGE OF CONSERVATION" FROM THE NATIONAL RESEARCH PROGRAM

DATE: JUNE 1, 2004

These "lessons learned" regarding the language of conservation are drawn from both qualitative and quantitative research conducted on behalf of The Nature Conservancy and Trust for Public Land by our two firms in 2004. As conservation experts with a very technical and specialized vocabulary, one goal of the research was how to translate "policy speak" into everyday vocabulary which resonates with the general electorate. Therefore, we are providing these recommendations in a list of easy-to-follow, broad "rules" for communication. While there can certainly be unique circumstances, we found few exceptions to these broad rules in terms of geography or key demographic groups in the survey.

THE LANGUAGE OF CONSERVATION

First, there are two "W's" – water and working farms and ranches - that should be included in discussions of land conservation with the public. A third "W"- wildlife - resonates strongly with activists. These are essential concepts that should be normalized into everyone's vocabulary on this topic:

- *DO talk about water FIRST and foremost.* Water cannot be stressed enough, and really it doesn't matter how you say it. In fact, voters prioritize water as a critical reason to purchase and protect land, no matter how it is expressed: vast majorities of those polled see it as "very important" to buy land to protect drinking water quality (84%); improve the water quality in our lakes, streams and rivers (75%); protect lakes, rivers and streams (72%); and protect watersheds (66%). Moreover, water is tops in every region (not just the perennially thirsty West) and rates just as high in big cities (85% very important) as rural areas (84%). Most importantly, this data substantiates one of the things we heard in focus groups throughout the West – ***voters closely link land conservation with protecting water.***

Finally, there is a clear link between government (and therefore taxpayers') responsibility to protect clean air and clean water, more so than some of the other issues. Air and water are consistently seen as "needs" rather than "wants."

- *DO stress "preserving" water quality.* The focus groups and our other research on this topic indicate that voters do not view water quality as a problem NOW, rather they want to preserve the good water quality they already have and recognize a need to invest in preserving the water quality.

  Notably, as our focus groups were in the western U.S., we also found that when talking about water quality, voters in this region automatically translate "quality" into "supply" if water supply is a greater concern. Respondents view land conservation as connected to both preserving water quality AND protecting water supplies.

- *DO link land conservation to preservation of "working farms and ranches."* Fully 63% of Americans say that protecting "working farms and ranches" is a very important reason for their state or local community to buy land and protect it from development. Moreover, voters nationally perceive the "loss of working farms and ranches" as a major problem, with 49% saying it is an extremely or very serious problem – higher than say the same regarding loss of open space, natural areas, or scenic vistas, and on par with concern about pollution of rivers, lakes and streams (50% say the latter is an extremely or very serious problem).

  The word "working" must ALWAYS precede farms and ranches. Our focus groups found that there is a great deal of value placed by voters on preserving small, family farms. The word "working" is an important one as it means the land is productive and being used. It is NOT assumed by respondents. In the focus groups, we also tested "agricultural land" (too dry and not as evocative) and "farmland and ranchland" (better, but not as positive as working farms and ranches).

- *DO evoke protecting wildlife*, although the phrase "wildlife habitat" speaks more to the base (its ranking as a reason to fund land protection tends to increase the more active in environmental causes one is). Overall, 56% say it is a very important reason to fund land conservation – about middle of the pack. Notably, our focus groups demonstrated that voters interpret "wildlife" to fit their locale – urbanites view rabbits and birds on their lawns as "wildlife." Wildlife also resonates, because there is a strong sense that the animals are voiceless and need someone looking out for their needs.

- *DO NOT use "endangered species" as interchangeable with wildlife – voters view them differently.* While voters are broadly supportive of protecting wildlife, the focus groups demonstrated that "endangered species" is a more polarizing term. Voters can point to examples where environmental regulations have held up important projects in order to protect what many deem to be obscure and unimportant species.

- *DO NOT say "open space."* "Open space" is NOT one of the better terms to use in the vocabulary of conservation, and "urban open space" is even worse. In the focus groups, voters perceived "open space" as empty land, not near them, and did not necessarily see how they benefited from it or could use it. "Urban open space" was perceived as a bench between sky scrapers, or an abandoned lot.

  Moreover, the survey demonstrates that "loss of open space" rates lower as a concern for voters (38% extremely or very serious problem) than many other environmental concerns, even those somewhat related such as "poorly planned growth and development" (45% extremely or very serious concern). Pluralities of both Western and national voters indicate they think their community currently has "the right amount" of open space (51% and 46%, respectively).

- *DO say "natural areas" instead.* In the focus groups, "natural areas" brought to mind images of trees, mountains, or water, such as streams or waterfalls. Natural areas could be wildlife habitat, could have trails for public use, or simply could have scenic value. This phrase implies a pristine state where "nothing's been touched" and "nobody is around" - the polar opposite of sprawl.

- *DO NOT just say "trails" – say "hiking, biking and walking trails".* "Trails" can't be assumed as a phrase that envelops recreation. Instead, attaching some uses to it made the phrase resonate more strongly in the focus groups.

- *DO NOT focus on creating new parks for their own sake.* Instead, connect parks to a broader goal. While the focus groups demonstrated that "neighborhood parks" is better than the generic term "parks" (neighborhood parks resonates because it implies access and public use), the concept of new parks suffers in the abstract. For example, just 22% say a lack of neighborhood parks is an extremely or very serious problem. However, positioning parks in relation to children improves the concept. Fully 59% say that creating "parks and other places where children can play safely" is a very important reason for their state or local community to buy and protect land (right behind "natural areas" in the national rankings). Importantly, the focus groups helped expose that saying "playgrounds" was redundant for most voters, as they assume parks include playgrounds and possibly ball fields.

  Moreover, our other research has demonstrated that talking about the repair and maintenance of neighborhood parks OR preventing the closure of neighborhood parks resonates more than creating new parks.

- *DO NOT use any of the following terms,* as the consistently negative response from the focus groups indicate they should be replaced in how we talk about conservation:

  - "Undeveloped land" is simply land that has not been developed YET, but will be developed.

  - In drought-stricken areas, "green space" can imply wide swaths of water guzzling Bermuda grass. DO NOT go there.

  - "Working landscapes" does not mean anything to respondents. They cannot place a scene or image which would be a "working landscape." Using the term, therefore evokes nothing.

  - "Natural landscapes" also does not work as well as natural areas. Landscape is too close to "landscaping" and some in the focus groups equated this to xeriscaping, or other gardening terms.

- *DO NOT use the threat of "sprawl" unless with CORE supporters.* In the focus groups, "sprawl" tended to elicit the most emotionally negative response of any words or phrases tested. However, it rated weakest of anything tested as a reason a state or local community should buy and protect land from development (only 41% rate it as a very important reason). "Reducing sprawl" as a goal rates only slightly higher among urban voters (46%), BUT among more liberal audiences and traditionally more liberal urban areas, "sprawl" can resonate. Fully 51% of self-described liberal voters nationally rate "reducing sprawl" as a very important reason for their state or local community to buy land and protect it from development. In addition, voters living in mostly coastal urban centers – from DC to Boston, the entire West coast, and along the Great Lakes (Chicago, Detroit and up to Buffalo) rate sprawl 15 points higher than those in the interior U.S. or along Southern coasts.

- *DO use "poorly planned growth,"* rather than "unplanned growth" or "sprawl" with the general electorate. Focus group respondents tend to say that communities have a plan, it just isn't a very well thought out one. In addition, voters say that "rapid development" can be good if done well. It refers only to the pace of development and not how development is thought out, and therefore did not elicit as negative a response.

  Growth messages that are put into the local context and use specific statistics (e.g. one million more people in the next twenty years) generated a strong response in all the focus groups.

- *DO stress "planning" in terms of growth. Voters want well-thought out and responsible planning for growth.* A growth-related message which focuses on planning tested well nationally: "Continued growth in our area will lead to more and more development, traffic, and pollution. We must plan carefully for this growth and reduce its negative impacts by preserving clean air, clean water, and open space" (53% much more inclined to support state or local community purchasing land).

- *DO NOT allow your effort to be positioned as anti-growth.* The focus group research points to voters viewing growth as inevitable. They want growth that is well-planned, responsible, and does not negatively impact their overall quality of life. In fact, "protecting quality of life" is the fourth highest rated reason for government to fund land conservation (70% very important reason).

- *DO use phrases that imply ownership and inclusion, such as "our" and "we."* All of the messages in the survey incorporate this language and this is in part why they all test so well. So, it is "OUR natural areas" and "WE need to protect OUR beaches, lakes, natural areas and wildlife. . . " etc..

- *DO NOT ask voters to protect the land for someone else* – like tourists – no matter how important tourism is to a state or local economy. Voters want to preserve the land for THEMSELVES to enjoy and use, and not so tourists can come in and trash the place. This may be a message to tout to a local Chamber of Commerce or specific business owners, but it is not a message for the general public.

  Therefore, a message which originally focused on tourists instead was modified successfully to convey locals' uses of the land: 55% say they are much more inclined for their state or local community to purchase land for conservation after hearing that "Every year, people in our area visit natural areas to hike, fish, camp, hunt, ride horses or simply observe nature. Preserving our natural areas will ensure that future generations have these opportunities too."

- *DO NOT focus on economic rationales* for land preservation. Despite obvious concerns about the economy, many areas which have the most need for land preservation are those which have experienced rapid growth in the recent past, and the potential for MORE growth tends to be a turn-off. Focus group respondents disliked messages which evoke more people coming in. This may be a message which changes if the economy completely collapses, but even then, it may take some time for voters to respond as warmly to economic rationales as more emotional appeals.

- *DO connect land conservation to "future generations."* Evoking children and future generations consistently tests very well as a rationale for land preservation. For example, 64% of voters nationally rate providing "opportunities for kids to learn about the environment" as a very important reason for their state or local community to buy land and protect it from development (ranks 6th overall). Importantly, there does not tend to be a difference in the overall ratings between parents and non-parents in their reaction to messages which evoke children or future generations: "We need to protect our beaches, lakes, natural areas and wildlife habitat for future generations. Unless we act to protect these areas now, many of our beautiful, natural areas will disappear before our children and grandchildren have a chance to enjoy them" (57% of parents and 51% of non-parents say this is very convincing, although parents rate ALL messages higher than non-parents so the relative ranking is no different).

- *DO NOT go so far as to say that land preservation can keep kids out of trouble.* While we have seen this message resonate with seniors in surveys before, the idea that funding parks, ball fields and recreation can help kids stay out of trouble fared weaker than all other messages tested (43% much more inclined to support after hearing that "Providing more parks, sports fields and recreation areas will mean that our kids have the chance to get involved in something positive like sports, which helps keep them busy and out of trouble after school."). Voters in the focus groups saw parents as the stop-gap for kids not getting into trouble – not ball fields.

- *DO NOT needlessly politicize an issue which has broad appeal across the political spectrum.* Talking about federal government cut backs tended to politicize the issue immediately in the focus groups, and the survey confirms that it is a turn-off to GOP voters (only 33% are much more inclined to support land preservation after hearing that "The federal government has sharply cut back funding and weakened laws and regulations that protect our land, air, and water. We need to do what we can here in our state to prevent further harm to our natural lands, air and water quality.")

- *DO talk about yourselves as "conservationists" – not "environmentalists."* This bears repeating. Voters are more likely to view themselves as "conservationists" (81%, 24% strongly) than environmentalists (73%, 20% strongly). Moreover, in the focus groups, there was a decided skepticism about the agendas of some "environmental groups" who engage in land preservation.

A NEW VOCABULARY FOR CONSERVATION EASEMENTS

That's the LAST time you will see us use the phrase "conservation easement." In fact, we suggest it should be the last time that *anyone* uses this phrase in speaking to the general public. Our research demonstrates clearly and unequivocally that the language the environmental community has been using on this issue has NOT been helpful in positioning the issue with the public. Instead, we recommend the following:

- *DO NOT say "conservation easement." DO say "land preservation agreements" or "land protection agreements."* Even "conservation agreements" rates far better with the public than our traditional terms (on a zero to one hundred scale, where 0 is a "very cold/unfavorable" reaction and 100 is a "very warm/favorable" reaction).

	Mean score
Land preservation agreements	60.3
Conservation partnerships	56.4
Land protection agreements	54.5
Conservation agreements	50.5
Conservation easements	**41.2**

  Why the negative reaction to easements? The focus groups demonstrate that "easements" itself is NOT a positive term. It tends to evoke being forced into doing (or not doing) something with part of your land. In focus groups, the word "easements" made them think of restrictions on their property when they purchased a home or land. However, "conservation" tends to be a positive term. The word "conservation" has been carrying the load in this phrase, but marrying it with another positive phrase ("agreements" or "partnerships") improves the initial reaction to this concept immeasurably.

- *DO NOT say "buying "development rights" or "buying the interest in the land"* to explain the concept of land preservation agreements. "Purchase of development rights" rated the lowest of any phrase tested (37.3 mean score). The focus groups demonstrated that voters perceive the purchase of development rights as meaning that someone wants to develop the land! The focus groups also showed that "buying the interest in the land" has no meaning to respondents. Voters' initial guesses as to its meaning are not necessarily positive.

- *DO stress the voluntary nature of land preservation agreements.* The concept of "voluntary" is an important one. Fully 68% of voters nationally indicate they are much more likely to support their state or local government using this strategy to preserve natural areas after hearing that it "is a voluntary agreement between a private landowner and state or local government." (For simplicity's sake in the survey we focused on government, rather than private organizations).

  Voluntary is inherent in the word "agreement," which in part explains why phrases which incorporate the word "agreement" test far better than the word "easement."

- *DO provide a rationale for this strategy – especially if it is a cost effective means to preserve the land.* The focus groups demonstrated that voters' initial concept of land preservation is either restricting development by zoning or purchasing it outright. The concept of land preservation agreements is not even on their radar screens. They need a rationale for this "new" concept and cost-effectiveness is one which resonates well.

  "Allows non-profits and government to protect more land from development, because it is less expensive than buying the land outright." (62% more likely to support state or local government using this strategy for land preservation, 27% much more likely)

- *DO explain what "limiting certain types of uses" means in real life.* Give examples. Note the overwhelmingly positive response to two fairly simple explanations of the benefits of land preservation agreements which explain how land could still be used under the agreement:

  "Keeps land in private hands and preserves traditional land uses, such as family farming and ranching." (85% more likely to support state or local government using this strategy for land preservation, 51% much more likely);

  "Makes it possible to prevent natural areas, farms and ranches from being developed without forcing anyone to sell their land, and while still allowing the landowners to continue farming and ranching as they always have." (75% more likely to support state or local government using this strategy for land preservation, 39% much more likely to support)

  In fact, these are the top two descriptions of land preservation agreements that we tested.

- *DO be aware that the "permanent" nature of most easements causes friction among voters.* We tested this concept in the survey two different ways and in both instances, the intensity of the positive response was matched by an equally intense negative response. This may be one area where language may not be able to smooth over and assuage voters' concerns.

  "Is attached to the land itself, so it permanently restricts all future owners from developing the land as well."
  (50% more likely to support state or local government using this strategy for land preservation (23% much more likely); 48% less likely to support state or local government using this strategy for land preservation (23% much less likely))

  "Limits uses of the land even after the original landowner passes away."
  (49% more likely to support state or local government using this strategy for land preservation (20% much more likely); 34% less likely to support state or local government using this strategy for land preservation (19% much less likely))

  In the focus groups, the concept of easements being "attached" to the land and binding for future owners created a dynamic where voters empathized more with the future land owner or heir, rather than being concerned about the value of the easement for future generations or even themselves as taxpayers.

- *DO be up-front and address voters' concerns about fair payment/return for taxpayers.* The Achilles heel for land preservation agreements among the general electorate is not public access or the permanent nature of some easements. It is, in fact, the potential for abuse. (However, in the focus groups all of this concern was directed at government. Concerns about "cronyism" are NOT directed at non-profit organizations.)

  > "Can be abused by developers, and can end up creating unfair tax breaks for rich landowners." (60% less likely to support to support state or local government using this strategy for land preservation, 44% much less likely).

Methodology: From April 3 to 12, 2004, Fairbank, Maslin, Maullin & Associates (D) and Public Opinion Strategies (R) conducted telephone interviews with 1,500 registered voters likely to cast ballots in November 2004. The interviews included a national sample of 800 voters (with a margin of sampling error of +/-3.5 percent), an oversample of 500 voters in the western United States (specifically Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, with a regional margin of error of +/- 4.4%), and 200 additional interviews with Latino voters in Arizona, California, Colorado, and New Mexico. References to "Battleground states" are to the 17 states generally viewed as pivotal in the 2004 elections (Arizona, Arkansas, Florida, Iowa, Maine, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Washington, West Virginia, and Wisconsin). The research also included a set of six focus groups with swing voters in Washington, Colorado and New Mexico.

Board Packet

National Grain and Feed Association

North American Export Grain Association, Inc.

NOPA NATIONAL OILSEED PROCESSORS ASSOCIATION

North American Millers' Association NAMA

For Release
TUESDAY, DEC. 14, 2004)

Major Grain, Milling, Processing Groups Urge Reform of CRP

WASHINGTON – Substantial changes are needed in the future direction of the Conservation Reserve Program (CRP) if U.S. agriculture is to capture growth opportunities and sustain the growing demand for grains and oilseeds from the ethanol, livestock and poultry sectors, four major grain-related organizations have told the U.S. Department of Agriculture (USDA).

For starters, that means that the CRP should be refocused on soil and water-quality improvements, and away from whole-farm enrollments, the four organizations said in a joint statement submitted in response to USDA's request for comments on long-term CRP policy. Under the CRP, enrolled acreage is idled under 10- to 15-year contracts, with USDA making annual rental payments and financing up to 50 percent of the cost of establishing ground cover or other approved conservation practices.

The National Grain and Feed Association (NGFA), National Oilseed Processors Association (NOPA), North American Export Grain Association (NAEGA) and North American Millers Association (NAMA) said there is "compelling evidence" that USDA should **not** simply reenroll the 16.1 million acres represented by CRP contracts scheduled to expire in 2007 and 6.1 million acres in 2008.

The organizations recommended that USDA consider allowing a "large number" of the current contracts to expire, and only reenroll or extend those that provide the most significant environmental benefits. They noted that many soon-to-expire CRP contracts represent acres that do not meet USDA's current environmental-benefits criteria used to evaluate CRP bids. Further, heavy CRP enrollment, particularly in the plains states, has had a devastating impact on some

local economies. In addition, the organizations said the CRP has given short shrift to enhancing water quality, which they said arguably is U.S. agriculture's top environmental challenge and currently accounts for only 8 percent of the "non-market" benefits of the CRP.

"To enhance the intended benefits of the CRP, idled acres should focus on filter strips, buffers and the most environmentally sensitive lands, with a strong emphasis on substantially improving water quality," the four organizations said. "To make a significant long-term impact on soil erosion, conservation practices should be targeted to working farmland and assist farms to implement soil conservation practices."

The NGFA, NOPA, NAEGA and NAMA said that fewer whole-farm enrollments in the CRP would reduce economic pressure on tenant farmers, which currently account for 70 percent of U.S. agricultural production and whose economic structure will "do much to determine if U.S. agriculture can remain competitive." There is strong evidence that the CRP and other U.S. farm programs have artificially inflated land values, the organizations said. But the CRP is particularly "pernicious" because its payments flow solely to landowners and the program puts the U.S. government in direct competition with tenant farmers bidding for land, making rental land scarcer and more expensive.

The four groups recommended that USDA allow some whole-farm CRP enrollments to be bid back into active production, without penalty, to enable producers to capture opportunities from the current strong demand for grains and oilseeds while at the same time allowing those acres to be "feathered" back into production, thereby easing the transition to a lower-sized CRP.

The organizations also urged that the environmental benefits index (EBI) used by USDA to evaluate CRP bids be modified because it currently gives equal weight to soil erosion, water quality and wildlife benefits. "Given the environmental challenges facing U.S. agriculture, equating wildlife benefits to the issues of soil erosion or water quality is irresponsible and not a good use of scarce economic resources," the four organizations said. "Water quality is one of the most critical issues facing U.S. agriculture and this is where the CRP can make a significant contribution by focusing enrollment on buffers and filter strips."

The groups urged USDA to more carefully evaluate the CRP benefits related to wildlife compared to the economic impact of idling land on local economies and U.S. agriculture's ability to compete in global markets. "A common argument used to defend the CRP is that it is creating a niche industry catering to hunters and fishermen," the organizations said. "Our members certainly are involved in and support these activities. But should those activities be subsidized through government payments?"

One of the most troubling aspects of the CRP cited by the organizations is the damaging economic impact it has on local economies. The groups strongly urged that USDA strictly abide by the stipulation that no more than 25 percent of available land in a county be enrolled in the CRP. The groups cited specific counties where CRP enrollment has reached 40 percent because of measurement error or other mistakes in policy implementation. "Policies need to be chosen very carefully so we don't take away the lifeblood of communities that are still closely tied to production agriculture," the organizations said.

In addition, the NGFA, NOPA, NAEGA and NAMA recommended that USDA view the authorization from Congress under the 2002 farm law to increase the size of the CRP to 39.2 million acres (from 36.4 million acres) as a ceiling, not as a mandate, noting that continued CRP expansion will hamper U.S. agriculture's ability to produce and compete in global markets. The organizations warned that the size of the CRP already has adversely affected the availability of land to build and grow an economic foundation for the grain, livestock, milling and processing sectors of the U.S economy. "Creating overall growth opportunities for U.S. agriculture will be much more difficult if the United States becomes a big importer" of commodities for feed, animal and industrial uses, the organizations said.

Noting upcoming farm program policy deliberations for the 2007 farm bill, the four groups urged USDA to "proceed cautiously" so as not to idle vast amounts of acres in the CRP for another 10 to 15 years. "We encourage an approach that reflects the administration's commitment to free enterprise and support for U.S. agricultural growth," the organizations concluded.

About the Organizations

- **National Grain and Feed Association** (NGFA), established in 1896, consists of 900 grain, feed, processing, exporting and other grain-related companies that operate about 5,000 facilities that handle more than two-thirds of all U.S. grains and oilseeds. With more than 350 member companies operating commercial feed mills and 30 integrated livestock and poultry feed manufacturing operations, the NGFA is the nation's largest trade association representing feed manufacturer interests. The NGFA also consists of 35 affiliated state and regional grain and feed associations, as well as two international affiliated associations.

- **National Oilseed Processors Association** (NOPA) represents oilseed crushers of canola, flaxseed, safflower, soybeans and sunflowers. It consists of 13 regular member companies engaged in the actual processing oilseeds, as well as 12 associate member forms that are consumers of vegetable oil or oilseed meal, including some refiners and mixed feed manufacturers.

- **North American Export Grain Association** (NAEGA), established in 1912, is a not-for-profit trade association comprised of 35 private and publicly owned companies and farmer-owned cooperatives involved in and providing services to the bulk grain and oilseed exporting industry. NAEGA member companies ship practically all of the bulk grains and oilseeds exported each -year from the United States.

- **North American Millers Association** (NAMA) is the national trade association representing the wheat, corn, oat and rye milling industry. Its 46 member companies operate 170 mills in 38 states and Canada, and produce more than 160 million pounds per day – representing approximately 95 percent of total industry milling capacity. NAMA also has 29 associate members that provide products and/or services to the milling industry.

NGFA – 1250 I St. NW, Suite 1003, Washington, D.C., 20005 Ph: 202-289-0873 Fax: 202-289-5388 Web: www.ngfa.org
NOPA – 1300 L St. NW, Suite 1020, Washington, D.C., 20005 Ph 202-842-0463 Fax: 202-842-9126 Web: www.nopa.org
NAEGA – 1250 I St. NW, Suite 1003, Washington, D.C., 20005 Ph: 202-682-4030 Fax: 202-682-4033 Web: www.naega.org
NAMA – 600 Md Ave. SW, Suite 450 E, Washington, D.C., 20024 Ph: 202-484-2200 Fax: 202-488-7416 Web: www.namamillers.org

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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM, SECOND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 23, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Randy Kramer, Paul Krabbenoft, Paul Brutlag, Victor Ormsby, Karen Harder, Louise Smallidge, Gene Merriam, Department of Natural Resources; Dan Wilson, Department of Health; LuAnn Tolliver, Quentin Fairbanks, Clair Nelson, Kay Cook, Paul Burns, Department of Agriculture.

BOARD MEMBERS ABSENT:
Lisa Thorvig, Pollution Control Agency
Jim Anderson,

STAFF PRESENT:
Ron Harnack, Jim Haertel, Kevin Lines, Steve Woods, Tim Fredbo, Lori Wilson

Chair Deal called the meeting to order at 9:00 am

Pledge of Allegiance

Board Members welcomed back Louise Smallidge.

** 05-16 **Adopt Agenda** - Moved by Clair Nelson, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 05-17 **Minutes of January 26, 2005** – Moved by Victor Ormsby, seconded by LuAnn Tolliver, to correct the date of the meeting minutes on page two to read December 15, 2004. Motion passed on a voice vote.

Reports

Chair's Report - Jerome Deal asked that board members' complete the executive director's performance review form and submit them to Lori Wilson by the April board meeting. Chair Deal gave a briefing on the EQB meeting.

Executive Director's Report - Ron Harnack gave an update on Mary Jo Anderson's surgery. Ron gave an update on the Board's biennial budget, the bonding bill and policy bills that were going through the legislative process. Ron suggested that the Administrative Advisory Committee meet via conference call as the budget options in both the House and the Senate evolve.

Randy Kramer inquired about the board member appointments. Ron Harnack has talked to the Governor's Appointments Office and they have not completed the review process. Some additional names have been recommended as well. No specific timeframe has been given for completing the appointments.

Dispute Resolution Committee (DRC) – Jim Haertel provided an update.

Wetlands Committee – Clair Nelson reported that the wetlands staff are working with the U.S. Corps of Engineers on mitigation policy issues. The Wetlands Committee and the Board will be having this as an agenda item in the future.

Cost Share Committee – Paul Krabbenhoft stated that the Cost Share Committee will be meeting a few times over the next couple of months to address grants.

Education Committee – Kay Cook gave an update.

Administrative Advisory Committee - Jerome Deal reported that the Committee will meet to discuss budget issues.

Committee Recommendations

Northern Water Planning Committee

** 05-18 Wadena County Priority Concerns Scoping Document – Moved by Quentin Fairbanks, seconded by Paul Krabbenhoft, to approve the Wadena County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 05-19 Becker County Local Water Management Plan – Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the Becker County Local Water Management Plan. Motion passed on a voice vote.

** 05-20 Clay County Priority Concerns Scoping Document – Moved by Paul Krabbenhoft, seconded by Quentin Fairbanks, to approve the Clay County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 05-21 Traverse County Local Water Management Plan – Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the Traverse County Local Water Management Plan. Discussion followed. Motion passed on a voice vote.

** 05-22 Clearwater County Local Water Management Plan – Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the Clearwater County Local Water Management Plan. Discussion followed. Motion passed on a voice vote.

New Business

** 05-23 Camp Ripley's Army Compatible Use Buffer Program – Kevin Lines introduced Marty Skoglund, Environmentalist Supervisor from Camp Ripley. Moved by Randy Kramer, seconded by Paul Brutlag, that the Board endorse proceeding with a cooperative agreement with Camp Ripley and the National Guard Bureau (NGB) and endorse obtaining the necessary legislative authority to partner with the Camp in implementation of ACUB. Discussion followed. Motion passed on a voice vote.

MPCA Commissioner Sheryl Corrigan welcomed Board Members.

Chair Deal called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:45 a.m.

Alteration of Easement 34-03-01-01, Randy Post, Kandiyohi County – Kevin Lines explained the proposed alternation of the easement and recommended approval of the exchange. Moved by Randy Kramer, seconded by Karen Harder, to approve the alteration of easement 34-03-01-01, Randy Post, Kandiyohi County. Discussion followed. Motion passed on a voice vote.

** 05-24

Clean Water Legacy Initiative – MPCA Commissioner Sheryl Corrigan introduces and discusses the focus and purpose of the Clean Water Legacy (CWL). Steve Woods offers background of what G16 does, who it affects, who's involved. Barbara Wiseman, Department of Agriculture, provides additional information regarding allocation of resources. Commissioner Corrigan gave conclusion. Board discussion followed. Moved by Karen Harder, seconded by Victor Ormsby, to approve the CWL initiative and remain silent on the funding mechanism. Continued discussion regarding funding for the initiative. Karen Harder amended the motion, seconded by Victor Ormsby, to remove the last portion relating to being silent on the funding. Additional discussion by the Board. Motion as amended, passed by voice vote.

** 05-25

Old Business
Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel stated that a citizen establishment petition for the Middle Fork Crow River Watershed District was received and the Board ordered a hearing. The hearing panel met, and recommended to the full Board that the watershed district be established with five board members. It's anticipated the establishment petition will be on the Board's April agenda for decision to established the watershed district.

New Business continued
Minnesota-area Volunteer Climate Observing Program – Jim Zandlo, State Climatologist, provided a power point presentation on the Rain Gauge Monitoring Program.

Agency Reports
Gene Merriam, Department of Natural Resources, briefly reviewed the Pheasants Forever Press Release.

Dan Wilson, Department of Health, gave an update on the hiring of the new Assistant Division Director, John Linc Stine, previously with DNR-Waters.

Paul Burns, Department of Agriculture, distributed handouts.

Ron Harnack provided an update on budget and legislative issues.

The next Board meeting is April 27, 2005.

** 05-26 Moved by Louise Smallidge, seconded by Dan Wilson, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 23, 2005

AGENDA

9:00 a.m. **CALL MEETING TO ORDER**

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF JANUARY 26, 2005

OPEN MIKE (10-minute agenda time, two-minute limit/person)

REPORTS

- Chair – Jeome Deal
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Jerome Deal
- Wetlands Committee – Clair Nelson
- Cost-Share/Soil Conservation Committee – Paul Krabbenhoft
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Jerome Deal

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Wadena County Priority Concerns Scoping Document (PCSD) – *Decision Item*

2. Becker County Local Water Management Plan (LWMP) – *Decision Item*

3. Clay County Priority Concerns Scoping Document (PCSD) – *Decision Item*

4. Traverse County Local Water Plan (LWP) – *Decision Item*

5. Clearwater County Local Water Management Plan – *Decision Item*

BREAK & WELCOME - Cake, Coffee & Conservation

NEW BUSINESS

1. Alteration of Easement 34-03-01-01, Randy Post, Kandiyohi County – Tim Fredbo – *Decision Item*

2. Clean Water Legacy Initiative – Steve Woods, Polution Control Agency, Department of Agriculture – *Decision Item*

3. Camp Ripley's Army Compatible Use Buffer Program (ACUB) – Kevin Lines – *Decision Item*

4. Minnesota-area Volunteer Climate Observing Program – Jim Zandlo, State Climatologist – *Information Item*

OLD BUSINESS

1. Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel – *Information Item*

2. Budget and Legislative Issues – Ron Harnack – *Information Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

- Association of Minnesota Counties (AMC) – Annalee Garletz
- Minnesota Association of Conservation District Employees (MACDE) – Rick Reimer
- Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck
- Minnesota Association of Townships (MAT) – Sandy Hooker
- Minnesota Association of Watershed Districts (MAWD) – Ray Bohn
- Natural Resources Conservation Services (NRCS) – Tim Koehler

UPCOMING MEETINGS

- Next BWSR Meeting, April 27, 2005, St. Paul

Noon **ADJORN**

1:00 p.m. **Cost Share Committee Meeting**

March 23rd

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Mandy Skoglund	Camp Ripley	320 616-2722
2.	COL Rick Weaver	Camp Ripley Commander	320 632-7321
3.	Jay Breginka	Camp Ripley	320 632-7203
4.			
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Minnesota Board of Water and Soil Resources
One West Water Street
Suite 200
St. Paul, Minnesota 55107

In the Matter of Reviewing the Local Water Management Plan Update for Becker County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Becker County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 25, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On August 5, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Becker County, pursuant to M.S. Section 103B.312.

2) On October 27, 2004, the Board of Water and Soil Resources approved official comments on the Becker County Priority Concerns Scoping Document, which were mailed to the county on October 27, 2004.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:

- Surface Water Quality and Management: nutrient loading in the Pelican River Watershed, water quality monitoring, Sand Lake Watershed 319 Project concerning surface water impacts, drainage system maintenance and buffer strips;
- Stormwater Management: erosion and sedimentation in the Buffalo and Wild Rice Watershed Districts;
- Groundwater Quality: failing septic systems, environmental education, abandoned wells, abandoned manure holding facilities; and
- Development Pressures, shoreline alterations.

4) On January 25, 2005, the BWSR received the Becker County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On March 9, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Becker County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Department of Agriculture: no recommendation received;
B) Minnesota Department of Health: recommends approval;
C) Minnesota Department of Natural Resources: no recommendation received;
D) Minnesota Pollution Control Agency: recommends approval;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
G) Board Water Plan Review Committee Meeting recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2014; with the Goals, Objectives and Action Items amended by December 31, 2009.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Becker County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Becker County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Becker County Local Water Management Plan – January 1, 2005 to December 31, 2014; with the Goals, Objectives and Action Items being amended prior to December 31, 2009.

Dated at St Paul, Minnesota, this twenty-third day of March 2005.

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 Reviewing the Local Water Management Plan Update For Traverse County (Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Traverse County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on January 31, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On March 26, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Traverse County, pursuant to M.S. Section 103B.312.

2) On June 23, 2004, the Board of Water and Soil Resources approved official comments on the Traverse County Priority Concerns Scoping Document, which were mailed to the county on June 23, 2004.

3) The priority concerns the local water management plan addresses include:

A) Erosion: Continued promotion of buffer/filter strips with emphasis on Traverse County Ditch 52 area. Erosion leading to sedimentation and degradation into Lake Traverse. Working to address erosion and sedimentation issues will positively affect water quality.
B) Flood Damage: County wide flooding damage to agricultural land. Flooding damage within the Upper Minnesota River Watershed District specifically the City of Browns Valley. Stormwater and drainage management are key factors in flood damage reduction and addressing management issues will produce positive effects in reducing flood damage.
C) Contaminated Runoff: Combined with sediment from erosion producing negative effects on streams or rivers and lakes. While working to reduce contaminated runoff, water quality issues will also be positively affected.
D) Groundwater Contamination: Abandoned and unsealed wells. Abandoned and unsealed wells are a direct link to and the most likely route of groundwater contamination in the majority of Traverse County.

4) On January 31, 2005, the BWSR received the Traverse County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On March 9, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Traverse County Plan Update . Recommendations of the state review agencies were:

A) Minnesota Department of Agriculture: no recommendation received;
B) Minnesota Department of Health: no recommendation received;
C) Minnesota Department of Natural Resources recommends approval;
D) Minnesota Pollution Control Agency recommends approval;
E) Minnesota Environmental Quality Board: no recommendation received;
F) Minnesota Board of Water and Soil Resources regional staff recommends approval;
G) Board Water Plan Review Committee Meeting recommends approval.

The Board hereby approves the attached update of the Traverse County Local Water Management Plan – January 1, 2005 to December 31, 2014; with the Goals, Objectives and Action Items being amended prior to December 31, 2009.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Traverse County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The Traverse County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Traverse County Local Water Plan-January 1, 2005 to December 31, 2014; with the Goals, Objectives and Action Items being amended prior to December 31, 2009.

Dated at St Paul, Minnesota, this twenty-third day of March 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Plan Update for **Clearwater County** (Minnesota Statutes 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING COMPREHENSIVE WATER PLAN

Whereas, the Clearwater County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on March 23, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On January 29, 2002, Clearwater County passed a resolution to develop a Local Water Management Plan Update to meet the Plan Update requirements.

2. On December 18, 2001, Clearwater County passed a resolution requesting that the Board approve a two-year effective date extension to their Local Water Management Plan. The county cited their participation in several major planning efforts and studies, and how these would provide valuable information that would allow for a more integrated approach to the Plan Update process. On December 19, 2001, the Board approved Clearwater County's request for a two-year extension.

3. Clearwater County completed a draft preliminary Plan Update on June 15, 2004, and submitted it to affected local units of government, the Headwaters RDC, and the required state agencies for review and comment pursuant to Section 103B.315, Subd. 1.

4. On October 12, 2004, Clearwater County held a public hearing on the Plan Update pursuant to Section 103B.315, Subd. 4, for the purpose of obtaining public input into the Plan Update.

5. On October 27, 2004, Clearwater County submitted its draft final Plan Update along with all written comments received on the draft preliminary Plan Update, and a record of the public hearing to the Board for final state review pursuant to Section 103B.315, Subd. 5. On November 12, 2004, the Board submitted the Plan Update to the state agencies to begin the official 90-day state review.

6. **Minnesota Department of Agriculture (MDA) Review:** MDA did not provide preliminary or final Plan Update review comments.

8. **Minnesota Department of Health (MDH) Review:** MDH did not provide preliminary or final Plan Update review comments.

9. **Minnesota Department of Natural Resources (DNR) Review:** DNR did not provide preliminary Plan Update review comments. On January 25, 2005, the DNR noted a particular concern regarding language in the Plan Update appendices related to the management of Upper Rice Lake. The DNR requested that the section be corrected or alternatively be dropped. On March 3, 2005, Clearwater County responded in writing to the DNR on how they addressed their comments in the Plan Update.

10. **Minnesota Pollution Control Agency (MPCA) Review:** MPCA did not provide preliminary review comments. On December 28, 2004, the MPCA provided recommendations requesting that the plan identifies priority areas, maps, and the pollutants related to impaired waters and TMDL's. On March 3, 2005, Clearwater County responded in writing to the MPCA on how they addressed their comments in the Plan Update.

11. **Minnesota State Planning Agency/Environmental Quality Board (EQB) Review:** EQB did not provide preliminary review

comments. On October 26, 2004, the EQB provided information and suggestions related to development and the potential for groundwater contamination in sensitive areas, impaired waters, and water usage related to JOBZones. On March 3, 2005, Clearwater County responded in writing to the EQB on how they addressed their comments in the Plan Update.

12. **Minnesota Geological Survey (MGS) Review:** MGS did not provide preliminary or final Plan Update review comments.

13. **Minnesota Board of Water and Soil Resources (BWSR):** On December 10, 2004, the BWSR stated that the review found the Plan Update to include all of the required items. BWSR commended the county on their detailed watershed & countywide assessments, priority issues, and strategies. On February 10, 2005, BWSR staff held a meeting with Clearwater County staff to discuss the written comments received on the Plan Update.

14. **BWSR Water Management Review Committee Meeting:** On March 9, 2005, the BWSR North Region Water Management Review Committee met in Moorhead with Board staff and representatives from Clearwater County to review and discuss the Plan Update. Those in attendance were Quentin Fairbanks, Chair, Jerome Deal, Paul Krabbenhoft, Kay Cook, Paul Brutlag of Board, Ron Shelito and Bill Best, Board staff, and the Clearwater County Water Plan Coordinator Doug Thompson. The Water Plan Review Committee met to determine whether all relevant law and rule requirements had been met and to hear comments from the County on the planning process.

15. On March 9, 2005, the BWSR North Region Water Management Review Committee recommended that the Board approve the Clearwater County Plan Update.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving the Local Water Management Plan Update of Clearwater County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The Clearwater County Plan Update attached to this Order states water and water-related problems within the county, possible solutions, general goals, objectives and actions of the county, and an implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes 103B.301.

ORDER

The Board hereby approves the attached Plan Update as the Local Water Management Plan Update of Clearwater County, dated at St. Paul, Minnesota, this twenty-third day of March, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

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

March 7, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Easement 34-03-01-01, Randy Post, Kandiyohi County

BACKGROUND:

Mr. Post has requested the BWSR to remove 3 acres of land currently in a perpetual RIM Reserve conservation easement. The 3 acre parcel lies in the far NW corner of the easement along the intersection of Co. Rd. 10 and 120th Street and is part of a 72.2 acre riparian CREP easement located in the NW 1/4 of Section 9, T117N, R36W, in Kandiyohi County. This easement is located along Chetomba Creek in the Hawk Creek watershed, which drains to the Minnesota River. Mr. Post is proposing to replace the 3 acres they wish to release with 5 acres of riparian buffer along Chetomba Creek in the same Section. The 5 acre replacement acres being proposed are currently cropland and would be a 66 foot buffer along the south side of the creek through the entire quarter section. The original easement on the Post property was recorded on December 30, 2002.

Mr. Post is requesting this alteration to enable his son to build a home close to his residence, which is the farmstead just to the east of the proposed release area. At the time that Mr. Post enrolled his land in CREP, his son had no plans to live close to home. The landowner is not requesting any practice establishment dollars for the replacement acres. He will plant the site to native grasses with species and rates specified by the Kandiyohi SWCD and be responsible for all costs incurred.

Section 8410.3600 of the RIM Reserve rule allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

A) A letter from the landowner to the SWCD Board requesting the change.
B) A letter or minutes from the SWCD recommending either approval or disapproval of the proposed change.

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

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

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

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

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

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

Rochester
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C) A letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change.

All these items have been received and are attached for your review. The photo was prepared by easement staff to show the area for release and the replacement acres.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. Post submitted a letter dated December 16, 2004 to the SWCD Board in support of their request to alter their existing easement area, it is attached for your review. The landowner feels that this proposal will provide improved protection to Chetomba Creek by filtering cropland runoff from the field to the south. This initial request was to remove 4 acres for the new home site and replace it with a 4 acre filter strip (45 foot approximate width). The SWCD Board and the DNR Area Wildlife Manager, Jeff Miller could not approve of this proposal.

Mr. Post was invited to the January 18, 2005 Kandiyohi SWCD Board meeting to discuss his proposal. A compromise was reached at this meeting that the SWCD could approve and Mr. Post agreed to. The release area was reduced to 3 acres and the replacement buffer strip area was increased to 5 acres (66 foot width). A copy of the SWCD Board minutes reflecting this decision is attached.

After this compromise was agreed on Ryan Peterson, District Technician, contacted Jeff Miller seeking DNR approval, a copy of his January 24, 2005 letter is attached. Mr. Miller approved of the compromise proposal in his letter dated 1-25-05 to Ryan Peterson, a copy is attached.

Ryan Peterson prepared a cover letter to the BWSR to explain the compromise that was reached and the SWCD's support for it. A copy of this January 26, 2005 letter is attached for your review. The SWCD and the DNR believe that the addition of the 5 acre (66 foot wide) buffer strip on the south side of Chetomba Creek will provide improved environmental benefits over the current easement configuration.

FINDINGS:

This alteration request, as currently proposed, would release 3 acres and replace it with 5 acres, a net gain of 2 acres in wildlife habitat and riparian buffer for the State. The area to be released is far from the creek and would have minimal impact on the overall water quality and wildlife habitat benefits that the easement provides. The proposed replacement acres would be a significant plus to the water quality of Chetomba Creek. Runoff from the cropland to the south currently enters the creek unabated, delivering a nutrient and sediment load that a filter strip will help to reduce.

Cost to the State will be minimal as the landowner has agreed to pay for all costs associated with seeding down the replacement acres and legal costs associated with the easement alteration, if approved.

This site is in CREP so approval from the USDA Farm Service Agency (FSA) will also be necessary. Ryan Peterson has indicated that the FSA will approve of this CRP contract alteration after the State does.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. This proposed exchange will improve the water quality and wildlife habitat values of the easement area and the entire Hawk Creek Watershed project area. An increase of 2 acres of upland cover / filter strip at little cost to the State is an exchange that should be made. This exchange has the approval of both the Kandiyohi SWCD, and the DNR wildlife manager. They worked effectively with the landowner to reach a compromise that preserves the benefits of the current easement area and adds a valuable 66 foot buffer along the south side of Chetomba Creek. As a condition of approving this request, should the Board so decide, I would suggest making it a requirement that the replacement acres be seeded to a native grass and forb mix prescribed by the Kandiyohi SWCD, with all costs being borne by the landowner.

2. Deny the request to exchange. NOT RECOMMENDED. This is a reasonable request proposed by the landowner. Mr. Post worked with DNR and SWCD staff to make this proposal a good exchange for the State to make on this easement.

Minnesota Pollution Control Agency

Why impaired waters are a priority for Minnesota

February 6, 2004

For more information on impaired surface waters, visit the MPCA's Web site at www.pca.state.mn.us/water/index.html.

The problem

Despite decades of progress in cleaning up water pollution, hundreds of Minnesota's lakes, rivers and streams are still not healthy enough for people to use safely and enjoy. These "impaired" waters do not meet water-quality standards and pose risks to people, aquatic life, and recreation. They can contain too much sediment, bacteria, mercury, phosphorus and other contaminants.

In their work to update the U.S. Environmental Protection Agency's (EPA's) 2002 List of Impaired Waters (see at www.pca.state.mn.us/publications/reports/tmdl-2002list.pdf), Minnesota Pollution Control Agency (MPCA) staff have identified 211 additional impairments. This brings the total for the 2004 Impaired Waters draft list to 1,916 impairments on 1,123 water bodies. (A single lake or stream may have multiple impairments.) The impairments affect 920 lakes and 203 streams throughout Minnesota.

The federal Clean Water Act requires the states to take specific steps to address these "impaired waters," including:

- Identify and list surface waters that fail to meet applicable water-quality standards.
- Evaluate impaired waters to determine sources of pollution and the amount of reduction needed to restore the waters.
- Make reasonable progress in cleaning up or restoring these waters.

Need for coordination

Due to resource limitations, the MPCA has fully assessed only 8 percent of the state's river miles and 14 percent of its lakes for impairments. About 40 percent of the waters assessed are impaired by one or more pollutants. (This is consistent with the national average for assessment in other states.) Once all Minnesota waters have been assessed, we may have more than 10,000 impairments statewide, located in nearly every watershed in the state. This is a serious issue for Minnesota.

Responsibility for keeping our water resources healthy resides with individual citizens, businesses, and a number of state and local government agencies, including the MPCA, the Minnesota Department of Natural Resources, the Minnesota Department of Agriculture, the Board of Water and Soil Resources, counties, cities, soil and water conservation districts, and watershed districts.

Despite all these players in the game, water quality improvements are not happening rapidly enough. All of these entities must come together to meet the challenge of impaired waters. The good news is a diverse advisory group, facilitated by the Minnesota Environmental Initiative, along with the Clean Water Cabinet (created as part of Governor Pawlenty's Clean Water Initiative), are taking steps to get us there.

Why must impaired waters be addressed?

The first reason why Minnesota needs to address its impaired waters is that this is the only way our state's valuable water resources can be restored and protected. Consider that:

- Minnesota has more surface waters than any other of the 48 contiguous states.

Minnesota Pollution Control Agency, 520 Lafayette Rd. N., Saint Paul, MN 55155-4194
(651) 296-6300, toll-free (800) 657-3864, TTY (651) 282-5332 or (800) 657-3864
This material can be made available in alternative formats for people with disabilities.

- A $10-billion-a-year tourism industry is based on Minnesota's water resources, and water quality is important to a healthy agricultural and business economy.
- Public opinion surveys conducted by the MPCA and others show that Minnesotans rank protection of surface water as their top environmental priority.
- The situation with impaired waters is getting worse and it's not going to go away. We need to act now to restore and protect our valuable and precious surface waters.

Second, addressing impaired waters is a priority because it affects growth and the health of Minnesota's communities and economy. All Minnesotans depend on healthy water resources for development, growth and a good quality of life.

- The federal Clean Water Act prohibits new or expanded wastewater discharges to impaired waters. We are only beginning to understand the significance of this prohibition on community and economic growth.
- A recent Bemidji State University study of north-central Minnesota lakes found that property values decreased as water clarity worsened. The study found that for each three-foot increase in water clarity (as measured by Secchi disk), the value of lakeshore property rose by $423 per foot of frontage. A three-foot decrease in water clarity cut values by $594 per foot of frontage.
- The MPCA has found that of 1,405 permitted industrial and municipal wastewater facilities, 546 either discharge to an impaired water or discharge within the watershed of an impaired water.
- As communities throughout the state are learning, having an impaired water is not good. In addition to being a local environmental problem, communities are realizing increasingly that it is also a business growth and development problem. Communities in the Minnesota River Basin and northeastern Minnesota's Lake Superior Basin are beginning to experience constraints on new or expanded discharges to waters that are impaired. On these impaired waters, completion of a Total Maximum Daily Load (TMDL) study will be needed before permits allowing new or expanded discharges will be allowed.

The third reason impaired waters are a priority is the Clean Water Act's mandate requiring all states to address them.

- This mandate is currently underfunded. The MPCA receives a small amount of funds for assessing water quality and doing TMDLs. While more money is needed to adequately address these two areas, the biggest need is for money to implement restoration activities — an estimated $600 million to $3 billion will be required to address restoration for currently listed waters alone.
- Inadequate progress toward meeting this mandate has also led to lawsuits across the country. During the past 10 years, 22 of the 42 lawsuits that have been filed in 42 states and the District of Columbia have been successful. There is currently no such lawsuit in Minnesota.

Combine the federal mandate with the value Minnesotans place on their water resources and their importance to tourism, economic growth and community growth, and the issue of impaired waters clearly is a priority for the state.

For more information

For more information about the MPCA's impaired waters effort, call Lisa Thorvig at (651) 296-8811 or e-mail her at lisa.thorvig@pca.state.mn.us.

Impaired Waters Stakeholder Process

POLICY FRAMEWORK

Executive Summary

July 2003 – February 2004

This policy framework contains consensus recommendations for the design of Minnesota's impaired waters program. The recommendations were developed by the Policy Work Group and Partners Group of the Impaired Waters Stakeholder Process. The Minnesota Environmental Initiative led this collaborative effort to garner input from a cross-section of the state's water quality stakeholders at the request of the Minnesota Pollution Control Agency. More than sixty organizations contributed to the process and to creation of this document.

The following recommendations define the scope of the impaired waters program and outline strategies for the program's funding, priority setting, and identification and restoration of impaired waters. Guided by the principles of central coordination and local leadership in implementation, the program embodies a comprehensive process for protecting and restoring Minnesota's impaired rivers, lakes and streams. This process would provide a comprehensive assessment of the state's surface waters every 10 years, accelerate and prioritize TMDL report development and restoration activities and establish a dedicated source of funding to accomplish these efforts.

The Minnesota Environmental Initiative drafted and assembled this document based on consensus recommendations that owe primary authorship to the Policy Work Group and secondary authorship to the Partners Group.

Steve Morse
Chair, Impaired Waters Stakeholder Process
Minnesota Environmental Initiative

Peter Frosch
Project Manager, Impaired Waters Stakeholder Process
Minnesota Environmental Initiative

Impaired Waters Program Structure
The stakeholder recommendations outline an impaired waters program for Minnesota focused on local water quality restoration. This program would base local activities on sound, transparent science and support those activities through a process of central prioritization and allocation led by a stakeholder council. While not the program's primary objective, protection of non-impaired waters would be viewed as a legitimate use of program resources.

Funding
Identifying options for a long-term, sustainable funding source for an impaired waters program is one of the stated objectives of the Impaired Waters Stakeholder Process. After analyzing data on the estimated annual need for assessment, TMDL, and restoration efforts, the Policy Work Group established a revenue target for the impaired waters program of $75-100 million per annum. The stakeholders then reviewed over 40 funding options and selected a water protection fee on municipal sewer connections and rural septic systems as the program's primary funding source (recommendation number 12). Federal agriculture and conservation legislation is also endorsed as a major and immediate source of potential revenue for rural restoration efforts; stakeholders recommend MPCA and other state agencies coordinate with the National Resource Conservation Service (NRCS) and Farm Service Agency (FSA) to leverage federal funds for impaired waters. General fund revenue and lottery proceeds are identified as potential future funding sources. (Please see appendix C for additional information regarding the funding recommendations.)

Assessment
It is the goal of Minnesota's impaired waters program to meet the Clean Water Act directives to: 1) assess all navigable waters of the state to determine if they meet water quality standards established to protect designated uses (33 U.S.C.A. §1315; aka section 305 (b) of the Federal Water Pollution Control Act); and 2) identify and list impaired waters—those not meeting water quality standards (33 U.S.C.A. §1313, aka section 303 (d) of the Federal Water Pollution Control Act).

TMDL
The impetus for developing a multi-stage water quality program in Minnesota is the Total Maximum Daily Load (TMDL) provision of the federal Clean Water Act. Each TMDL includes an allocation plan for reducing pollutant discharges. These allocations are binding and have proven extremely controversial in many states. Hence, effective public and stakeholder participation in TMDL activities is viewed as essential to avoiding costly and protracted legal disputes and to ensuring TMDLs are utilized as vehicles to promote broadly-supported and scientifically-based water quality restoration efforts.

Restoration
The focus of the impaired waters program must be on improving water quality in the state's most polluted surface waters. Hence, the program's goal is to de-list impaired waters. While many programmatic details have yet to be addressed, the strategy for restoration is to support, augment and coordinate with ongoing local efforts to address impaired waters (e.g. efforts in the areas of wastewater, erosion control, hydrologic restoration and riparian corridors).

For the complete version of the policy framework go to:
http://www.mn ei.org/policy/impairedwaters.html

For more information about the Impaired Waters Stakeholder Process contact Peter Frosch at: 612-334-3388 ext.108 or pfrosch@mn-ei.org

STAKEHOLDER RECOMMENDATIONS

Impaired Waters Program Structure

1. The pollution control agency and other public agencies should engage stakeholders, including local citizens, land owners and managers, and public and private organizations, in the identification of impaired waters, in developing TMDLs and allocation plans, and in planning and implementing restoration of impaired waters.

2. To the extent practicable, the pollution control agency and other public agencies should endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments.

3. An impaired waters coordinating council should be created to advise on program administration and implementation, and to foster coordination and cooperation among various stakeholder groups.

4. The pollution control agency, in collaboration with other state agencies, should develop a statewide plan to guide the implementation of the impaired waters process (i.e. assessment, TMDL, restoration).

5. The pollution control agency and its partners in the impaired waters program should identify and encourage implementation of measures to prevent otherwise non-impaired waters from becoming impaired.

6. The pollution control agency and other public agencies should seek to provide stakeholder education and solicit stakeholder participation in impaired waters activities.

7. Voluntary clean-up options that prove effective in meeting water quality goals should be preferred over new regulation.

8. To the extent practicable, the impaired waters program should balance the allocation of resources across geographies, program stages and the spectrum of impairment severity.

9. A decision-making matrix should be developed and utilized to weigh various prioritization criteria, and thus, provide guidance to the impaired waters program.

Funding

10. Funding solutions will address both point and nonpoint problems.

11. A water protection account should be created as an account in the environmental fund.

12. A water protection fee should be created and imposed on all service connections to sanitary sewer systems that are served by waste water treatment plants, facilities or systems permitted by the pollution control agency and on all individual sewage treatment systems. ($36/yr residential; $150/yr business per connection)

Assessment

13. Priority for monitoring, assessment, and listing of water bodies should be given to: human health hazards, areas where evidence of an impairment exists, and areas where evidence of improvement indicates the potential for delisting.

14. Utilize assessment data while it is legally viable (within 10 years of collection).

15. Aim for comprehensive assessment of Minnesota's surface waters every 10 years.

TMDL

16. The pollution control agency should set priorities for developing and approving TMDL reports and submitting TMDL reports to the U.S. EPA taking into account the severity of the pollution, the designated uses of those waters and other applicable federal TMDL requirements.

17. The phrase "TMDL study" should be avoided and "TMDL report" used in its place.

18. To increase efficiency and stakeholder involvement in TMDL planning, the impaired waters program should require a preliminary evaluation of an impaired water body to tailor the approach to study and restoration.

19. The pollution control agency should work with local partners to identify stakeholders and effectively engage them in the TMDL process.

20. To the greatest extent practicable, coordinate and execute multiple TMDLs and allocation plans in a single project.

21. Ensure economies of scale are captured by evaluating what geographic approach is most efficient and effective for TMDLs and restoration (e.g. region, watershed, stream, stream section).

22. Develop a work plan for each TMDL project.

23. Following approval of the TMDL, public and stakeholder input must be included in the development of the implementation plan.

24. The pollution control agency should retain oversight and responsibility for the TMDL process, but must consider contracting with third parties for modeling, monitoring, stakeholder analysis and involvement, implementation planning and/or the full TMDL process.

25. To make the TMDL process more understandable and transparent, the pollution control agency should:

I. develop a guidance manual with public input that would establish protocols and procedures to be used by either MPCA or third-parties in the TMDL process and

II. engage water quality experts outside the agency and create a technical framework to ensure better understanding and buy-in of the science used in developing TMDLs

26. The pollution control agency should submit TMDL reports for all impaired waters in a timely manner in accordance with federal TMDL requirements.

27. The pollution control agency shall seek to support existing or ongoing efforts to address or reduce impairments in surface waters that have been listed as impaired but where a TMDL report or restoration plan has not yet been approved.

Restoration

28. The pollution control agency should prioritize and target available programmatic, financial and technical resources to maximize opportunities for impaired waters restoration.

29. Restoration must always include effectiveness monitoring.

30. Restoration activities need to be developed and supported by local governmental units.

31. Restoration activities must address both point and nonpoint sources of pollution within a watershed.

NON-POINT RESTORATION AND PROTECTION STATEGY AND BUDGET

Project Summary – The strategy and associated budget address both non-point restoration activities (Table 1) and non-point protection activities (Table 2) as outlined by the G16 over the last two years. The focus of the impaired waters non-point restoration program is on improving water quality in the state's most polluted surface waters. This strategy is designed to support, augment, and coordinate with ongoing federal, state, and local efforts to address impaired waters. Though not a central focus of Minnesota's impaired waters program, protection must be an integral component. Protection is a cost-effective and logical step in preserving the state's overall water quality and in managing the volume of impaired waters work by working to prevent future impairments. The non-point restoration and protection strategies are one of four elements that make up the impaired waters strategy and have been targeted to receive 30 million dollars of the projected 80 million dollars that the Water Protection Fee is anticipated to generate.

Implementation Strategies & Budgets - The non-point restoration strategy is based on what it would take to reduce conventional non-point sources of pollution in the 27 TMDL project areas, identified in the MPCA 2004 listing, that are scheduled to begin implementation during the next four years. Implementation cost estimates are based on a ten year period of time, the amount of time considered necessary to restore surface waters in each project area to current water quality standards. Planning estimates for the restoration of water quality in the 27 TMDL project watersheds range from $110 to $180 million per year. The non-point restoration budget (Table 1) represents those elements deemed necessary to maximize voluntary landowner participation in land treatment actions in the 27 TMDL project areas in the next four years and to capitalize on opportunities to leverage current federal farm bill programs. As noted at the bottom of Table 1., agency staff, anticipate approximately $51.4 million, of federal and landowner funds, will be leveraged with the investment of state dollars identified in this strategy. In each TMDL project area individual pollutant load allocations and implementation plans are or will be developed as part of the TMDL development and approval. These individual implementation plans will form the basis for allocating monies identified in the budget. The non-point restoration budget provides financial incentives, loans, and technical assistance for agricultural land treatment and management practices, individual sewage treatment systems, technical and engineering assistance for private landowners, local administration, information and education, and effectiveness monitoring.

The protection strategy is based on preventing problems before they occur and taking advantage of existing local efforts to address priority surface water issues in watersheds where protection and/or restoration efforts will help keep waters from being listed as impaired. The strategy and budget provide financial incentives and technical assistance for lake and river protection and restoration, for assisting private forest owners develop and implement water quality practices, and for protecting and restoring eroding or degraded streambanks, lakeshore and roadsides. This strategy will be implemented statewide and is also anticipated to leverage approximately $4.25 million in local and private dollars (Table 2)

Agency Activities – The three principal state agencies that will be involved in delivering the non-point source restoration and protection strategy are the Department of Agriculture, the Department of Natural Resources, and the Board of Water and Soil Resources. These strategies will be coordinated with and carried out through the State's soil and water conservation districts, watershed districts, watershed management organizations, and counties. Activities will also be coordinated with the federal government through the USDA Natural Resources Conservation Service and Farm Services Agency.

The non-point restoration and protection strategy also builds upon existing natural resource protection efforts of state agencies Every effort has been made to acknowledge existing state programs that can be used as the framework to deliver the impaired waters program. Agency activities include administering cost-share and loan programs and providing specialized technical assistance to participating local units of government. Although none of the existing programs are appropriated state funds specifically targeted to address impaired waters they are engaged in numerous efforts that provide benefits to water quality. These efforts support the base capacity of local governments and landowner financial assistance programs that exist today. Protecting this base is crucial if the impaired waters initiative is to be successful in targeting and accelerating local programs and efforts for the purpose of improving the states most polluted waters.

Table 1.

NON-POINT RESTORATION STRATEGY/BUDGET	FY06	FY07	FY08	FY09
Land & Water Restoration Initiatives				
Targeted Financial Assistance ▪ BWSR - Cost-Share & Incentive payments ❖ 3.75 cost-share ❖ 2.0 incentive payments ▪ MDA - AgBMP Loan Program (Until capitalized at 65 million)	0.45 0.25	5.75 2.3	5.75 2.2	5.75 2.2
Targeted Technical Assistance to support practice implementation ▪ BWSR – Non-point Engineering Assistance Program for structural/engineered practices ▪ Technical assistance for non-structural BMP planning and implementation.	0.15 0.412	1.6 2.25	1.6 2.4	1.6 2.4
Targeted promotion of priority practices in impaired watersheds ▪ Scientific-Technical Group: Interpret and disseminate consensus information on targeted pollution reduction practices and approaches. ▪ Identify targeted practices and lands based on current research and technology.	 0.05 0.05	 0.05 0.05	 0.05 0.05	 0.05 0.05
Targeted Conservation Planning Assistance and Coordination ▪ Producer TMDL outreach and information ▪ Training of certified nutrient management planners and comprehensive conservation planners. ▪ Development of producer self-assessments and environmental assurance workbooks, support for existing commodity specific EQA self-assessments, and assistance to producers in completing self-assessments. ▪ Conservation Decision Tool for farmers and conservation professionals	0.1	0.3	0.5	0.5
Applied Research, Reporting, Evaluation, and Monitoring ▪ Sustainable agricultural systems research and demonstration ▪ Reporting, assessing, and evaluating the effectiveness of applied practices ▪ Develop and test new restoration and protection practices ▪ Establish out-come based performance measures that monitor implementation progress and evaluate watershed improvements	0.1	1.0	1.4	1.4
Septic Systems – ISTS ▪ County program support ▪ Failing septic system fixes ▪ ISTS census	 1.0	2.4 4.582 0	2.4 4.4 0	2.4 4.4 0
TOTAL FOR NON-POINT RESTORATION	**2.562**	**20.282**	**20.75**	**20.75**
Agency Implementation Costs – BWSR & MDA (comes out annual restoration totals)				
▪ BWSR	0	0.7	0.7	0.7
▪ MDA	0.4	1.1	1.1	1.1
Farmbill Leveraging (approximate)				
▪ USDA (NRCS & FSA)	5.6	38.9	40.0	40.0
▪ Landowner Costs	1.4	9.7	10.0	10.0
State Cost-Share Landowner leverage	0.1	1.4	1.4	1.4

Table 2.

NON-POINT PROTECTION STRATEGY/BUDGET	FY06	FY07	FY08	FY09
Land and Water Protection Planning Provide cost share dollars to lake associations, LGUs, conservation organizations and private landowners to prepare protection/restoration plans directed at:				
▪ Comprehensive local water management program – Grants to counties, watershed districts and watershed management organizations. ($1 million will be added to base grant program)	0.3	1.5	1.5	1.5
▪ Challenge grants program: Dollars would be targeted to: 1. Development of lake management plans that integrate aquatic plant protection, shoreland management, water quality issues, stormwater protection, etc, 2. Development of stream protection and restoration plans.				
▪ Forest stewardship – development of stewardship plans on private riparian forest land	0.1	0.9	0.9	0.9
Land and Water Protection Implementation Provide cost share dollars to lake associations, LGUs, conservation organizations and private landowners to implement protection/restoration plans. Projects would: 1) incorporate conservation practices in waters and watersheds that are not currently impaired to help prevent future impairments, including the northeast and north-central regions of the state; and 2) incorporate conservation practices as a component of the TMDL process for waters already identified as impaired, primarily in agricultural and urban areas. Conservation actions include:				
▪ Streambank, stream channel, lakeshore, and roadside protection and restoration focused on enhancing native vegetation and reducing erosion.	0	2.4	2.4	2.4
▪ Riparian land protection – conservation easement and fee title acquisition of areas most important for water quality protection *Possible GO Revenue Bonds??	0	1.0	1.0	1.0
▪ Forest stewardship – tree planting in riparian and erodable uplands and other forest stand improvements	0	1.0	1.0	1.0
Applied Research Reporting Evaluation and Monitoring	0	0.4	0.6	0.6
Agency Implementation Costs - DNR Implement increased local protection and restoration efforts by ensuring that adequate technical assistance is available to inform and guide: ▪ Lake and watershed protection and improvement efforts ▪ Stream protection and restoration efforts that protect/restore stream habitat and water quality ▪ Aquatic and shoreline plant protection efforts designed to improve water quality and shoreland stabilization	0	0.75	0.75	0.75
TOTAL FOR NON-POINT PROTECTION	**0.4**	**7.95**	**8.15**	**8.15**
Landowner & LGU leveraging through grant matching requirements	0	4.25	4.25	4.25
GRAND TOTAL FOR NON-POINT RESTORATION & PROTECTION ELEMENTS OF IMPAIRED WATERS PROGRAM	**2.962**	**28.232**	**28.9**	**28.9**

Leveraging Farm Bill Conservation Programs

In Support of Minnesota's Clean Water Legacy

Why leverage the farm bill?

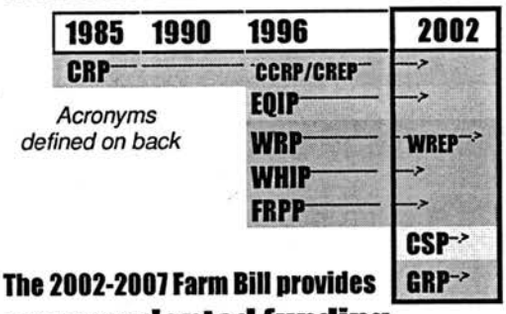
To make the most of unprecedented opportunities to increase federal conservation funding—and get more environmental bang for the buck

How much can we potentially leverage?

Given full funding to implement proposed strategies for leveraging farm bill conservation programs:

- **Up to about $40 million per year**: This is an estimate of potential new funding to support Clean Water Legacy goals by increasing voluntary participation in existing programs that offer ample opportunity for higher enrollment.
- **Not a guaranteed match**: The additional federal funds will be payments for conservation on land newly enrolled in certain farm bill programs whose total funding in Minnesota depends mainly on landowner participation. (This is different than—and supplemental to—the fixed amount of USDA matching funds Minnesota is already pursuing with a second CREP agreement.) There are too many unknowns to gauge exactly how much we can leverage, but it is reasonable to anticipate that each dollar the State invests in this effort will return at least twice as many new federal and producer dollars.
- **How it works**: The amount of new funding leveraged will be directly proportional to the State's success in maximizing enrollment. Enrollment levels depend on factors we can significantly influence with the proposed leveraging strategies—namely, landowners' knowledge about program opportunities, willingness to enroll and ability to get land accepted.

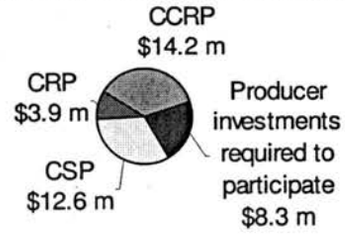
Evolution of Farm Bill Conservation Programs



Acronyms defined on back

The 2002-2007 Farm Bill provides unprecedented funding for agricultural conservation practices that restore and prevent impaired waters and provide multiple environmental benefits.

Sources of the potential $40 million



Limits to Leveraging: The leveraging effort will result in additional money for clean water practices in TMDL project areas. However, farm bill conservation programs will continue to be available statewide for enhancing multiple natural resources (i.e., soil, water, air, plants and animals).

Farm Bill Leveraging Strategies in the Clean Water Legacy proposal

- **Promotion & Outreach to Landowners**
- **Conservation Planning Assistance to Landowners**
- **Financial Assistance to Landowners-- Cost-Share, Low-Interest Loans, Incentives**
- **Technical Assistance to Landowners**
- **Sustainable Systems Research & Evaluation**

How can we maximize the potential?

By implementing highly focused strategies to leverage individual farm bill conservation programs—see examples on back

- **Enroll more land** by stepping up **promotion, conservation planning assistance & financial assistance** to help landowners access funding for priority practices.
- **Build local capacity**: Increase support for locally delivered **financial & technical assistance** to help landowners establish priority practices.
- **Target impairments**: Apply the proposed leveraging strategies to the right practices in the right places within watersheds to restore and prevent specific water quality impairments.
- **Improve our knowledge of water quality impacts** through **sustainable systems research and evaluation** to test, demonstrate and measure the effectiveness of existing and innovative new practices on working farms.
- **Grow partnerships**: Define roles and formalize agreements among public and private sector partners to ensure **tightly coordinated, effectively targeted** implementation of the proposed leveraging strategies.

Farm Bill Conservation Programs & Leveraging Strategies

Conservation Reserve Program - General Signup (CRP): A retirement program for highly erodible and other sensitive cropland, offering landowners 10-15 year contracts with annual rental payments and 50% cost-share to plant grass, trees or a mix. Reduces soil erosion and surface runoff, provides nesting cover for grassland birds and restores tallgrass prairie and other rare and declining habitats.

- **Funding**: Depends on the number of signups held and the number of acres offered and accepted. The highly competitive signups are few and brief.
- **Top Leveraging Strategy**: More than 60% of Minnesota CRP lands are in contracts scheduled to expire in 2007-2009, including an estimated 200,000 acres or more of restored floodplain wetlands. A top leveraging opportunity is to identify high-priority expiring acreage and support intensive **promotion**, **conservation planning** and **technical & financial assistance** to encourage and facilitate re-enrollment in CRP or transition to production systems and practices eligible for funding under other programs (especially CCRP, CSP, GRP), maintaining the flow of dollars and environmental benefits.

Conservation Reserve Program - Continuous Signup (CCRP): A CRP offshoot offering landowners 10-15 year contracts with annual rental payments, one-time incentive payments and 50%-90% cost-share to restore floodplain and prairie pothole wetlands and install various types of conservation buffers on former cropland.

- **Funding**: Depends on the number of acres enrolled and length of contracts. The year-round signup is noncompetitive, meaning all eligible applications are accepted.
- **Top Leveraging Strategy**: Highly targeted, watershed-based **promotion** and **conservation planning** can help increase the percentage of rivers and streams in agricultural areas that are buffered (currently about 25%) and highlight the relatively new CCRP wetland opportunities. (Before 2002, neither CRP nor CCRP restored large prairie pothole wetlands, and floodplain wetlands were an option only in the competitive CRP general signups).

Conservation Security Program (CSP): A conservation incentives program for working farms that rewards good stewardship and encourages producers to make additional soil, water, habitat and other conservation enhancements in 5-10 year contracts, using a tiered payment structure in which the more conservation, the higher the payments.

- **Funding**: Depends on the readiness of potential applicants to qualify for and maximize payments, eligible acreage in the watersheds selected to participate each year, payment limitations to be described in the final rule, and federal funding decisions.
- **Top Leveraging Strategy**: CSP is a brand new program with extensive eligibility criteria. Highly targeted, watershed–based **promotion** and **conservation planning assistance**, along with **technical & financial assistance**, for priority clean water practices, can significantly increase enrollment and help landowners maximize payments.

Environmental Quality Incentives Program (EQIP): A conservation "fix-it" program for working farms, offering producers 50% cost-share, or up to 3 years of incentive payments, to establish a wide range of practices addressing multiple resource concerns. EQIP will be an important "stepping stone" to help producers meet the high soil and water quality standards required to enroll in CSP.

- **Funding**: Federally predetermined allocations to Minnesota are approaching $25 million/year.
- **Top Leveraging Strategy**: Inadequate federal funding for EQIP technical assistance has significantly delayed many projects, frustrating participants and leading some to cancel. State investments to strengthen the local capacity to deliver **technical assistance** will help fill the gap. By coordinating EQIP funding with increased state **financial assistance** (cost-share, low-interest loans and incentive payments) for priority clean water practices, we can leverage greater water quality benefits from EQIP while increasing the acreage eligible for CSP. Additionally, providing more support for EQIP implementation might better position the state to receive higher annual allocations.

Strategies for leveraging the following farm bill conservation programs have also been identified:

Wetlands Reserve Program (WRP): A restoration easement program with emphasis in Minnesota on migratory waterfowl, offering 75%-100% cost-share. Minnesota allocations in 2002-2004 averaged $17 million/year.

Grassland Reserve Program (GRP): An easement program that currently emphasizes preservation of existing grazing lands. Minnesota allocations in 2003-2004 averaged $860,000/year.

Farm & Ranchland Protection Program (FRPP): A farmland preservation program that offers matching funds for established local or state Purchase-of-Development-Rights programs. Dakota County is likely to receive a total of about $5 million through 2007 (including $2 million already received).

Wildlife Habitat Incentives Program (WHIP): A fish & wildlife habitat enhancement program offering up to 75% cost-share for a variety of practices. Minnesota allocations in 2002-2004 averaged $400,000/year.

Prepared 2/9/2005 for the Leveraging the Farm Bill work group by the Minnesota Department of Agriculture (MDA).
For more information contact Barbara Weisman, MDA, phone 651-282-6831, email barbara.weisman@state.mn.us;
or Doug Thomas, Minnesota Board of Water & Soil Resources, phone 651-297-5617, email doug.thomas@bwsr.state.mn.us.

MNgage

Minnesota-area Volunteer Climate Observing Program

MNgage is the new name for the program that includes such existing programs as 'Backyard Raingage' or 'HIDEN' (for 'high spatial density') – any volunteer climate data that has been supplied to the State Climatology Office is a part of MNgage. Your observations are a part of the MNgage program.

Web-based data entry, data maintenance, and products have been expanded. You can maintain and see your data 'on the web' at

climate.umn.edu/mngage

To edit data, just follow the links to 'Sending the data ...' on the lower left of the page. You already **ARE** a 'HIDEN observer' and can immediately enter your county-township-range-section-name to start submitting data NOW.

You can enter as much or as little of your data as you like online.

We are particularly interested receiving 'one day reports' or 'web postcards' the morning following large precipitation events (especially 1.0 inch or more).

You will be able to 'follow' the events of the day – as data comes in during the day following, hopefully reports will become more comprehensive. Maps and tabular data products are available.

Whether you use online data entry or not, PLEASE continue to fill-in and submit your monthly paper forms.

Thanks, from the State Climatology team:

Pete, Greg, and Jim
651-296-4214
climate@umn.edu

To work on your daily climate data online:

- ❑ Navigate your web browser to **http://climate.umn.edu/mngage**

- ❑ Click on '**HIDEN observer**' on lower left of page. (Please do NOT use the '**Guest – One Day Report**' option. 'Guest' data is NOT saved to the standard MNgage database. However, please encourage others you may know who are not MNgage observers to submit their reports that way.)

- ❑ Fill in your **observer ID** information (the next time that you come to this 'log-in' page your ID should be filled in automatically from a 'cookie' on your computer). On that form, for 'short name' you must use exactly the same spelling as used in your ID. That ID can be found at the top of the mailing label on the envelope that this sheet came in or in the tabular report of monthly data for last year.

- ❑ Press either the '**Log-in**' or '**One Day Report**' button.
  - The '**One Day Report**' form will let you enter precipitation, snow, snow depth, and/or comments for one day during the past week. This data entry is also called a '**web postcard**' in the sense that you send it off but have no ability to change or edit it later using this form. BUT unlike the 'Guest' entry mentioned above this data DOES get incorporated into the MNgage database and can be edited later using monthly forms described just below.
  - The '**Log-in**' form will allow you to choose what parameters that you want to edit on a **whole month form**. By another 'button push', you select whether you want you work on data for the current or last month. The monthly form that appears allows you to add new information or to change information that have been put into the form in another session. Detailed descriptions (http://climate.umn.edu/hidensityedit/EntryMan.pdf) of the 'Log-in' style forms can be downloaded (454kb).

- ❑ **Please continue to fill-in your paper forms and send them in.** The paper forms provide space for comments, an independent way to check the data, and a backup to the digital record.

April 1, 2005

Dear Observer,

Sometimes it seems that as soon as you say a thing, something in nature conspires to prove you wrong. And so it happened that no sooner than we had prepared a map of July 2003 through April 2004 precipitation to show a deepening dry pattern in Minnesota that it started to rain, a lot. The single month of May 2004 ended up almost eliminating the dry conditions. Like so many other past similar occurrences, the local details don't always match the general pattern. The enclosed maps show the local details that your data made possible.

The 2004 listing of monthly precipitation totals for observers in your vicinity should show your observations. If your data are missing, or if inaccurate values are shown for you, let us know and we will correct the values in the data base (contact: climate@umn.edu or 651-296-4214).

The enclosed **annual** observation form is for your personal records only. Please use the **monthly** forms to report data to your network administrator. We appreciate the care that you take to fully and accurately record your observations.

Web-page based data maintenance is now available to individual observers. If you are inclined, we welcome you to participate in this exciting new program (please see the 'flyer' enclosed with this mailing). If observer-based data 'postcards' become popular, we will have a powerful new tool to track significant events shortly after they occur. We have also put a new name to the volunteer climate observing program: MNgage. Please visit our new page at **http://climate.umn.edu/MNgage** and encourage your friends, teachers, and anyone who shares your interest in the weather to visit as well.

Thank you for contributing your data to the statewide precipitation archive. We and many others statewide appreciate your time and your diligence. Your efforts are an important public service.

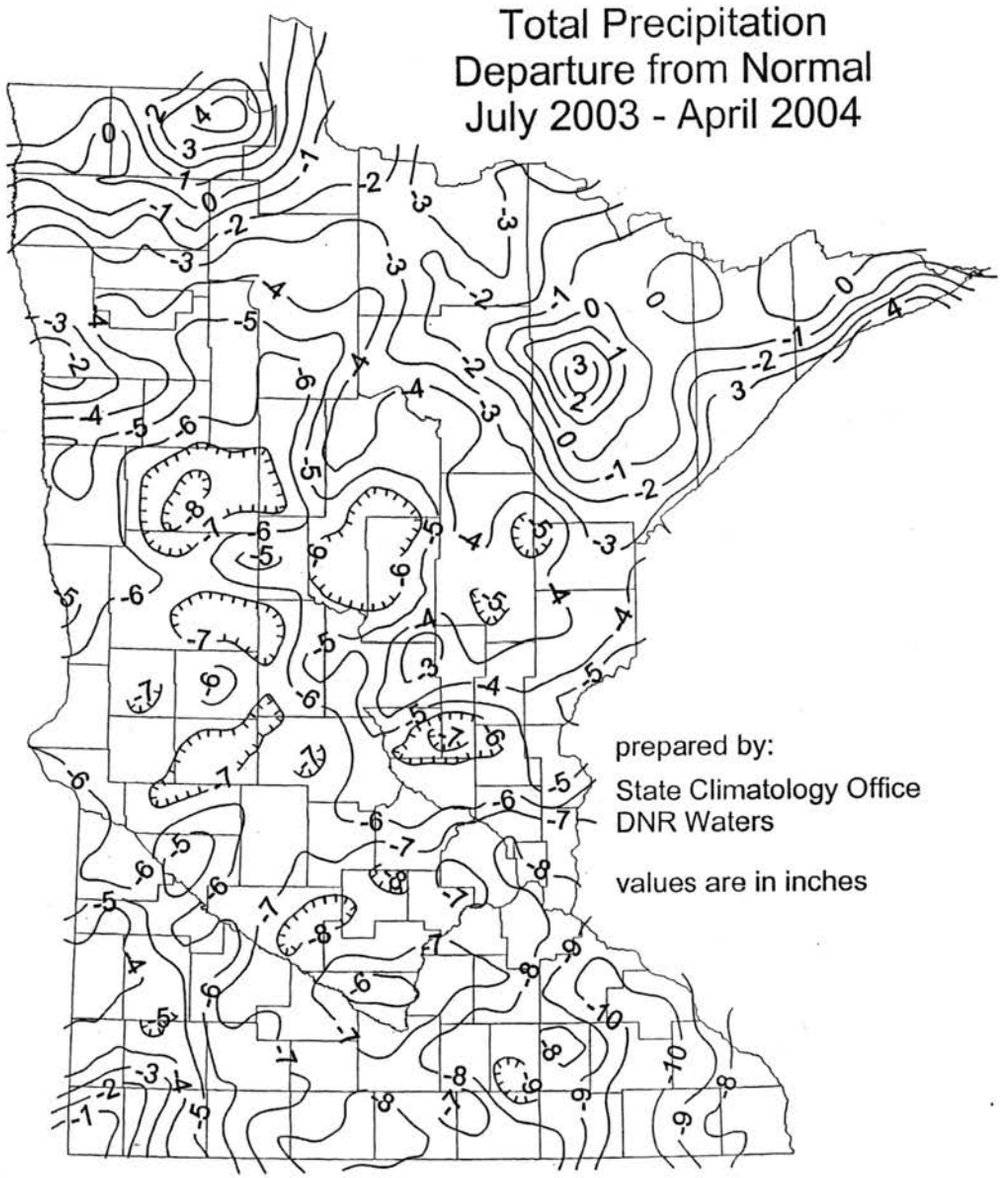
Sincerely,

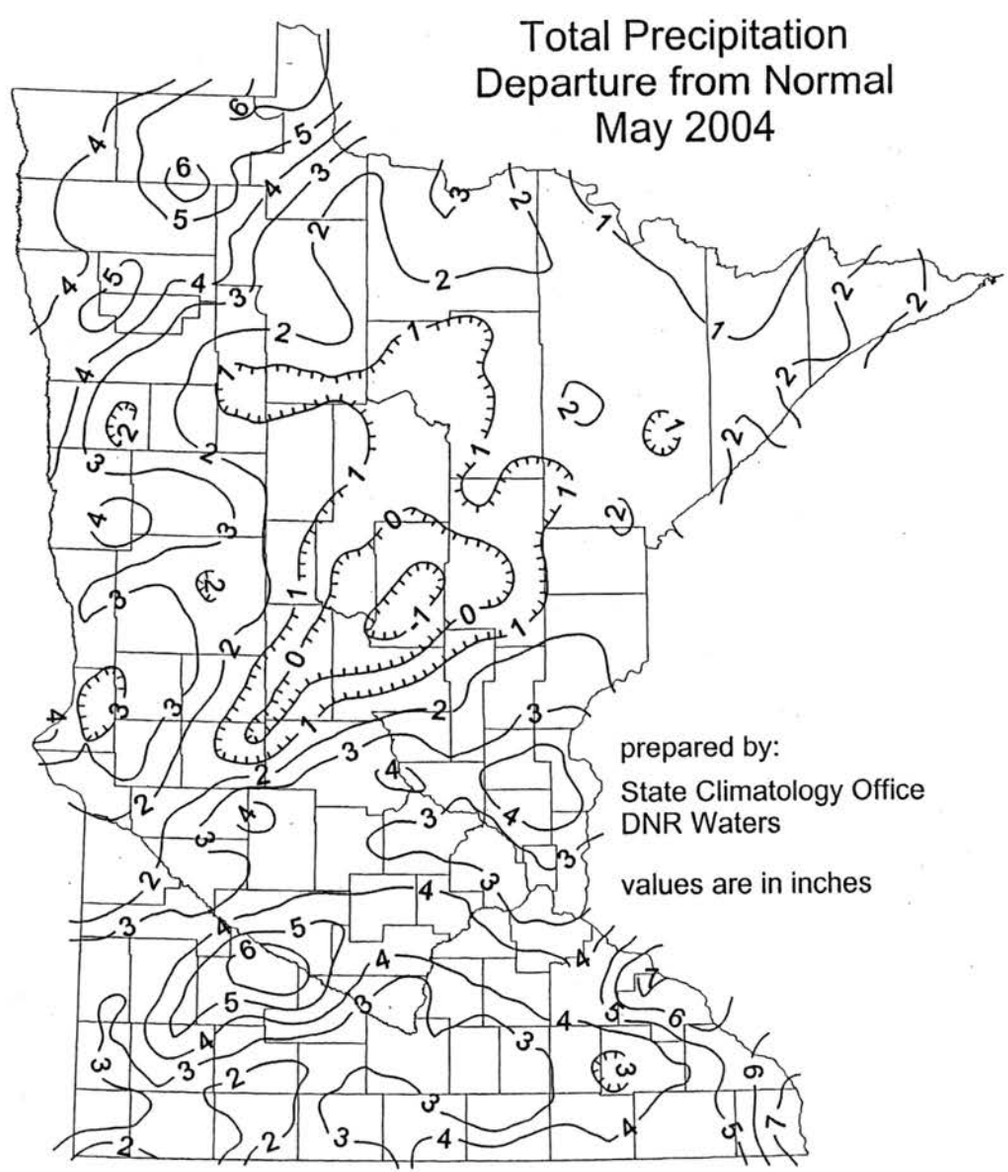
James Zandlo, State Climatologist
Department of Natural Resources

Greg Larson, State Soil Specialist
Board of Soil and Water Resources

Craig Edwards, Meteorologist-in-Charge
National Weather Service - Chanhassen

Donald Baker, Professor Emeritus of Soil Science
University of Minnesota


Total Precipitation
Departure from Normal
July 2003 - April 2004
prepared by:
State Climatology Office
DNR Waters
values are in inches


Total Precipitation
Departure from Normal
May 2004
prepared by:
State Climatology Office
DNR Waters
values are in inches

Minnesota Department of Natural Resources

State Climatology Office, 439 Borlaug Hall, University of Minnesota, St. Paul, MN 55108
500 Lafayette Road
St. Paul, Minnesota 55155-40__

March 7, 2005

Dear County SWCD Network Manager,

The enclosed summary of monthly data values for your area represents all the data received from your county or digitized at other locations and ingested into our data base for 2004. The summary is intended for both your use and for distribution to your observers. Also included in this mailing is a letter to the observers, maps of precipitation for the last water year, and 'flyer's announcing web-based data maintenance for observers. Please read and encourage your observers to read the 'Observing Notes'.

The enclosed mailing labels were generated from our data base index. Generally our only source for address information is the data form itself. **Please** ask your observers to be thorough in filling out that information on **each** monthly form. If any omission or errors exist on the labels contact us at 651-296-4214 (or at the address given above) with corrections. The numbers at the top of the labels are the county-township-range-section-network numbers. Please check those numbers carefully and encourage your observers to use them on each form.

Omissions and/or errors in the summaries of monthly data CAN still be corrected; simply forward any data that you have to us. Please encourage you observers to fill in the monthly totals which can be very useful in tracking down any misinterpretations of the data. Disparities often can result from differing interpretations of what the observer wrote, from arithmetic errors, from not including snowfalls (reduced by 1:10) in the monthly totals, and by our setting monthly totals to 'missing' when *apparently* rainy periods within months had no observations taken. When supplying replacement values, *please include your interpretation of the observer's DAILY values*. Corrected summaries can be regenerated at your request. Our phone is (651)296-4214 or e-mail us at climate@umn.edu.

Please continue to examine your local pattern of observations and to fill in 'holes' in your network where they exist. Winter observations are certainly welcome.

We prefer that original (green) data forms are provided to the State Climatology Office for final archival in the state-wide system (if you must, full sized one-sided copies, one observer to a sheet, are acceptable). If you choose to edit an observer's form, please do NOT overwrite the observers original writing; instead pencil in or use red ink for replacement values in the margins of the form. Do not add zeros to blank days on an observer's form.

Web-page based data maintenance is now available to individual observers as well as to the districts . We hope that the you will encourage your observers to participate in that way to the extent that they are inclined. If the observer-based data 'postcards' become popular, we will have a powerful new tool to track significant events shortly after they occur. We have put a new name to the volunteer climate observing program: MNgage. Please visit our new web page (**http://climate.umn.edu/MNgage**). Please contact our office if your office would like to maintain data online.

Thank you again for your contributions of high quality data to the state's archives. Please don't hesitate to contact any of us with questions, comments, or suggestions.

Jim Zandlo

Jim Zandlo, State Climatologist

OLD BUSINESS – Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel, Information

A citizen establishment petition for the Middle Fork Crow River Watershed District was received and the board ordered a hearing. The hearing panel conducted a public hearing on the petition in Spicer. The hearing was attended by about 60 people. The record rermained open for three weeks after the hearing. In support of the petition are the three main counties of Kandiyohi, Meeker and Stearns, two main cities, three townships and one SWCD, in addition to more than 350 petitioners. Opposed are three townships, one city, two SWCD's and several citizens. The citizen opposition is primarily centered around the Diamond Lake area, otherwise coming from agricultural interests.

The hearing panel met and, in consideration of the record, decided to recommend to the full board that the watershed district be established with five board managers. The selection process of the managers is taking place in consultation with the county boards. It is anticipated the establishment petition will be on the board's April agenda for decision to establish the watershed district.

BOARD OF WATER AND SOIL RESOURCES
EXECUTIVE DIRECTOR PERFORMANCE APPRAISAL

NAME: _____ **EVALUATOR:** _____
Executive Director Board Member

APPRAISAL PERIOD: FROM _____ TO _____

Listed below are ten performance responsibilities of the Executive Director position for the Board of Water and Soil Resources. After each responsibility, performance indicators are listed. Rate each performance by circling the appropriate response and/or you may use the comment area below each responsibility to evaluate the executive director. Please feel free to use one or preferably both ways to evaluate.

Evaluation code: Use the number that best describes the extent of achievement.

1. Indicates unacceptable performance
2. Indicates improvement needed
3. Indicates meets expectations
4. Indicates very good performance
5. Indicates outstanding performance

UA Unable to answer

1. **Has comprehension of and provides leadership and direction for the promotion and application of BWSR programs.**

   5 4 3 2 1 UA

   Comments:

   _____
   _____
   _____

2. **Coordinates appropriate staff activities and education for the development and promotion of BWSR programs and delegates responsibility as appropriate to empower staff within their function.**

   5 4 3 2 1 UA

   Comments:

   _____
   _____
   _____

3. **Maintains a good educational and communication level with the Board and acts as a conduit for the timely flow of information, ideas, background, potential arguments and options for solutions to guide the Board in decision-making capabilities.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

4. **Understands the role of the Board in policy decision-making and facilitates the staff implementation of Board directives.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

5. **Able to assess and quickly make recommendations to the Board on financial matters that may be imposed by either legislative or executive branch decisions or directives.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

6. **Communicates positively and effectively with other state agencies, local government/special district entities, the Governor's office and the media regarding Board policy, programs and partnership efforts – and does so as part of the BWSR team, not as a solitary authority.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

7. **Assures that the Board or appropriate members of the Board have knowledge of and/or are included in various meetings that would enhance their education and decision making capabilities.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

8. **Maintains a good working morale and promotes a positive and open atmosphere in which real dialogue may occur.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

9. **Acts as the chief liaison between the Board and the staff and thereby encourages and promotes collaboration and teamwork which utilizes the unique strengths of individual board members. Is responsive to Board members and chair.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

10. **Is "visionary" and sees the "bigger picture" in management of resources.**

5 4 3 2 1 UA

Comments:

_____

_____

_____

DATE: _____

Issue Spotlight

Clean Water Fee Concept

Clean Water Legacy: HF 826 (Ozment), SF 762 (Frederickson)

Revenue

~$60 million
Publicly Owned Treatment Works
Residential & Nonresidential Ratepayers

~$20 million
Septic Systems
Residential & Nonresidential Ratepayers

~$80 million

Expenditures

~$10 million
Assessment, Monitoring, TMDL

~$40 million
Municipal Infrastructure
Grants & Loans

~$25 million
Nonpoint Protection & Restoration

~$ 5 million
Local government fee admin/hardship

~$80 million

Leverage

~$25 million
Tax-Exempt Revenue Bonds
Municipal Infrastructure Loans

~$40 million
Farm Bill Funds
Landowner Cost Share

~$65 million

Environment Contact
John Curry
651-223-5969
jcurry@mncenter.org

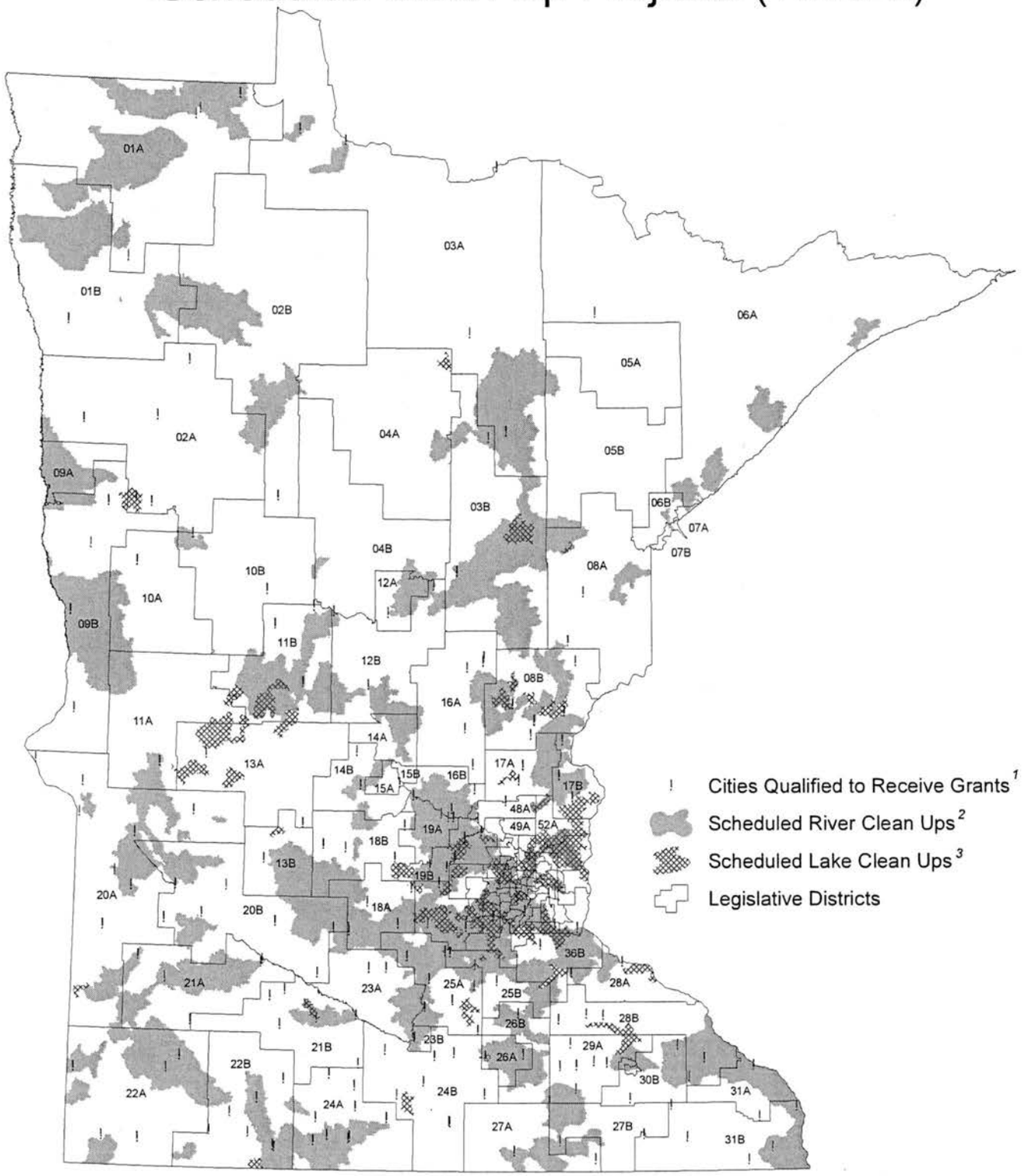
Business Contact
Mike Robertson
651-731-9121
mrobert388@aol.com

Local Govt. Contact
Craig Johnson
651-281-1259
cjohnson@lmnc.org

Farming Contact
Chris Radatz
651-905-2104
cradatz@fbfs.com

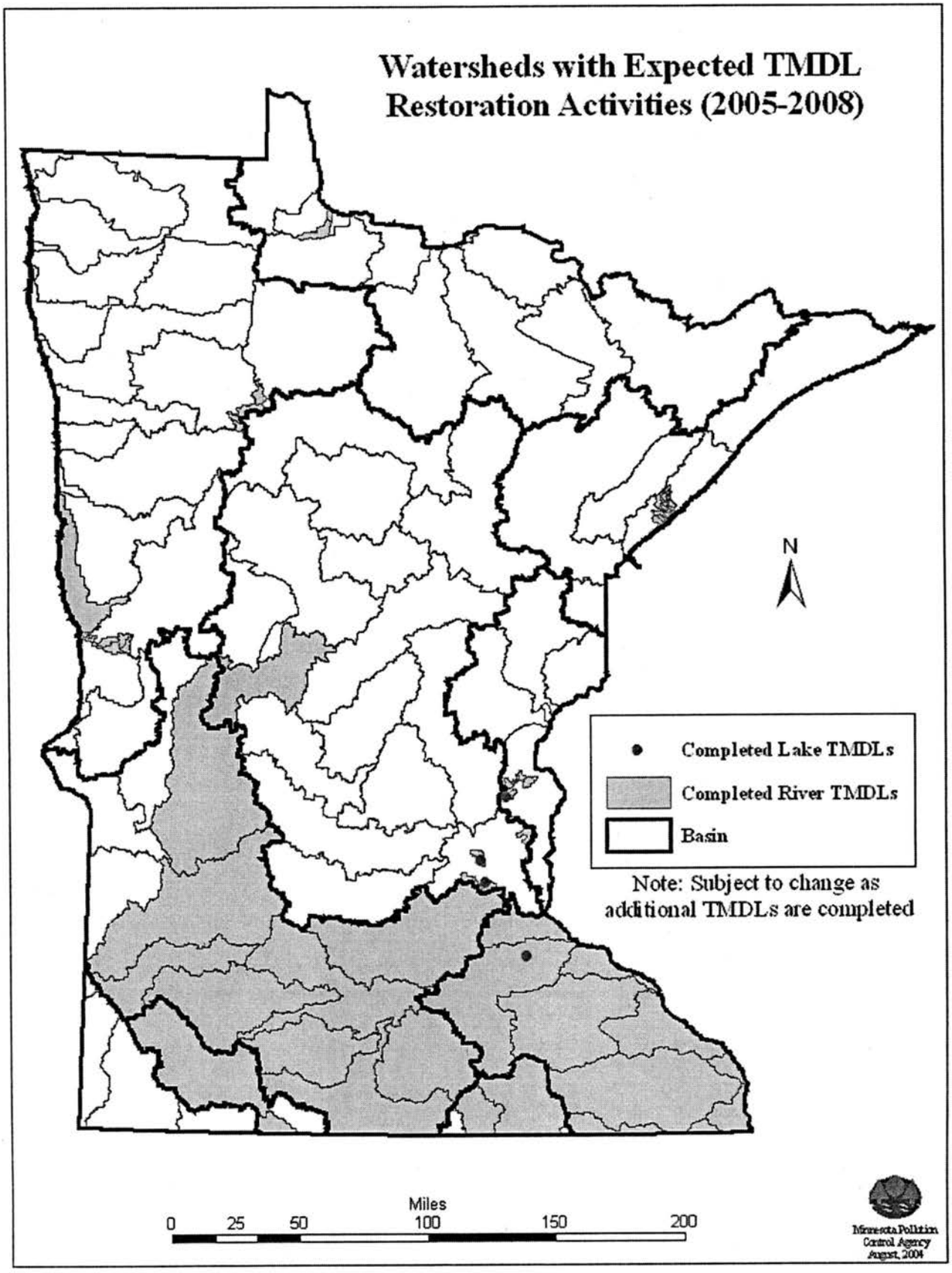
Clean Water Legacy: A Partnership to Restore Minnesota's Impaired Waters

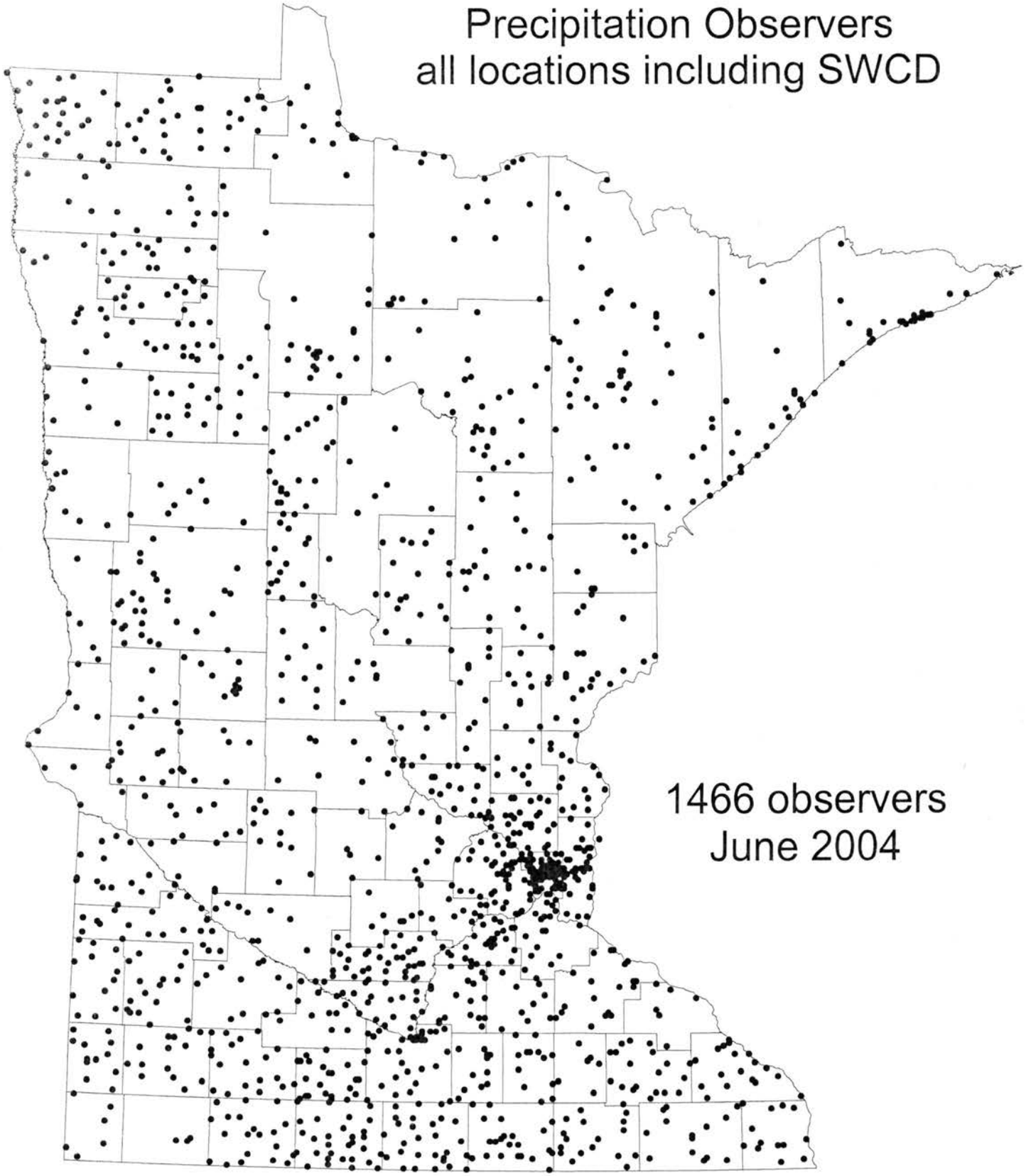
Clean Water Legacy (HF 826 / SF 762)
Scheduled Clean Up Projects (TMDLs)



1. Municipal waste water treatment plants eligible for phosphorous reduction grants.
2. Drainage area for an already scheduled stream TMDL.
3. Estimated watershed for an already scheduled lake TMDL.

Minnesota Center for Environmental Advocacy

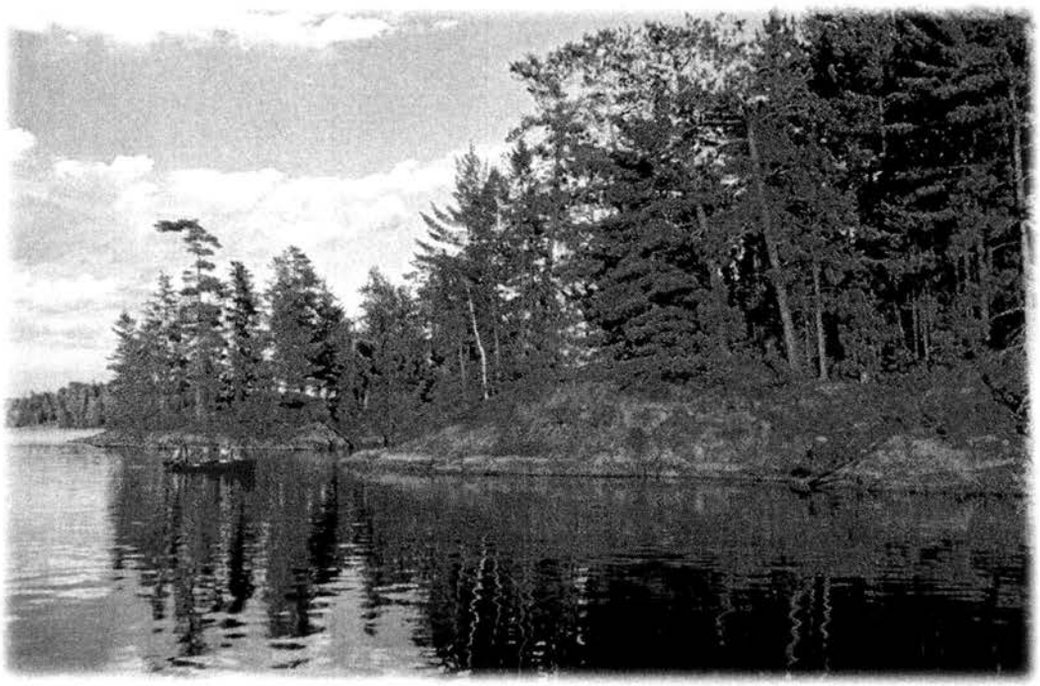

Watersheds with Expected TMDL Restoration Activities (2005-2008)
N
Completed Lake TMDLs
Completed River TMDLs
Basin
Note: Subject to change as additional TMDLs are completed
Miles
0
25
50
100
150
200
Minnesota Pollution Control Agency
August, 2004



State Climatology Office - DNR Waters

PROTECTING MINNESOTA'S WATERS:

Priorities for the 2005 - 2007 Biennium



A BIENNIAL REPORT OF THE ENVIRONMENTAL QUALITY BOARD

February 2005

The **Environmental Quality Board** draws together the Governor's Office, five citizens and the heads of 10 state agencies in order to develop policy, create long-range plans and review proposed projects that would significantly influence Minnesota's environment. Minnesota Statutes (see *Minnesota Statutes*, Chapters 103A, 103B, 116C, 116D, 116G and 116I) directs the EQB to:

- Ensure compliance with state environmental policy
- Oversee the environmental review process
- Regulate the siting of large energy facilities
- Develop the state water plan and coordinate state water activities
- Coordinate environmental agencies and programs
- Study environmental issues
- Convene environmental congresses
- Advise the Governor and the Legislature

Today, the Board staff is housed in the Division of State and Community Services of the Department of Administration.

The **Clean Water Cabinet** includes commissioners of the departments of Agriculture, Health and Natural Resources, and the Pollution Control Agency, the executive directors of the Board of Water and Soil Resources and the Metropolitan Council, and the Governor's deputy chief of staff, the cabinet chair. Tim Scherkenbach serves as cabinet director.

Protecting Minnesota's Waters: Priorities for the 2005-2007 Biennium was prepared by the EQB Water Resources Committee; Sara Bertelsen, EQB water policy planner; and John Wells, EQB water & sustainable development director. EQB WRC includes: Agriculture (Greg Buzicky and Gerald Heil), Board of Water and Soil Resources (Steve Woods and Doug Thomas), EQB Citizen Members (Jon Bloomberg and Mary Mellen), Health (Pat Bloomgren), Metropolitan Council (Judy Sventek and Keith Buttleman), Minnesota Geological Survey (Harvey Thorleifson and Dale Setterholm), Natural Resources (Kent Lokkesmoe and Craig Engwall), Pollution Control (Lisa Thorvig), U.S. Geological Survey (Jeff Stoner), Administration (John Wells) and the Governor's Clean Water Cabinet (Tim Scherkenbach). Photo on front cover provided by Minnesota Office of Tourism.

For more information or for paper copies of *Protecting Minnesota's Waters: Priorities for the 2005-2007 Biennium*, contact the Environmental Quality Board at:

658 Cedar Street
Room 300
St. Paul, MN 55155

(651)297-1257
Fax (651)296-3698
TTY: (800)627-3529
www.eqb.state.mn.us

February 2005



Minnesota Office of Tourism

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INTRODUCTION

Minnesotans place a high value on their water resources. Water provides jobs, drives quality of life, supports fish and wildlife, and is the cornerstone of a $10 billion a year tourism industry. Simply put, water quality and quantity are central to our success as a state.

Despite their importance, Minnesota waters face increasing pressure from development, pollution, exotic species, and growing demands for drinking water. How we protect our water resources today will determine whether Minnesota remains prosperous in the future. The choice is ours.

The vision

Given this choice, what vision should guide us? As Minnesotans, we expect our waters to be clean and plentiful, both today and long into the future. This requires all Minnesotans to:

- Guard their waters from present and future threats
- Restore waters that are impaired
- Maintain an accurate picture of waters for citizens, managers and policy-makers
- Ensure adequate reserves of safe water to keep Minnesota prosperous and sustain healthy communities

The partners

Protecting Minnesota's waters is a huge task, one that relies on the knowledge, authorities, partnerships, commitment and resources of state and local governments, the University, environmental organizations, agricultural groups, private firms, citizens and others. Each of these players is important and necessary in the effort to protect the state's waters.

Minnesota Statutes, Sections 103A.43 and 103B.151 directs the Environmental Quality Board to coordinate state water programs and develop a biennial water policy and priorities report. In furtherance of this mission, the Clean Water Cabinet has worked over the past 18 months to coordinate the Governor's Clean Water Initiative and define state water priorities. The Cabinet and Board present the 2005-2007 biennial water priorities based on this work. The priorities demonstrate the commitment to protecting the economic, social and ecological value of Minnesota's water resources.

State tasks

A set of core tasks provides the state with the capability to uphold its essential responsibilities. These include activities that help people understand, evaluate, communicate, develop and regulate Minnesota's waters.

While each of these activities is important in its own right, it is important to recognize that they also are highly interdependent. For instance, the ability to evaluate water conditions and trends requires an understanding of water availability and the geologic and land use characteristics that profoundly influence and affect water.

Challenges

Although the vision is clear, several issues must be addressed to ensure that Minnesota has high quality water for both a healthy economy and environment. Matters of greatest concern today include:

- As tough budgetary decisions are made, it will be evermore important to hold harmless the interrelated set of core state activities and the knowledge and expertise so key to protecting Minnesota's waters.
- In 2004, Minnesota reported 1,123 impaired bodies of water whose pollutants threaten their economic and recreational value. These numbers, while alarming, are based on an assessment of only 8 percent of the state's river miles and 14 percent of its lakes.
- The state has limited knowledge of how much water can be safely withdrawn for drinking water supplies, especially its largely unmapped ground water resources. As population increases and development expands, the demand for high quality water will increase. Population pressures of the Twin Cities Metropolitan Area already place great demands on that region's waters.

Priorities

With these challenges in mind, the Clean Water Cabinet and Environmental Quality Board recommend the following priorities for the 2005-2007 biennium:

- Protect core state water activities and meet strategic long range needs
- Make the commitment to restoring impaired waters
- Promote Twin Cities water supply sustainability

CORE WATER ACTIVITIES

A set of core state activities serves to protect Minnesota's ground and surface waters through the day-to-day, coordinated application of law, programs, expertise, information and education. This work helps people answer basic quality and quantity questions about water, such as where it is, how clean it is, how we use it and how actions we take may impair it. These core activities provide the key to meeting the state's water vision.

With so much of Minnesota's continuing prosperity hinging on a sound water program, maintaining the collaborative effort to protect and sustain our waters must take center stage.

What do the core activities do?

The state's core water activities protect Minnesota's waters by providing the following services:

- Research
- Monitoring
- Data management and assessment
- Regulation and enforcement
- Implementation
- Education and outreach

With these services, people gain the understanding of watershed and land use characteristics, and trends in water quality, supply and use that Minnesota's communities need to plan for population growth and economic development in environmentally safe ways. With this understanding, people can apply the tools of water management in a prudent, effective manner to protect resources and meet future needs.

Questions for policy makers

Policy makers can determine if an activity is a core water activity by asking a few simple questions. Does the activity help people and programs:

- Address current problems and prevent the emergence of new ones?
- Make the link to land use?
- Integrate and coordinate federal, state and local interests?
- Collect sufficient data and interpret it for ready use by decision-makers and citizens
- Involve and empower local governments and citizens
- See and easily understand water issues and efforts?
- Act in a unified, economical manner?

How are core water activities funded?

The state funds water-related activities through the following sources:

Water Funding FY 2004

Funding Source	Funding ($ million)	Percent of Total (%)
Bonding;		
State Revolving Fund	303.30	72.7
Fees	35.77	8.5
Federal*	37.04	8.7
General Fund	42.58	10.1

* Total does not include federal funds, such as those for the Conservation Reserve Program, that benefit Minnesota's water management efforts, but are not administered by state government.

Budgetary challenges

The state faces new challenges this biennium with another large deficit expected and water programs again on the line for reductions. Working through the Clean Water Cabinet, state water agencies are working to protect core water activities from General Fund cuts. Part of the challenge is to strike a balance between the state's immediate and strategic long range needs.

Recommendations

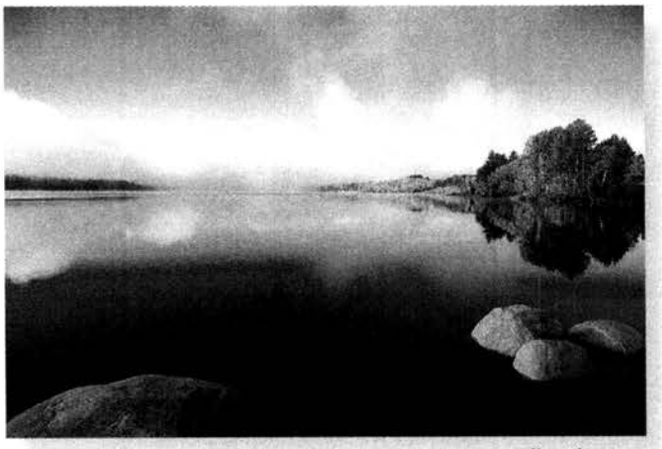
The Clean Water Cabinet and Environmental Quality Board recommend that the Legislature:

1. Find long-term funding options to protect and maintain the cycle of services provided by the state's core water activities.

While supplying only 10 percent of the state water budget, the General Fund plays a key role in supporting these core activities.

2. Overhaul the process for administering the Environment and Natural Resources Trust Fund.

While many important measures have been supported through the current process, the overhaul would make long-term strategic investment in Minnesota's natural resources the priority. The Governor recommends establishment of the Minnesota Conservation Heritage



Minnesota Office of Tourism

Foundation, an independent citizen-expert panel, to administer the Trust Fund with this priority in mind.

3. Evaluate Minnesota's wetland conservation efforts to ensure that the state's no-net loss policy is working.

The Wetland Conservation Act of 1991 establishes a state "no net loss" policy with certain exemptions, and provides for the mitigation of drained or filled wetlands. It complements and is complemented by various state and federal regulatory and conservation programs. However, recent studies of wetland losses in selected watersheds raise questions about the policy's effectiveness.

The state should complete efforts to develop a comprehensive wetland monitoring system in cooperation with federal agencies, and fund its implementation. This will make a scientific analysis of the "no net loss" policy possible. The state also should update the Minnesota Wetland Conservation Plan to ensure that current wetland protection efforts efficiently meet state goals while addressing local and regional needs.

4. Increase selected water-related fees to keep pace with inflation and increased program-related demands. The fee increases should include:

- Drinking Water Protection fees to meet the federal water testing guidelines in the Safe Drinking Water Act. The drinking water connection fee was originally established in 1992 at $5.21 per water connection. This fee level has been adequate for nearly 15 years due to the accrual of a surplus in the early years of the fee. However during the upcoming biennium, the surplus will be exhausted and the existing fee will not cover increased program costs. Therefore, increasing the fee to $6.36 per water connection will allow the program to continue to ensure safe drinking water for all Minnesotans.
- Well Management fees to ensure that new and abandoned wells do not contaminate aquifers. At present, fees fully fund state well management activities, and the result has been a high rate of compliance with requirements for constructing new wells and sealing abandoned wells. Experience indicates that the rates of compliance will fall if program support drops. So too will the assurance that 10,000 abandoned wells are properly sealed every year. The fee increases will cover increased program costs; not expand programs.

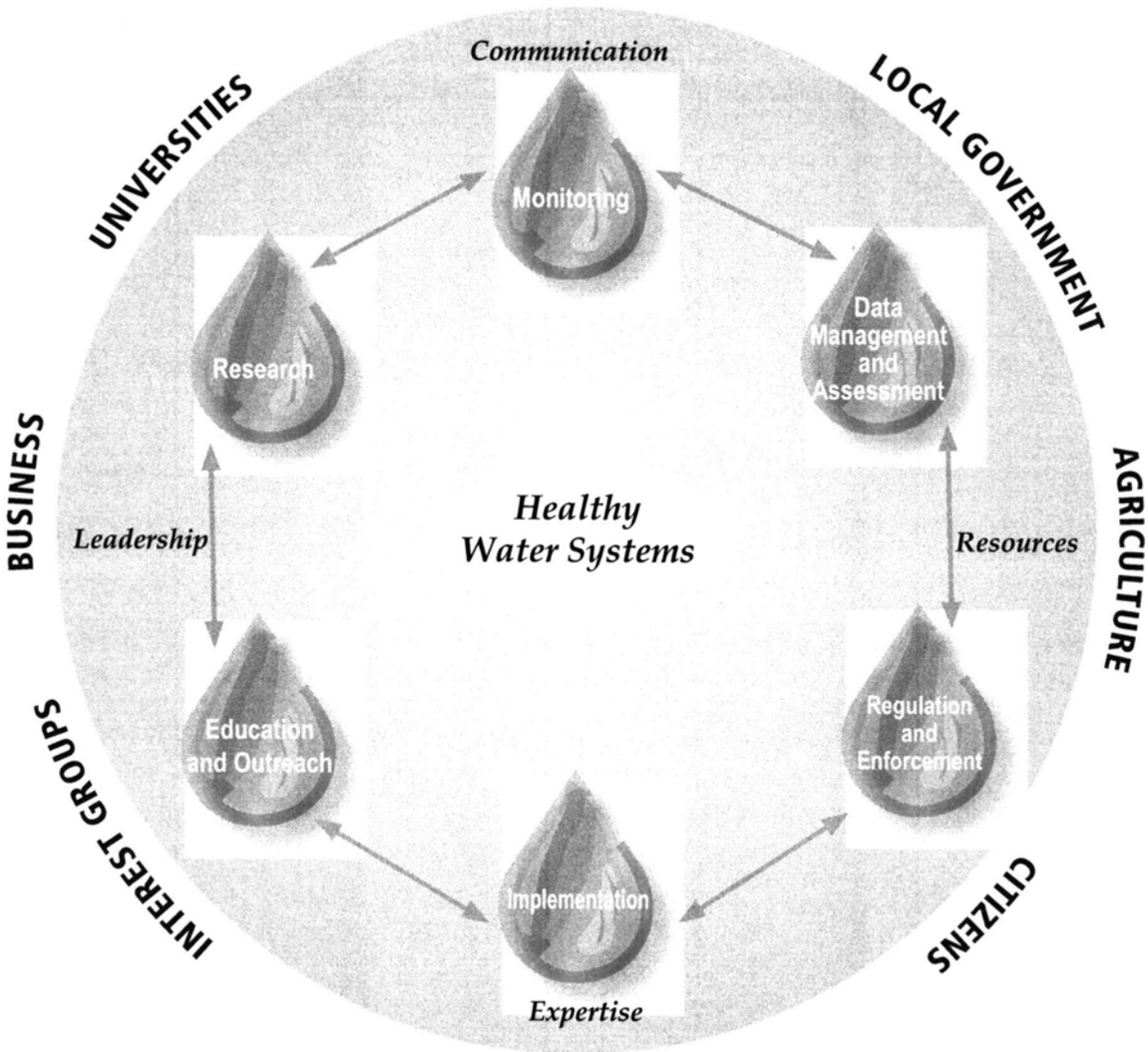
What is the benefit of protecting core water activities?

The health and sustainability of Minnesota's waters depends upon the cycle of services provided by the state's core water activities. Without proper funding, the cycle will break and its services will fail to defend the state's water interests, support state partners, allow a growing economy and meet the expectations every Minnesotan has for a quality environment. We should not let this happen.

Agencies working together

In early 2004, the Pollution Control Agency, Department of Agriculture and the Department of Health agreed on a joint plan for conducting statewide ambient ground water quality monitoring in Minnesota. Among the three agencies, there are different yet related purposes and requirements for ground water monitoring. All three use monitoring data to gain the information necessary to assess, protect and restore water resources. They also embrace a commitment to share data with each other and others that manage ground water resources, and to share monitoring information to educate the public about threats that ground water contamination presents to Minnesotans.

THE WATER CYCLE OF SERVICES



GOVERNOR'S CLEAN WATER INITIATIVE – PILOT PROJECTS

In June of 2003, Governor Pawlenty announced a new initiative to help clean up Minnesota's waters and ensure the state's famed water legacy will pass intact to future generations.

One of the first priorities in the initiative was selecting demonstration projects. The Governor's Clean Water Cabinet decided to focus on four areas in the state in which to implement specific projects. These project areas were selected to represent some of the state's most unique and important water challenges. The four areas were: the Red River valley where there are problems with flood damage and control; the Twin Cities metropolitan area with significant challenges of protecting and managing drinking water supplies; the North Central lakes area which needs to manage a complex balance between lake-related development and quality-of-life issues related to water quality, fish populations and lakeshore preservation; and southeastern Minnesota where the quality of surface waters has deteriorated to unacceptable levels with many waters unsuitable for swimming and the maintenance of desirable fish populations.

The six pilot projects include:

North Central MN Lakes

This five county project (Aitkin, Cass, Crow Wing, Itasca and Hubbard) works to support, coordinate and enhance innovative lake management tools. These tools will help to maintain or improve the economic and natural value of lakes and shorelands and will address the cumulative effects of population growth, population density and land use change.

Twin Cities Metro Area – Two Pilots

The Twin Cities Sub-Regional Water Supply project will help to: a) propose an institutional framework for regional/sub-regional planning and coordination of drinking water supplies, b) identify and evaluate water supply options for the Metro area to ensure a sustainable source of drinking water, and c) increase the reliability and security of core Twin Cities supplies through interconnection of the Minneapolis – St. Paul water supply systems.

The Lambert Lakes wetland restoration project is designed to reduce the amount of phosphorous entering Vadnais Lake, the last reservoir for surface water before it enters the St. Paul Regional Water Services system. This system serves more than 400,000 people.

Red River Basin – Two Pilots

The projects in this area focus on restoration of wetlands, reduction of flooding and improvement of water quality. The Grand Marais Creek project within the Red Lake Watershed District takes a collaborative approach to reducing flood damages and enhancing natural resources. The Manston Slough project provides flood control and reduces flood peaks to the South Branch of the Buffalo River. Wetland restoration will help to reduce pollutant runoff into creeks and lakes, prevent damage from 100-year flood events, protect intensively farmed land from 10-year storm events and create millions of acres of flood storage.

Southeast Minnesota

This pilot provides a special focus on reducing pollutants to impaired waters and evaluating results in the South Fork of the Root River. Activities include targeting the delivery of farm programs to efficiently restore impaired waters and prevent future impairments.

GOVERNOR'S CLEAN WATER INITIATIVE – MILESTONES

Conservation Reserve Enhancement Program II
In 2004, Governor Pawlenty submitted a second CREP application to the federal government. CREP II will address water-related needs of the Red River watershed in the northwest, the Lower Mississippi River watershed in the southeast, and the Missouri River and Des Moines River watersheds in the southwest. The goal is to secure approximately 4,500 conservation easements covering 120,000 acres by the end of 2007.

Wetland Reserve Enhancement Program

WREP combines RIM resource funds and funds from the USDA Natural Resources Conservation Service to provide financial and technical assistance to landowners who voluntarily restore wetlands and increase wildlife habitat. The goal is to restore approximately 7,250 acres across Minnesota. The areas include: 3,000 acres in the five Presidential Flood Disaster counties of Dodge, Faribault, Freeborn, Mower and Steele; 1,750 acres along the Red River of the North main stem; and 1,500 and 1,000 acres, respectively, in the Buffalo-Red River and Grand Marais Creek watersheds in northwestern Minnesota.

Glacial Ridge NWR

The nation's 54th national wildlife refuge – Glacial Ridge Refuge in northwest Minnesota – was officially created on October 12, 2004. Launched with the donation of a 2,000 acre parcel by the Nature Conservancy, the refuge will eventually cover 35,000 acres, becoming the largest tall grass prairie and wetland restoration project in the United States. This refuge will become a major waterfowl breeding and nesting area. It will provide critical habitat for declining grassland birds, greater prairie chickens, sandhill cranes, as well as the endangered western prairie fringed orchid, among other species.

EPA Watershed Grants
Root River

Governor Pawlenty chose the Root River watershed to serve as a demonstration for the Impaired Waters component of the Clean Water Initiative. The 81 mile river with its million acre watershed flows from the corn belt of southern Minnesota to its confluence with the Mississippi River in the southeast corner of the state. Elements of the project include wetland restoration, drainage management and riparian buffer in intensively cropped upper watershed areas, sidehill seep buffers and reforestation in Karst plains of middle watershed areas, alfalfa incentives, detention basin cleanouts, and critical area seedings in steep lower watershed areas.

Hawk Creek

Hawk Creek is a 65 mile long stream with a 600,000 acre watershed that enters the Minnesota River near Granite Falls. The watershed is 85 percent agricultural cropland, with over 98 percent of its original wetlands drained. This project promotes the use of best management practices that will result in significant water quality benefits for the watershed. Those BMPs include livestock waste management systems, buffer strips, grassed waterways, nutrient and residue management plans, livestock exclusions, alternative tile intake systems, terraces, sediment retentions, and septic system upgrades.

Clearwater River

The Clearwater River in northwest Minnesota drains 1,300 square miles through a variety of land uses and ecological habitats before its confluence with the Red Lake River. It is an important recreational resource and provides water for a $5 million commercial wild rice production area and drinking water supply for several communities. This initiative will achieve the goals defined in a 1994 nonpoint source study by reducing solids and chemical oxygen demand in the river by 40 percent.

IMPAIRED WATERS

Pollution in Minnesota's lakes, rivers and streams threatens to hamper economic development, erode quality of life and harm ecosystems.

State of Minnesota's waters

When a water body fails to meet water quality standards because of one or more pollutants, it is considered an impaired water.

Minnesota has over 12,000 lakes and 92,000 miles of rivers and streams. Of those water bodies, 1,123 – 40 percent of those assessed thus far – are on Minnesota's 2004 list of impaired waters. Several of those water bodies contain more than one impairment, bringing the total number of impairments in Minnesota's waters to 1,916.

However, due to resource limitations, water body assessments have occurred on only 14 percent of Minnesota's lakes and 8 percent of its rivers and streams. The Pollution Control Agency expects to find more than 10,000 impairments statewide, with impaired waters located in nearly every watershed in the state, once it assesses all the state's waters.

Clean Water Act requirements

The federal Clean Water Act requires the states to take specific steps to address "impaired waters," including:

1. Designate uses for waters of the state and set standards or pollutant limitations to protect those uses.
2. Collect water quality data and use it to assess whether water bodies meet water quality standards set to protect designated uses.
3. Develop and gain U.S. Environmental Protection Agency approval for the list of impaired waters – those that do not meet standards for their uses.
4. Conduct Total Maximum Daily Load evaluations to determine why impaired waters are not meeting standards and set pollutant-reduction goals that will eventually restore them to their designated uses.
5. Develop implementation plans for federally approved TMDLs.

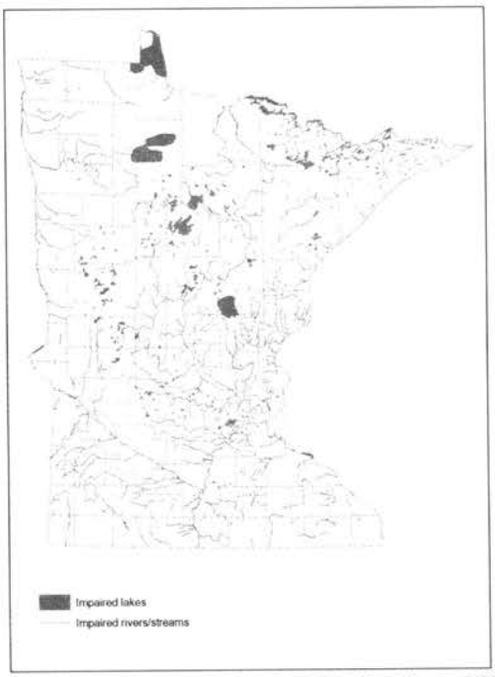
What is a TMDL?

For each pollutant that causes a water body to fail to meet applicable water-quality standards, the Clean Water Act requires the states to conduct an evaluation called a Total Maximum Daily Load. A TMDL identifies both point and non-point sources of each pollutant that violates standards. Water quality sampling and computer modeling determine how much each pollutant source must reduce its contribution to ensure the standards are again met.

Waters may have several TMDLs, each one determining the limit for a different pollutant. There are various options for achieving efficiencies in TMDLs, such as grouping water bodies with similar impairments into regional TMDLs.

6. Implement restoration or other activities to achieve water-quality standards.
7. Evaluate effectiveness of source-reduction activities through monitoring water-quality trends. If monitoring indicates standards are still not met, modify implementation plans and, if necessary, the TMDL to achieve water-quality standards. If standards are met, de-list the water body.

2004 Impaired Waters*



* Pollution Control Agency, 2004

Why must impaired waters be addressed?

Minnesota needs to restore impaired waters to allow continued economic development within impaired watersheds. Once a water body is added to the federal impaired waters list, a state has 13 years to complete a TMDL report on each pollutant impairing the water body. Until a TMDL report is completed, the federal Clean Water Act restricts any new or expanded pollutant discharges that would contribute to the problem, including those from businesses and cities. These restrictions will result in added expense and time to obtain permits and, without action, will slow economic development around impaired waters.

Recommendations

The Legislature should make a serious commitment to cleaning up impaired surface waters in order to restore their long-term value while removing barriers to economic development in Minnesota.

In making this commitment, the Clean Water Cabinet and Environmental Quality Board recommend that the Legislature:

- Recognize the overriding importance of acting on the Impaired Waters Initiative, and find consensus on a funding package
- Focus the Initiative on restoring polluted surface waters, but also support protection of clean waters
- Base cleanup strategies and priorities on sound science, and meet federal requirements
- Optimize the use of federal dollars for impaired waters cleanup
- Provide resources to local groups and existing local programs
- Ensure representation of a diversity of perspectives through a Clean Water Council

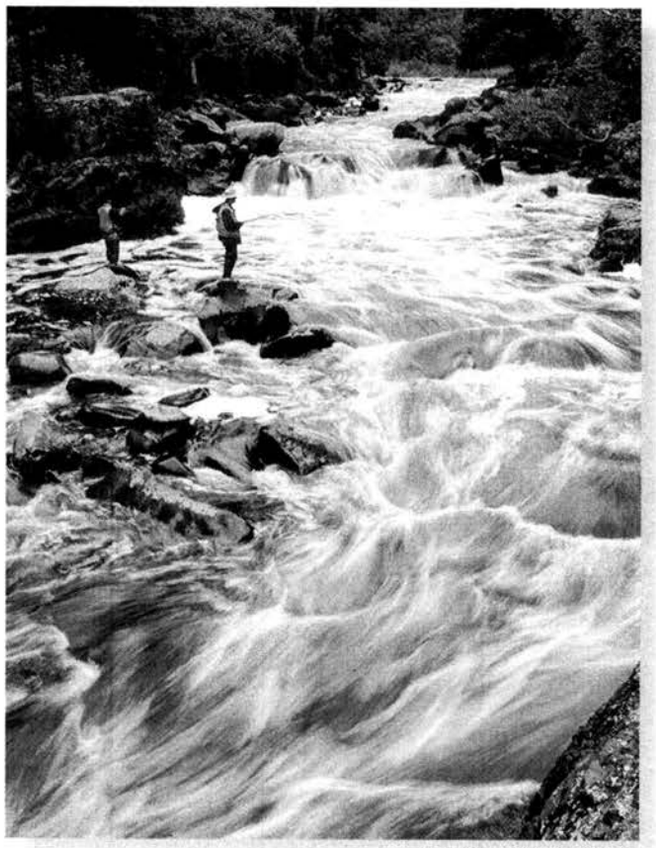
Funding Proposal

Fee	Funds Generated	Comments
Residential: Municipal sewer	$34.0 million	Exemption for low income residents
Residential: Rural ISTS	$19.3 million	Exemption for low income residents
Residential: Multi-unit	$14.3 million	Flow based
Non-residential	$12.1 million	Tiered system

The Minnesota Environmental Initiative convened stakeholders over an 18 month period to forge a policy framework for addressing impaired waters. A coalition of over 60 organizations now supports the Impaired Waters Initiative. The coalition includes state agencies, cities, counties, agriculture, business, environmental organizations and others. It recommends that initiative funding come both from existing Pollution Control Agency funds, as well as a proposed package of $80 million a year in new funds. The goal is to help local governments and landowners solve problems that impair waters.

A threat of economic restrictions

Economic restrictions could have dramatic impacts in cases such as Lake Pepin, which is impaired by phosphorous and which drains half of the state's land area. The area contains about 60 percent of the state's municipal and industrial wastewater treatment facilities and lies in the heart of Minnesota's economic activity corridor from St. Cloud through the Twin Cities to Red Wing.



Minnesota Office of Tourism

TWIN CITIES METROPOLITAN AREA WATER SUPPLY SUSTAINABILITY

Wise management of the region's water supply and the demands people place on it is essential to the vitality of the Twin Cities metropolitan area. Demographers expect nearly a million new people in the area by 2030. This growth and its associated urbanization will strain the region's water resources. This, plus a concern with the vulnerability of water supply systems to acts of terror make water supply within the Twin Cities metropolitan area a priority concern today. In addition, population demands have begun to spill outside the seven-county area and loom elsewhere in Minnesota. The lessons to be learned from this initiative will have direct application throughout the state.

Where does the water come from?

Ground water is the primary source of water for communities served by municipal – primarily suburban – systems (59 percent of the metropolitan population). Surface water is the primary source of water to communities served by the Minneapolis Water Works and the St. Paul Regional Water Service. The Minneapolis Water Works relies completely on the Mississippi River while St. Paul acquires about 70 percent of its water from the river and Vadnais chain of lakes and the rest from high capacity wells.

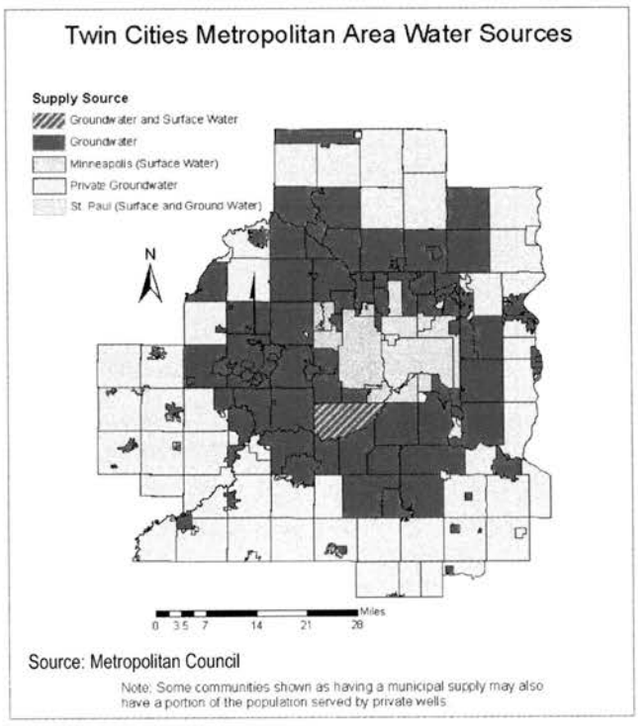
Demand and supply of high quality water

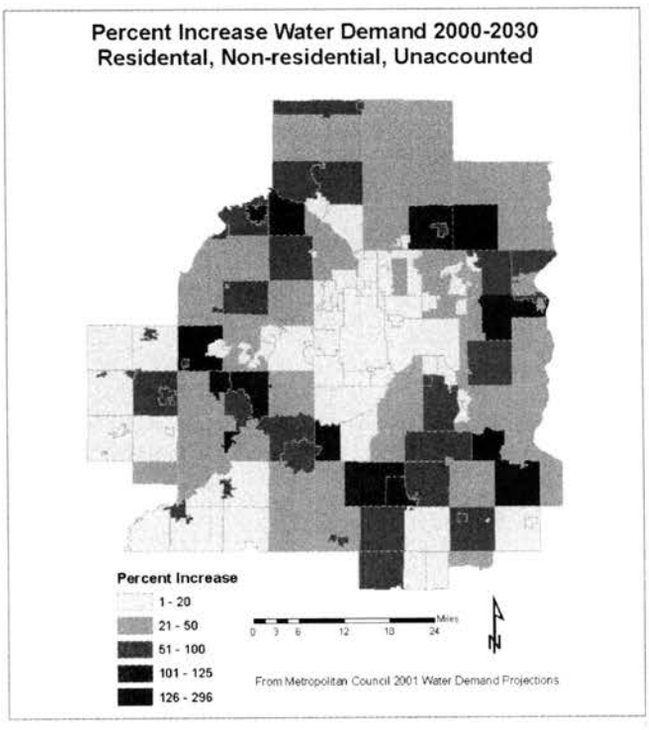
Minnesota Statutes, Section 473.156 directs the Metropolitan Council to prepare short- and long-term plans for existing and expected water use and supply. In 2000, residential, commercial, industrial and institutional sectors within the area used 384 million gallons of water each day. The Metropolitan Council expects the region's demand for high quality water to increase 35 percent or 133 million gallons each day over the next 40 years.

While the Twin Cities region is blessed with abundant supplies of high quality water, these supplies are not limitless. Unfortunately, we do not know how much water people can safely withdraw from regional ground water supplies over the long term. We lack necessary information on the extent, capacity and vulnerability of ground water systems, and we need new approaches to managing the region's demand for high quality water.

What are the factors affecting the short-term supply of high quality water?

Extended dry periods and rising demand have led to short-term water supply constraints and growing inter-community conflicts. Communities have had to restrict water use to reduce demands on the supply source and system. Some issues cut across community boundaries





and require special attention to prevent long-term consequences. These include well interferences, ground water withdrawal effects on wetlands and lakes, and the limited capacity of aquifers to meet the needs of neighboring communities.

What are the factors affecting the long-term sustainability of water?

A variety of factors may hinder the long-term sustainability of high quality water in the Twin Cities area. These include:

- Development expanding beyond the limits of the Twin Cities artesian basin
- Ground water withdrawals affecting important surface water features
- Information and controls to manage aquifers and water demand
- Understanding of how to address contaminated supplies

What are implications of both the short- and long-term water supply constraints?

The economic well-being of the metropolitan area may not be significantly threatened during episodes of short-term water supply constraints. Long-term water supply limitations, however, may put the region's continued prosperity and competitiveness at risk.

Communities typically make water system investments based on local interest without consideration of regional implications. This results in inefficient and sometimes duplicative development of infrastructure, adverse impacts on the resource, and delays in regulatory permitting that could be avoided through a coordinated approach. The region needs a comprehensive water supply planning process to guide the use of water in an efficient manner. The goal is to ensure that the region has a sustainable, economical and reliable long-term supply of high water quality.

How can we minimize the impacts of short- and long-term water supply constraints?

The Metropolitan area needs to develop a better understanding of the supply of water available at sustainable rates of withdrawal, and the future demand for this water. The region needs a plan based upon this understanding to guide the management of demand, the development of future supplies and the protection of homeland security. The plan and a streamlined approval process for related permits would ensure that water is made available for growth in a timely, economical manner.

Surface and ground water are connected

Community ground water use in the southwestern part of the metropolitan area has put the Savage Fen wetland complex, which contains a rare calcareous fen, at risk. The affected communities agreed to limit their appropriations to avoid further degradation of the fen. The presence of other special surface water features in the area, including Eagle Creek, Boiling Spring, Deans Lake, Black Dog Fen and Nichols Fen raised additional concerns and led to cooperative planning efforts through the Southwest Metro Ground Water Group.

Therefore, the Clean Water Cabinet and Environmental Quality Board recommend:

1. That the Legislature establish a Twin Cities regional water supply development fund.

The fund would support needed assessments of the region's water resources and a plan for their wise use, security and orderly development. The Legislature should authorize the transfer of $2 million from the Credit Enhancement Fund to initiate the new fund, which the Metropolitan Council would administer.

Ultimately, a long-term funding source is needed to support ongoing water supply studies and planning activities, as well as to establish a capital development fund to support water supply investments of regional benefit.

2. That the Metropolitan Council form a Metropolitan Region Water Supply Advisory Committee.

A water supply advisory committee would:

- Advise the Metropolitan Council on regional water supply issues, technical studies, plans and related recommendations
- Serve as a liaison with communities and the public on water supply matters

The board would consist of representatives from water suppliers, local governments, state agencies and other parties with interest in water supply.

3. That the Legislature direct the Metropolitan Council to develop a regional water supply master plan.

A water supply master plan would guide the future development of water supplies for the Twin Cities area. In preparing the plan, the Council would invite participation of communities outside the metropolitan area along with state agencies to explore issues of mutual interest and opportunities of mutual benefit. The plan would address the need for managing water security and demand, and include a process for streamlining approval of water appropriation permits.

What is the benefit of this approach?

A regional approach to research, data collection, water demand, system security and planning will reduce the chance of conflicts between communities as they work to meet the needs of present and future water users. Taking steps to cooperate rather than compete for water will save Twin Cities communities money and ensure adequate supplies for future economic development.

In addition, a water supply plan will help regulatory agencies make informed decisions and expedite well construction and water appropriation permits. Lastly, this initiative will help to define lessons for future statewide application.

Will supplies meet the needs of growing populations?

The Twin Cities to St. Cloud corridor is growing rapidly, but water supplies may not support that growth without costly investment. Unlike the metro area, which is served by several stacked aquifers, the corridor's ground waters are spotty and vulnerable to contamination. The area will likely need to rely on some combination of these less productive aquifers along with the Mississippi River, which supplies much of the water needs of the Twin Cities. Better information will be needed about the supplies that may be available for growth, if that growth is to occur in an orderly fashion. Minnesotans will also need an effective framework for sustainable decision-making that brings citizens, interest groups, local governments and state agencies together in understanding and accounting for the long-term regional implications of water and land use decisions. The lessons learned in the metropolitan area over the next two years will help communities and the state understand how best to reconcile growth with resource limits in the state's water-short regions.

RECOMMENDATIONS FOR THE 2005-2007 BIENNIUM

1. Protect core water activities and meet strategic long range needs

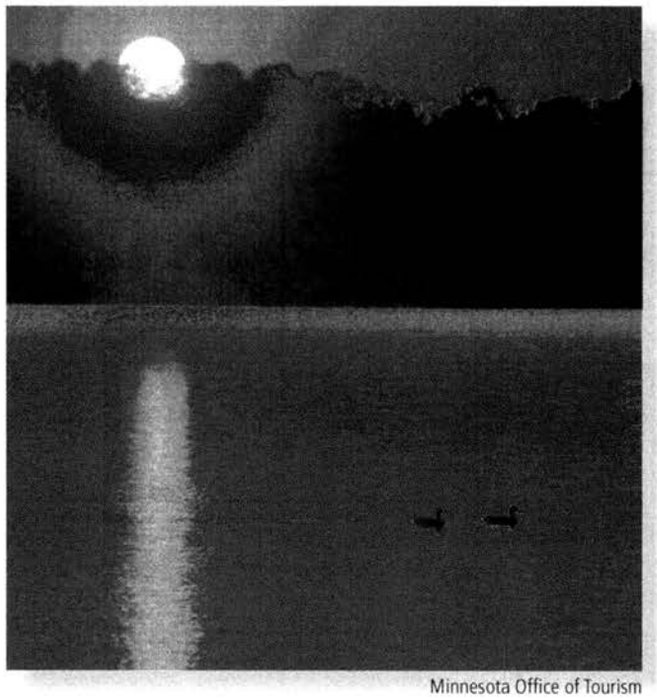
- Maintain the cycle of services provided by core water programs
- Overhaul the process for administering the Environment and Natural Resources Trust Fund
- Evaluate Minnesota's wetland conservation efforts to ensure that the state's no-net loss policy is working
- Increase water-related fees to keep pace with inflation and increased program-related demands

2. Make the commitment to cleaning up impaired waters

- Recognize the overriding importance of the Impaired Waters Initiative and fund it
- Restore polluted surface waters while protecting clean waters
- Base clean-up strategies on sound science and meet federal TMDL requirements
- Optimize the use of federal dollars for impaired waters cleanup
- Provide resources to local groups through existing programs
- Ensure representation of diverse perspectives through the Clean Water Council

3. Promote Twin Cities area water supply sustainability

- Establish a regional water supply development fund
- Form a metropolitan water supply advisory committee
- Develop a water supply master plan
- Help define lessons for statewide applications



Minnesota Office of Tourism

"More so than any other state, the quality and quantity of water in Minnesota is central to our way of life. It helps define who we are and what we value."

— Governor Tim Pawlenty, June 23, 2003, St. Cloud, Minnesota

The Clean Water Cabinet and Environmental Quality Board identified these 2005-2007 priorities as the next big step that must be taken to safeguard Minnesota's waters. In the future, the state will need to examine its ever growing demands for water and how these demands and the growth they support affect the sustainability of Minnesota's most precious resource. We intend to carry on the process of identifying and evaluating such pressing state water issues, and seeking executive and legislative action to address them. We trust this will ensure that the state does its part in safeguarding the health and preserving the quality of life for all Minnesotans, today and long into the future.

PROTECTING MINNESOTA'S WATERS *Priorities for the 2005 – 2007 Biennium*

Minnesota Environmental Quality Board

Press Release

For Immediate Release
Contact: Matt Holland (320) 894-5391 / Bob St.Pierre (651)773-2000

The Land of 10,000 Lakes Plans to be the Land of 3 Million Ringnecks

Minnesota DNR Establishes Long Range Plan for Increasing Pheasant Population



St. Paul, Minn. - March 15, 2005 - Today, the Minnesota Department of Natural Resources (MN DNR) announced a long range plan for Minnesota's ring-necked pheasant population. The plan, which Pheasants Forever (PF) wildlife biologists helped develop, focuses on the addition of 1.56 million acres of habitat. Those additional habitat acres are projected to translate into a fall population of 3 million pheasants. A population of that size should yield an average hunting harvest of 750,000 roosters for 175,000 hunters who would also positively influence the economy of rural Minnesota.

To accomplish the plan, the MN DNR estimates a cost of $1.6 billion over a 22-year period for the additional acres of habitat. Those dollars would come from the continuation and expansion of existing state and federal conservation programs; including, the Conservation Reserve Program (CRP), Wetlands Reserve Program (WRP), Reinvest in Minnesota (RIM), and state Wildlife Management Area land acquisitions. The estimates also include the development of new programs like the proposed dedicated sales tax legislation and the creation of a new Minnesota Conservation Reserve Enhancement Program (CREP). With proper funding for additional habitat, the MN DNR estimates that by the year 2025, Minnesota's pheasant harvest could average 750,000 roosters, which would double the average harvest during 1987-2000. To view the MN DNR's long range plan, log onto: http://www.dnr.state.mn.us/hunting/pheasant/index.html

"The key to the long range success of Minnesota's pheasant population is the continuation and expansion of farmland conservation programs that promote private lands conservation and put habitat acres on the ground," explained Matt Holland, PF's director of conservation programs for Minnesota and an advisor to the MN DNR's Farmland Wildlife Committee that developed Minnesota's long range pheasant plan. "This plan is built on programs like CRP and CREP. These conservation programs have proven their value in growing roosters, as well as improving our water quality, preventing soil erosion, and helping rural Minnesota economies."

The MN DNR says higher pheasant populations will serve as an indicator of a healthier agricultural ecosystem with prime farmlands under crop production and environmentally-sensitive lands carefully managed to conserve soil, water, and a broad range of game and non-game wildlife. A self-sustaining Minnesota pheasant population was first established between 1916 and 1918. From there, the population increased to over 4 million with an average annual harvest of 1 million roosters. Those levels were sustained until the population crashed in 1965 as a result of a dramatic change in land use leading to huge habitat losses. Since then, Minnesota's pheasant population has never fully recovered. In 1982, PF was created in St. Paul as a response to the continued decline of Minnesota's pheasant population. The organization helped pass a $5.00 pheasant stamp through the state legislature in 1983, which resulted in the addition of about $500,000 in funds for pheasant management annually. Last year, with PF's help, the pheasant stamp was increased to $7.50, bringing in an additional $250,000 per year.

"Pheasants Forever is extremely excited about this long range plan for Minnesota, our home state, and we are very pleased with the Minnesota DNR's leadership in taking this important step," added Holland. "Minnesota once supported over 4 million pheasants. With proper funding, this plan outlines what it's going to take to bring back Minnesota's glory days. PF looks forward to working with the Minnesota DNR and their partners to implement this plan and make those glory days a reality."

Today, PF continues to be based in St. Paul, but now has 110,000 members in 600 chapters across the country. There are 22,000 Minnesota PF members in 64 chapters, making Minnesota the organization's largest state. In the organization's 22 years, Minnesota chapters have spent over $20 million on 20,000 habitat projects, which have benefited 160,000 acres across the state. Minnesota chapters have also participated in 268 land acquisitions creating 22,351 acres of land now open to public hunting. PF land acquisitions are transferred to the appropriate state and/or federal agency and opened to the public.

Pheasants Forever is a non-profit conservation organization dedicated to the protection and enhancement of pheasant and other wildlife populations in North America through habitat improvement, land management, public awareness, and education. Such efforts benefit landowners and wildlife alike. There are more than 108,000 PF members in over 600 local chapters across the United States and Canada.

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MEMORANDUM OF UNDERSTANDING
Minnesota Department of Natural Resources
Minnesota Pollution Control Agency
Minnesota Board of Water and Soil Resources
Minnesota Department of Health

I. PURPOSE

A. To coordinate the delivery of Minnesota state agency services and involvement of state agencies in key issues related to the reduction of flood damages and enhancement of natural resources in the Red River Basin (RRB).
B. To ensure coordination of Minnesota state agency participation in RRB watershed planning and program development.
C. To facilitate cooperation of Minnesota state agencies on water resource issues that affect the RRB effort.
D. To serve as a forum to resolve issues between agencies. The Minnesota Board of Water and Soil Resources (BWSR) agrees to use its Board to resolve issues where appropriate.

II. FINDINGS

A. In December 1998 the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (MDNR) and BWSR were signatories to the Flood Damage Reduction Workgroup Mediation Agreement (see attached summary) along with other federal, tribal and local government and non-governmental entities. The agreement established a new set of goals and a process for collaborative actions regarding flood damage reduction and natural resource enhancement in the RRB. This work is directed by the Flood Damage Reduction Work Group (FDRWG), which continues to meet regularly and oversees the implementation of the "Mediation Agreement".
B. The Mediation Agreement also initiated a series of new generation watershed district comprehensive plans to be developed by the local watershed districts under the guidance of BWSR and with the involvement of a broad range of stakeholders, including state agencies.
C. As a result of the Mediation Agreement the watershed districts in the RRB have established project teams to provide for early coordination and involvement of stakeholders on projects. The MPCA, BWSR and MDNR participate actively on the project teams.
D. State agency objectives are often achieved through the efforts of a variety of local government agencies. Strong coordination, cooperation, and communication between local government agencies (Watershed Districts, Soil and Water Conservation Districts, and Counties) are critical in meeting local and basin wide goals.
E. The Minnesota Department of Health (MDH) is responsible for implementing a wide variety of environmental health programs to protect public health including actively working to promote source water protection activities among stakeholders and local and state agencies in the RRB.

III. OBJECTIVES

A. To adequately coordinate activity by the MPCA, MDNR, BWSR and MDH, the signatories agree to form an interagency, interdisciplinary team that will have the following responsibilities:

1. Maintain close communication regarding the activities of the agencies.
2. Share annual work plans for agency activities in the RRB.
3. Provide interagency focus for local, state, federal and basin-wide planning.
4. Provide available technical and scientific data concerning water management issues in a usable form to local officials and the public.
5. Use available agency resources to inform and educate local officials and the public about water management issues.
6. Maintain contact with local and basin-wide organizations with water planning and water policy implementation responsibilities.
7. Ensure early and ongoing participation by agencies on watershed project teams, water planning organizations, source water protection teams, the FDRWG, the RRB Commission and with local governments. Such early coordination will complement existing program staff activities in the Basin.
8. Meet regularly to maintain communication and coordination of state agency input and response to basin activities.
9. Ensure agency involvement and participation in local projects early in the process to avoid unexpected and untimely decisions which are reactive instead of proactive.

IV. RESPONSIBILITIES

A. To attain the stated objectives, each signatory agrees that:

1. Overall coordination of the interagency activities and the activities of the team will be the responsibility of the MDNR Regional Director, the MPCA Regional Manager, the BWSR Northern Regional Supervisor, and assigned personnel from the MDH.
2. Each agency will be responsible for supplying the funding and support for its staff. Cooperative use of services and facilities will be accomplished wherever possible.

V. LIMITATIONS

A. This Memorandum of Understanding (MOU) does not change the reportability of any position, nor does it affect other agency responsibilities that may be assigned to individuals on the team.
B. This document is not a legally enforceable, binding contract.

VI. EFFECTIVE DATE

A. This MOU shall become effective upon signature by authorized representatives from each agency, and will remain in force unless formally terminated by any party upon written notice to the others of their intention to do so. This MOU will be reviewed every four years and presented to any new administration.

VII. MODIFICATIONS

A. Modifications to the MOU may be proposed at anytime by any party, and shall become effective upon approval by all.

VIII. SIGNATORIES

_____ Date _____

Ron Harnack
Director
Minnesota Board of Water and Soil Resources

_____ Date _____

Diane Mandernach
Commissioner
Minnesota Department of Health

_____ Date _____

Gene Merriam
Commissioner
Minnesota Department of Natural Resources

_____ Date _____

Sheryl Corrigan
Commissioner
Minnesota Pollution Control Agency

SUMMARY OF THE RED RIVER BASIN MEDIATION AGREEMENT

In December 1998, an agreement to reduce flood damage and improve natural resources in the Minnesota portion of the Red River Basin was reached by representatives of watershed districts, state and federal agencies, environmental organizations, and private landowner representatives. The agreement forged by this group, known as the **Flood Damage Reduction Work Group**, provided for a new collaborative approach to planning and implementing both flood damage reduction and natural resource enhancement projects. Key elements of the agreement are clearly identified goals for both flood reduction and natural resources; comprehensive watershed planning; early consultation and collaboration among all stakeholders; and a cooperative approach to permitting projects.

Background

The Red River Basin has experienced extensive drainage and flood control activities for most of the past 100 years. However, flooding and related soil erosion have continued to plague the region. During the 1990s there were frequent disagreements between watershed districts and resource management agencies over the most effective and least environmentally destructive methods to reduce flood damages. After the U.S. Army Corps of Engineers and Minnesota Department of Natural Resources (MDNR) completed a joint environmental impact statement on cumulative effects of flood control projects in the Basin in 1996, the controversy reached its peak. Consequently, in May 1997, the Minnesota Legislature authorized funding for a "mediation" process to resolve the disputes regarding environmental effects of flood control and to break the gridlock blocking many new flood damage reduction projects.

Summary of Agreements

The Work Group set out to reach consensus agreements on long-term solutions for reducing flood damage and for protection and enhancement of natural resources that would also balance important economic, environmental, and social considerations.

The mediated agreement has five major components.

1) Flood damage reduction goals

Goals for reducing flooding were established so that a common basis could be used for evaluating proposed projects. Eight specific goals related to the protection of lives, communities, and farmsteads, and related to the reduction of damages in agricultural areas were defined. A quantifiable goal for reducing farmland flooding was defined as protection from the **ten-year summer storm** event (i.e., a 3.5 inch rain in a 24-hour period).

2) Natural resource goals

The ten natural resource goals adopted by the Work Group emphasize protection and enhancement of stream corridors, wetland restoration and habitat diversity. The Work Group intended that these goals be incorporated into watershed plans

and guide planning of specific flood control projects to include natural resource enhancement features.

3) Comprehensive watershed planning

Agreement was reached on principles to be used in guiding watershed planning in the Basin. These principles call for an integrated approach to managing water for flood damage reduction, water quality protection, and natural resource enhancement.

4) Project review and permitting coordination

A new process provides for early communication and coordination among watershed districts, government agencies, and interested non-government groups on proposals to solve identified problems in a watershed. Subwatershed **Project Teams** provide the technical expertise to collaborate on developing balanced projects that meet the flood damage reduction and natural resource enhancement goals of the agreement.

5) Implementation and conflict resolution

The agreement sets up on-going processes for the implementation of the agreement and for resolving any future conflicts regarding project proposals or planning objectives. The Work Group agreed to continue with its same membership to oversee the new planning and project coordination activities to ensure they are consistent with both the content and spirit of the agreement.

The mediation process also included preparation of a set of 13 technical papers about alternative flood damage reduction methods and their application in the Red River Basin. These papers were written by a Technical and Scientific Advisory Committee (**TSAC**), a technical team composed of hydrologists, engineers, biologists, and ecologists from government and the private sector.

<u>Current Work Group Membership</u>

Jerome Deal - Red River Watershed Management Board (co-chair)
Paul Swenson - Minnesota Department of Natural Resources (co-chair)
Dan Wilkens - Red River Watershed Management Board
Farrell Erickson - Red River Watershed Management Board
Vernon Johnson - Red River Watershed Management Board
Keith Mykleseth - The Nature Conservancy
Mark Ten Eyck - Minnesota Center for Environmental Advocacy
Craig Evans - St. Paul District, U.S. Army Corps of Engineers
Ron Harnack - Minnesota Board of Water and Soil Resources
Jim Ziegler - Minnesota Pollution Control Agency
Jim Leach - U.S. Fish and Wildlife Service
Stephanie Miranowski – County Government Representative
Paul Borgen - Citizen and Landowner
Gerald Van Amburg – Citizen
Glen Kajewski – USDA Natural Resources Conservation Service
Mark Bertram – USDA Farm Services Agency
(Chuck Meyer represented the Red Lake Band of Chippewa Indians as a Special Invited Observer.)

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BOARD OF WATER AND SOIL RESOURCES
520 LAYFAYETTE ROAD NORTH
OEA CONFERENCE ROOM, 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 27, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Jim Anderson-Minnesota Extension Service, Paul Brutlag, Paul Burns-Department of Agriculture, Sheryl Corrigan-Pollution Control Agency, Quentin Fairbanks, Karen Harder, Paul Krabbenhoft, Gene Merriam-Department of Natural Resources, Clair Nelson, Victor Ormsby, Louise Smallidge, Dan Wilson-Department of Health, LuAnn Tolliver.

BOARD MEMBERS ABSENT:
Randy Kramer
Kay Cook

STAFF PRESENT:
Ron Harnack, Doug Thomas, Jim Haertel, Al Kean, Jeff Nielsen, Jim Lemmerman, Mary Jo Anderson

OTHERS PRESENT:
Wayne Edgerton, DNR
Sandy Hooker, MAT
Carol Berg, MASWCD
LeAnn Buck, MASWCD
Ray Bohn, MAWD

Chair Deal called the meeting to order at 10:10 a.m.

** 05-27 **ADOPT AGENDA** – Moved by Clair Nelson, seconded by Victor Ormsby, to adopt the agenda as presented. Motion passed on a voice vote.

OPEN MIKE

- Ann Latham, spoke on behalf of the Middle Fork Crow River Watershed District (MFCRWD) Establishment Petition, requesting BWSR approval of the watershed district.

- Ron Schneider, Spicer City Council, also spoke on behalf of the MFCRWD, requesting approval for establishment of the watershed district.

- Jeff Bredberg, County Water Planner, spoke on behalf of Kandiyohi County, also requests BWSR's approval for the establishment of the watershed district.

** 05-28 **MINUTES OF MARCH 23, 2005** – Moved by Victor Ormsby, seconded by Louise Smallidge, to approve the minutes of March 23, 2005, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report - Chair Deal reported that NRCS celebrates "70 Years of Conservation Partnership" today. On behalf of Governor Pawlenty, a proclamation was read by Lieutenant Governor Carol Molnau this morning at the Captiol Rotunda. NRCS Chief Bruce Knight, NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg, and Chair Deal spoke at the event.

Chair Deal reported that U.S. Secretary of Agriculture Mike Johanns joined Governor Pawlenty for the signing of the CREP-2 agreement at the Straight River Marsh in Ellendale on April 22, Earth Day. The CREP-2 agreement will benefit the Red River watershed in northwest Minnesota, the Lower Mississippi watershed in southeast Minnesota and the Missouri River and Des Moines River watersheds in southwest Minnesota.

Executive Director's Report – Ron Harnack reported that Randy Kramer called and will not make the meeting. Ron stated that it was a good day on April 22 – it was Earth Day, Governor Pawlenty and U.S. Secretary Mike Johanns signed the CREP-2 agreement, and it was the first anniversary of President Bush's Wetlands Initiative, the Bush Administration released Conserving America's

Wetlands: Implementing the President's Goal. Ron reported that training for CREP-2 will be held in May, things are going well thus far.

Ron gave an update on the bonding bill; included is road replacement for local wetland impacts for county roads, and Area II joint powers group received $500,000 for flood storage projects.

Ron stated that Board appointments have not yet been finalized. The Governor's Appointments Office is still going through the review process; hopeful to have board members appointed by our next board meeting.

Ron reported that the Clean Water Cabinet met on April 20. Discussion included how do we judge gains and losses of wetlands in the State.

Ron stated that the Southern Water Planning Committee will meet today immediately following the board meeting. The Administrative Advisory Committee will meet immediately following the board meeting today in Ron's office.

Dispute Resolution Committee – Jim Haertel reported that one new appeal has been filed in Roseau County.

Wetlands Committee – Clair Nelson reported that the Wetlands Committee continues to work on various issues. The Wetlands Committee will meet in May.

Cost-Share Committee – Ron Harnack stated that the Cost-Share Committee will meet next month to review grants to SWCDs.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee has been meeting via conference calls as the budget moves through the legislative process.

CONSENT AGENDA

Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Minnesota Board of Water and Soil Resources – Ron Harnack asked for the Board's support in furthering this document, which reaffirms DNR's and BWSR's commitment to SWCDs forestry efforts. Moved by Clair Nelson, seconded by Louise Smallidge, to endorse the Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Board of Water and Soil Resources, as presented. Motion passed on a voice vote.

** 05-29

Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, the Minnesota Department of Health, and the Minnesota Department of Agriculture – Ron Harnack reported that this is a new document involving the Red River Basin coordination of flood damage reduction and natural resources enhancements relating to the Red River Mediation Agreement. Chair Deal will sign on behalf of the Board. Moved by Paul Krabbenhoft, seconded by Dan Wilson, to approve the Memorandum of Understanding between, DNR, PCA, MDH, MDA, and BWSR. Motion passed on a voice vote.

** 05-30

NEW BUSINESS

Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel explained that the committee met twice after the hearing and, in consideration of the record, decided with a majority vote to recommend to the full Board that the watershed district be established. The committee further recommends with unanimous votes that the watershed district boundary be established according to the recently revised DNR watershed boundary, that the name be the "Middle Fork Crow River Watershed District", and that there be five board managers with three from Kandiyohi County and one each from Meeker and Stearns Counties. Lastly, the committee recommends with a majority vote the appointment of managers as listed in the draft order. Moved by Quentin Fairbanks, seconded by Paul Krabbenhoft, to approve the committee's recommendation for establishment of the Middle Fork Crow River Watershed District. Discussion followed. Ron Harnack stated that he spoke with Randy Kramer this morning, and Randy will support the committee recommendation for establishment of the watershed district.

** 05-31

Motion made by Paul Brutlag, to amend the previous motion to have two separate motions: 1) to approve the establishment of the watershed district; and 2) another motion on the appointment of the board of managers. Discussion followed. There was not a second to the amendment; the amendment to the motion did not pass. Paul Brutlag commented that he is in general support of watershed districts; however, he felt that there needed to be more public participation in the process, therefore he could not support the recommendation.

Discussion followed. Paul Brutlag requested a roll call vote. Chair Deal called for a roll call vote. Affirmative: Jim Anderson, Paul Burns, Sheryl Corrigan, Quentin Fairbanks, Karen Harder, Paul Krabbenhoft, Gene Merriam, Clair Nelson, Victor Ormsby, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Jerome Deal. Opposed: Paul Brutlag. Motion passed 13 ayes, one nay.

'05 Non-Point Engineering Assistance (NPEA) Grant – Wayne Zellmer reported that the NPEA Challenge Grant provides additional engineering/technical assistance to SWCD NPEA Joint Powers Boards (JPBs) for landowners implementing high priority conservation practices. Wayne reported that the Cost-Share Committee has reviewed the grants and recommends approval of the '05 Non-Point Engineering Assistance Grant.

** 05-32 Moved by Victor Ormsby, seconded by Paul Krabbenhoft, to approve the '05 Non-Point Engineering Assistance Grants as presented. Motion passed on a voice vote.

OLD BUSINESS

Budget and Legislative Issues Update – Ron Harnack presented an update of the House, Senate, and Governor's budget recommendations. The House's budget recommendation has an "Option A" which assumes no gambling deal, resulting in an additional reduction to BWSR that eliminates funding of Area II and $600,000 per year to programs. Ron stated that if Option A is adopted, the Administrative Advisory Committee would meet to address the reduction with a recommendation to the full Board in June. Ron stated that we need to look at outcomes, and where other agencies are making their reductions. Senate funding for BWSR include additional funding for Area II; beaver damage control grants; and public drainage system buffer study.

Ron reported that policy issues include a legislative bill regarding the City of Cologne trail construction wetland replacement requirement exemption; SWCD levy authority; claim against BWSR by Green Isle involving mitigation. Ron stated that the Clean Water Legacy legislation is also moving forward, the policy is supported, but there is struggling over funding options.

AGENCY REPORTS

Department of Natural Resources (DNR) – Commissioner Gene Merriam briefly commented on DNR's budget issues. He commented on the Clean Water Rally at the Capitol on April 2nd. Commissioner Merriam announced an event to be held on April 28, regarding wildlife issues; waterfowl habitat and management. Commissioner Merriam stated that DNR is partnering with BWSR and the U.S. Fish and Wildlife Service on ongoing efforts to address habitat needs.

Department of Health (MDH) – Dan Wilson reported that the ~~building code program~~ MDH Plumbing Program / Building Code will be consolidated with other similar programs at the Department of Labor and Industry. MDH will lose about 20 positions in the transfer.

Chair Deal needed to leave the meeting to speak at the NRCS's "70 Years of Conservation." Paul Krabbenhoft will chair the meeting.

Department of Agriculture (MDA) – Paul Burns reported that MDA will be moving in October to their new building. Paul commented on MDA's legislative issues. MDA is working with the Minnesota Extension Service on expansion of conservation drainage technologies. Paul reported that Elton Redalen is retiring from the FSA Committee.

Minnesota Extension Service (MES) – Jim Anderson reported that MES will be participating in "Cabin Days" to be held this weekend at the Minneapolis Convention Center. Jim reported that MES is working on three programs with other agencies: the shoreland restoration program with DNR and MPCA; the on-site sewage program with PCA; and private forestland issues with DNR. Jim reported that MES is also working on establishment of a regional education position to be located in Mankato. Jim reported that the State is determining a TMDL for Lake Pepin, and MES is in the first stages of working on that process.

Pollution Control Agency (MPCA) – Commissioner Sheryl Corrigan stated that MPCA and MES have started the process of TMDL in Lake Pepin. Commissioner Corrigan encouraged board members to participate in "Celebrate Lake Pepin" on May 15 in Lake City. Commissioner Corrigan reported that the Administration in Washington, D.C. has cut the State Resolving Fund (SRF) dollars from the budget. Commissioner Corrigan sent a letter to Washington, D.C., and asked board members to write their congressmen as well, requesting dollars for the State Revolving Fund. Commissioner Corrigan reported that Governor Pawlenty kicked off an event in June 2004, relating nutrient management in the Upper Mississippi River Basin. A policy framework has been developed working with the Upper Mississippi River Basin states.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD has been working on the bonding bill and CREP is a major part of this legislation. Ray commended Ron Harnack, SWCDs and MAWD for their efforts on CREP-2. Ray praised Ron Harnack and Doug Thomas for their leadership, which was so critical to the CREP-2 effort. Ray stated that the Sauk River Watershed District increased levy bill is in the Senate and House bill, waiting to see what happens there. Ray stated that the managers compensation bill is moving slowly. Ray stated that the Clean Water Legacy policy is good, but how to fund the Clean Water Legacy bill is in debate. Ray is hopeful but not real

optimistic. The MAWD summer tour will be held June 23-25, hosted by the Thirty Lakes Watershed District. Governor Pawlenty has been invited to attend.

The next Board Meeting will be held May 25, 2005, in St. Paul.

Paul Krabbenhoft announced that the Cost-Share Committee will meet immediately following the May board meeting.

Victor Ormsby distributed a publication.

Paul Krabbenhoft adjourned the meeting at 12:15 p.m.

Respectfully submitted,

Jerome Deal
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFRENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 27, 2005

AGENDA

10:00 a.m. CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPT AGENDA

MINUTES OF MARCH 23, 2005

OPEN MIKE (10-minute agenda time, two-minute limit/person)

REPORTS

- Chair – Jerome Deal
- Executive Director – Ron Harnack
- Dispute Resolution Committee – Jerome Deal
- Wetlands Committee – Clair Nelson
- Cost-Share/Soil Conservation Committee – Paul Krabbenhoft
- Education and Public Relations Committee – Kay Cook
- Administrative Advisory Committee – Jerome Deal

CONSENT AGENDA

1. Memorandum of Understanding between the Minnesota Department of Natural Resources, Division of Forestry, and the Minnesota Board of Water and Soil Resources – Ron Harnack – *Decision Item*

2. Memorandum of Understanding between the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, and the Minnesota Department of Health – Ron Harnack – *Decision Item*

NEW BUSINESS

1. Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel - *Decision Item*

2. '05 Non Point Engineering Assistance (NPEA) Grant – Wayne Zellmer - *Decision Item*

OLD BUSINESS

1. **Budget and Legislative Issues Update** – Ron Harnack – *Information Item*

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next BWSR Meeting, May 25, 2005, St. Paul

1:00 p.m. ADJOURN

**** The Southern Water Planning Committee will meet immediately following the Board Meeting.**

**** Tentative Administrative Advisory Committee Meeting immediately following the Board Meeting.**

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Jeff Bredberg	Kandiyohi City	320.231.6288
2.	Ron Schneider	Spicer City Council	320-796-2710
3.	Wes Mathews	Petitioners - Middle Fork	320-796-5264
4.	Liann Buck	MASWCD	651-690-9028
5.	Carol Berg	MASWCD	
6.	Ray Bohn	MAWD	657-452-8506
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM, SECOND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 23, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Randy Kramer, Paul Krabbenoft, Paul Brutlag, Victor Ormsby, Karen Harder, Louise Smallidge, Gene Merriam, Department of Natural Resources; Dan Wilson, Department of Health; LuAnn Tolliver, Quentin Fairbanks, Clair Nelson, Kay Cook, Paul Burns, Department of Agriculture.

BOARD MEMBERS ABSENT:
Lisa Thorvig, Pollution Control Agency
Jim Anderson,

STAFF PRESENT:
Ron Harnack, Jim Haertel, Kevin Lines, Steve Woods, Tim Fredbo, Lori Wilson

Chair Deal called the meeting to order at 9:00 am

Pledge of Allegiance

Board Members welcomed back Louise Smallidge.

** 05-16 **Adopt Agenda** - Moved by Clair Nelson, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

** 05-17 **Minutes of January 26, 2005** – Moved by Victor Ormsby, seconded by LuAnn Tolliver, to correct the date of the meeting minutes on page two to read December 15, 2004. Motion passed on a voice vote.

Reports

Chair's Report - Jerome Deal asked that board members' complete the executive director's performance review form and submit them to Lori Wilson by the April board meeting. Chair Deal gave a briefing on the EQB meeting.

Executive Director's Report - Ron Harnack gave an update on Mary Jo Anderson's surgery. Ron gave an update on the Board's biennial budget, the bonding bill and policy bills that were going through the legislative process. Ron suggested that the Administrative Advisory Committee meet via conference call as the budget options in both the House and the Senate evolve.

Randy Kramer inquired about the board member appointments. Ron Harnack has talked to the Governor's Appointments Office and they have not completed the review process. Some additional names have been recommended as well. No specific timeframe has been given for completing the appointments.

Dispute Resolution Committee (DRC) – Jim Haertel provided an update.

Wetlands Committee – Clair Nelson reported that the wetlands staff are working with the U.S. Corps of Engineers on mitigation policy issues. The Wetlands Committee and the Board will be having this as an agenda item in the future.

Cost Share Committee – Paul Krabbenhoft stated that the Cost Share Committee will be meeting a few times over the next couple of months to address grants.

Education Committee – Kay Cook gave an update.

Administrative Advisory Committee - Jerome Deal reported that the Committee will meet to discuss budget issues.

Committee Recommendations

Northern Water Planning Committee

** 05-18 Wadena County Priority Concerns Scoping Document – Moved by Quentin Fairbanks, seconded by Paul Krabbenhoft, to approve the Wadena County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 05-19 Becker County Local Water Management Plan – Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the Becker County Local Water Management Plan. Motion passed on a voice vote.

** 05-20 Clay County Priority Concerns Scoping Document – Moved by Paul Krabbenhoft, seconded by Quentin Fairbanks, to approve the Clay County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 05-21 Traverse County Local Water Management Plan – Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the Traverse County Local Water Management Plan. Discussion followed. Motion passed on a voice vote.

** 05-22 Clearwater County Local Water Management Plan – Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the Clearwater County Local Water Management Plan. Discussion followed. Motion passed on a voice vote.

New Business

Camp Ripley's Army Compatible Use Buffer Program – Kevin Lines introduced

** 05-23 Marty Skoglund, Environmentalist Supervisor from Camp Ripley. Moved by Randy Kramer, seconded by Paul Brutlag, that the Board endorse proceeding with a cooperative agreement with Camp Ripley and the National Guard Bureau (NGB) and endorse obtaining the necessary legislative authority to partner with the Camp in implementation of ACUB. Discussion followed. Motion passed on a voice vote.

MPCA Commissioner Sheryl Corrigan welcomed Board Members.

Chair Deal called for a break in the meeting at 10:20 a.m. The meeting reconvened at 10:45 a.m.

Alteration of Easement 34-03-01-01, Randy Post, Kandiyohi County – Kevin Lines explained the proposed alternation of the easement and recommended approval of the exchange. Moved by Randy Kramer, seconded by Karen Harder, to approve the alteration of easement 34-03-01-01, Randy Post, Kandiyohi County. Discussion followed. Motion passed on a voice vote.

** 05-24

Clean Water Legacy Initiative – MPCA Commissioner Sheryl Corrigan introduces and discusses the focus and purpose of the Clean Water Legacy (CWL). Steve Woods offers background of what G16 does, who it affects, who's involved. Barbara Wiseman, Department of Agriculture, provides additional information regarding allocation of resources. Commissioner Corrigan gave conclusion. Board discussion followed. Moved by Karen Harder, seconded by Victor Ormsby, to approve the CWL initiative and remain silent on the funding mechanism. Continued discussion regarding funding for the initiative. Karen Harder amended the motion, seconded by Victor Ormsby, to remove the last portion relating to being silent on the funding. Additional discussion by the Board. Motion as amended, passed by voice vote.

** 05-25

Old Business

Middle Fork Crow River Watershed District Establishment Petition – Jim Haertel stated that a citizen establishment petition for the Middle Fork Crow River Watershed District was received and the Board ordered a hearing. The hearing panel met, and recommended to the full Board that the watershed district be established with five board members. It's anticipated the establishment petition will be on the Board's April agenda for decision to established the watershed district.

New Business continued

Minnesota-area Volunteer Climate Observing Program – Jim Zandlo, State Climatologist, provided a power point presentation on the Rain Gauge Monitoring Program.

Agency Reports

Gene Merriam, Department of Natural Resources, briefly reviewed the Pheasants Forever Press Release.

Dan Wilson, Department of Health, gave an update on the hiring of the new Assistant Division Director, John Linc Stine, previously with DNR-Waters.

Paul Burns, Department of Agriculture, distributed handouts.

Ron Harnack provided an update on budget and legislative issues.

The next Board meeting is April 27, 2005.

** 05-26 Moved by Louise Smallidge, seconded by Dan Wilson, to adjourn the meeting at 12:30 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Join us to celebrate

SEVENTY YEARS OF *CONSERVATION*

9 a.m., Wednesday, April 27, 2005
State Capitol Front Lawn/Upper Mall

April 27, 2005, marks the 70th anniversary of the date Congress passed the Soil Conservation Act (Public Law 46), which declared that soil erosion was "a menace to the national welfare" and authorized broad powers to the Soil Conservation Service to attack the problem. The Soil Conservation Service is the predecessor to the USDA Natural Resources Conservation Service.

The NRCS, Minnesota's Soil and Water Conservation Districts, and the Minnesota Board of Water and Soil Resources (BWSR) work to provide voluntary, incentive-based conservation programs for Minnesota landowners, which help to keep working lands working. The groups partner with other state agencies, conservation groups, federal agencies, tribes, and others on a variety of conservation projects and programs. Events planned in Minnesota on April 27 will celebrate the partnership that has developed since the early work in the state.

A proclamation will be read by Lt. Governor Carol Molnau at the event in honor of the anniversary. Speakers will include NRCS State Conservationist Bill Hunt, MASWCD President Carol Berg and BWSR Chair Jerome Deal. Sixth-graders from Sun Path Elementary of Shakopee will receive white pine seedlings for planting.

Sponsors: NRCS, Minnesota Association of Soil and Water Conservation Districts, BWSR, DNR.

Questions: Call Julie MacSwain, 651-602-7859; Sheila Vanney, 651-690-9028, or Pete Raeker, 651-296-0884.
In case of rain, event will be held in Capitol Rotunda.

Parking info: see http://www.maswcd.org/Meetings_&_Events/capitol.pdf

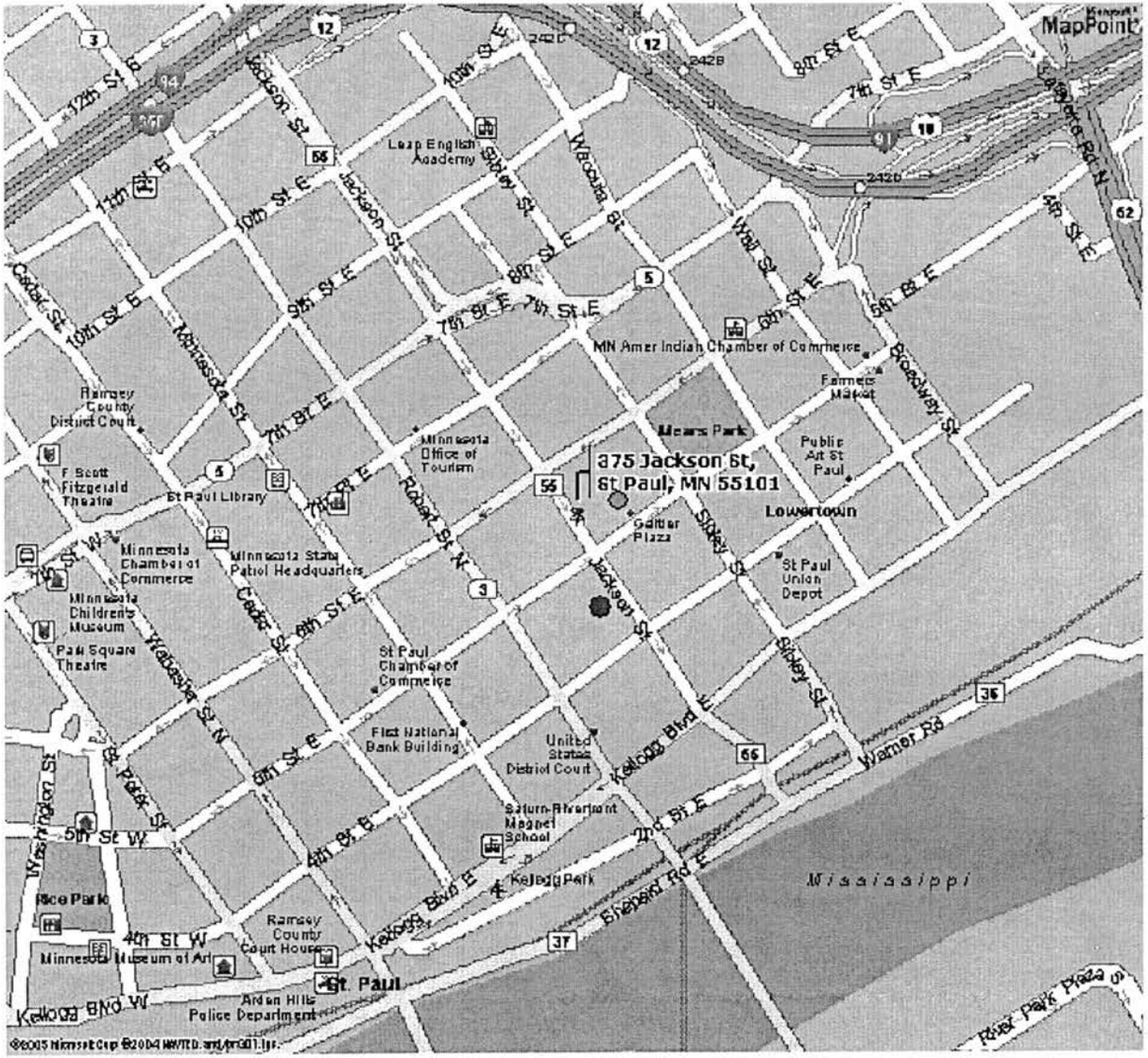
NRCS
Natural Resources Conservation Service
★ *A Partner in Conservation Since 1935* ★

70 Years of Conservation Partnership
"Back to the Future" Day
April 27, 2005, 9am to 4pm
375 Jackson St., 7th Floor
St. Paul, Minnesota

Agenda

Time	Events, Activities, Entertainment
9am to 4pm ongoing	***Timeline*** A timeline showing some of the notable events in the development of the conservation partnership.
	Photo Display People, places, events and more. A pictorial history of conservation activity going back to the 1930's.
	Posters A sampling of Works Progress Administration (WPA) Posters from the 1930' and 1940's.
	Desk of the Past See what a desk may have looked like in the way back when.
	Desk of Today We just don't do things the way we used to. See the modern way.
	Stewards of the Past See how the conservation partnership works together to protect and preserve places and objects that represent the cultural history of Minnesota.
	What's in Your Neighborhood? An interactive land use activity. Get there early before all the best land is gone!
	Trivia Game Try to extract trivial knowledge about Minnesota and conservation from your brain. Win prizes!
	Who's Calling? Identify bird calls for a chance to win fame and fortune (and prizes!).
	Name That Duck America's fastest growing duck quiz sensation. Identify ducks, win prizes!

Time	Events, Activities, Entertainment (cont.)
9am to 4pm ongoing	***Wooden You Like to Know?*** Knock on wood, or at least try, and find the wood products, win prizes!
	Antiques, Treasures and Trash Bits and pieces of our past. Try to guess what it is, how it was used and why have we saved it all these years?
	Refreshments Generously provided by the Minnesota Soil and Water Conservation Society
	Scheduled Activities and Special Events
9am – 10am	***Dustbowl Cinema Presents*** "Surviving the Dustbowl" A PBS production depicting the remarkable story of the determined people who clung to their homes and way of life, enduring drought, dust, disease--even death--for nearly a decade.
10am – 12noon	***Caricatures*** NRCS's own artist will be depicting real people in a unique way.
10:15am – 11:20am	***Dustbowl Cinema Presents*** "Under Western Stars" A 1938 production in which Roy Rogers is elected to Congress to bring the misery of the "dustbowl" of the 1930s to the attention of Washington politicians.
11:30am – 12:30pm	***Dustbowl Cinema Presents*** "Surviving the Dustbowl" A PBS production depicting the remarkable story of the determined people who clung to their homes and way of life, enduring drought, dust, disease--even death--for nearly a decade.
1:00pm – 2:00pm	***Guest Speakers*** NRCS Chief Bruce Knight will give the keynote address.
2:00pm – 2:30pm	***Book Signing*** Vic Ruhland, author of "Through these eyes: The First 70 Years of Soil and Water Conservation in Minnesota", will sign a limited number of books and will be available to answer questions.
2:00pm – 3:05pm	***Dustbowl Cinema Presents*** "Under Western Stars" A 1938 production in which Roy Rogers is elected to Congress to bring the misery of the "dustbowl" of the 1930s to the attention of Washington politicians.



NRCS State Office - Farm Credit Building
651.602.7900
375 Jackson St **Suite 600**

Jackson Street Ramp
612.341.8000
345 Jackson St
First Hour: $ 4.00
Hourly: $ 0.00
Daily: $ 0.00
Monthly: $ 139.10

Galtier Plaza Ramp
651.297.6733
175 E. 5th St
First Hour: $ 5.00
Monthly: $ 160.50

Metered parking is available on 5th and 6th Streets

Dispute Resolution Report
April 7, 2005
by Jim Haertel

There are presently thirteen appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated March 4.

File 05-7. This is a new appeal of a Restoration Order in Morrison County. The appeal involves the filling of wetland for a road. No decision has been made on the appeal.

File 05-6. This is a new appeal of a Restoration Order in Chisago County. The appeal involves the filling of wetlands to build a house. No decision has been made on the appeal.

File 05-4. This is an appeal of a Restoration Order in Otter Tail County. The appeal involves the filling of Type 3/6 wetland adjacent to a building. No decision has been made on the appeal.

Files 05-3 and 04-2. File 05-3 is an appeal of a Replacement Plan decision in Morrison County. At issue is the placement of fill in wetland for a road. There have been previous appeals regarding this project. File 04-2 is an appeal of an exemption decision for this project. The appeals regard a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The exemption appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has been appealed. The exemption appeal has been accepted. No pre-hearing conference on the exemption appeal was set since the landowner, after negotiations, consented to submitting a replacement plan application upon completion of a wetland delineation. The replacement plan application was submitted, was denied and that is the subject of appeal File 05-3. The appeal has been accepted and combined with File 04-2. The extensive record is being compiled before a pre-hearing conference is held.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and the extensive record is being compiled before a pre-hearing conference is held.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

File 03-18. This 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 with the landowner purchasing wetland bank credits.

Appeals Filed in 2004 (All WCA)

File No. 04-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Waseca	MNDOT	Denied as meritless and brought for purposes of delay NOTE: appealed to Court of Appeals-affirmed, appealed to MN Supreme Court-not accepted
2	Exemption	Morrison	SWCD	Accepted, replacement plan application submitted, LGU again denied, denial appealed as 05-3, appeal 05-3 accepted and combined with 04-2
3	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
4	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
5	Replacement Plan	Sherburne	County	Withdrawn
6	Replacement Plan	Sherburne	County	Withdrawn
7	Replacement Plan	Sherburne	County	Withdrawn
8	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
9	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
10	Exemption	Kanabec	County	Denied as meritless
11	Restoration Order	Douglas	SWCD	Denied, Restoration Order Affirmed
12	Restoration Order	Chişago (North Branch)	County	Denied, Restoration Order Affirmed
13	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
14	Exemption	Scott (Prior Lake)	City	Denied as meritless
15	Boundary and Type	Anoka (Blaine)	Rice Creek WD	Remanded
16	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
17	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Remanded, LGU again approved, approval appealed as 05-1, appeal 05-1 accepted and combined with 04-17
18	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
19	Impoundment of water – cannot be appealed	Pine	SWCD	Denied
20	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
21	No-Loss	Traverse	SWCD	Resolved-stipulated agreement
22	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
23	Exemption	Kittson	SWCD	Abeyance
24	Restoration Order	Otter Tail	SWCD	Denied, Restoration Order Affirmed
25	Exemption	Wright (Albertville)	City	Accepted

26	Restoration Order	Scott County	SWCD	Pending
27	Exemption	Cass	County	Remanded
28	Replacement Plan	Hubbard	County	Denied
29	Restoration Order	Roseau	SWCD	Abeyance
30	Replacement Order	Wilken	SWCD	Denied, Replacement Order Affirmed
31	Restoration Order	Rice	SWCD	Denied, Restoration Order Affirmed
32	Replacement Plan	Hubbard	County	Denied
33	Restoration Order	Beltrami	SWCD	Denied, Restoration Order Affirmed

Updated 3/3/05

Appeals Filed in 2005 (All WCA)

File No. 05-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Appeal accepted, combined with 04-17, record ordered
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Appeal accepted, combined with 04-2, record ordered
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Pending
7	Restoration Order	Morrison	SWCD	Pending

MEMORANDUM OF UNDERSTANDING
Between the
Minnesota Department of Natural Resources, Division of Forestry
And the
MN Board of Water and Soil Resources

Regarding: Assistance to Non-Industrial Private Forests (NIPF) landowners.

Authority: Statutory Authority is provided in Minnesota Statutes 103B.101 subd. 9(2), 103C.401, subd. 1(6), 84.025, subd. 7, & 88.79.

This Memorandum of understanding is made and entered into this _____ day of _____, 20___ by and between the Minnesota Department of Natural Resources, Division of Forestry, hereinafter called "Forestry", and the MN Board of Water and Soil Resources, hereinafter called the "Board" for understandings listed below.

PURPOSE - TO MEET GOALS FOR MANAGEMENT OF NIPF LANDS BY:

1. Expanding opportunities for landowners to receive qualified forestland management and soil and water conservation advice and assistance.

2. Providing the framework for a productive working relationship between Forestry and the Board in working with Soil and Water Conservation Districts (SWCDs).

3. Providing for regular communications and coordination relative to forestland management, soil and water conservation, and related issues.

4. Coordinating efforts in the implementation of the various programs provided to NIPF landowners by Forestry and the Board through SWCDs

In consideration of these purposes, it is understood that:

FORESTRY INTENDS TO:

1. Designate the Forestry Incentives Specialist/Coordinator as its liaison and primary contact between Forestry and the Board.

2. Along with the Board, provide forestry information to SWCD personnel in matters of forestland management principles, practices, and Forestry's PFM policies.

3. Lead the effort to define roles and strategies to meet the State's NIPF forestland management goals.

4. Assist the Board and SWCDs in reviewing, evaluating and promoting soil and water conservation programs relating to forestry and agroforestry.

5. Seek input from the Board and SWCDs regarding projected needs for tree planting stock annually.

6. Make staff available to the Board in reviewing and evaluating BWSR programs and practices that have an impact on forest management.

THE BOARD INTENDS TO:

1. Designate the BWSR Staff Forester as its liaison and primary contact between Forestry and the Board.

2. Seek input from Forestry and others regarding projected needs for BWSR programs such as RIM and the state cost share program. Provide soil and water conservation information to Forestry personnel so they may identify potential practices and refer landowners requesting assistance to appropriate resource management personnel.

3. Promote the use of qualified technical forestland management staff at the local level.

4. Make staff available to Forestry to review and evaluate Forestry programs and practices that have an impact on soil and water conservation.

IT IS FURTHER MUTUALLY UNDERSTOOD THAT:

1. For NIPF Programs, Forestry is the lead state agency for forestry management concerns and the Board is the lead state agency for soil and water conservation concerns.

2. Both agencies will continue relationships with individual SWCDs and the Minnesota Association of Soil and Water Conservation Districts and those relationships shall not be dependent upon this memorandum of understanding.

3. Both agencies shall have the opportunity to provide input into each other's work plans and policies.

4. Forestry may use the Board as a forum to give annual forestry program update, or as a forum to discuss and resolve forestland management issues and policies as necessary.

5. Each agency will actively encourage maintaining and updating memorandums of understanding between Forestry and SWCDs.

6. Both agencies will make an effort to inform the NIPF landowners that services are available from the private sector, including consulting and industrial foresters and vendors.

7. Both Agencies will continue to provide a framework to include partners in the delivery of technical assistance to Minnesota's NIPF Landowners. This assistance would be provided through a combined delivery system that may include DNR, SWCD, NRCS, consulting foresters and industry foresters.

8. Both agencies will work to develop appropriate techniques for forestland management of small tracts.

9. Both agencies recognize the Minnesota SWCD Forestry Association, the BWSR, and the State Forest Stewardship Committee as forums for forestry and related soil and water conservation concerns, including discussion, training, demonstration, and policy issues. Both agencies agree to provide regular input.

10. Assistance provided by either party will be furnished in accordance with each party's applicable authorities, policies and procedures.

11. Forestry NIPF Staff and Board Forestry Staff will meet annually to discuss the status of Forestry programs and current forestry issues.

12. If an exchange of property, funds, or personnel between the parties becomes necessary or desirable, it shall be accomplished only by a separate agreement in accordance with all applicable laws, regulations, and procedures governing each party. Both parties expressly understand and agree that this Memorandum of Understanding is not a contract and shall not be construed by either party as the basis for a claim or cause of action of any kind against the other for failure to perform any of its terms.

13. This Memorandum of Understanding may be modified or otherwise amended at any time by agreement of both parties and may be terminated by either party upon giving written notice to the other party.

14. Forestry and the Board shall regularly review this Memorandum of Understanding.

15. This Memorandum of understanding supersedes previous Memorandums of Understanding between Forestry and the Board concerning the NIPF Program for landowners.

/s/_____ Date: _____

Ronald D. Harnack Executive Director,
Board of Water and Soils Resources

/s/_____ Date: _____

Michael R. Carroll, Director
Division of Forestry

Approved as to form and execution:

/s/_____ Date: _____

Title:_____

MEMORANDUM OF UNDERSTANDING
Minnesota Department of Natural Resources
Minnesota Pollution Control Agency
Minnesota Board of Water and Soil Resources
Minnesota Department of Health
Minnesota Department of Agriculture

I. PURPOSE

A. To coordinate the delivery of Minnesota state agency services and involvement of state agencies in key issues related to the reduction of flood damages and enhancement of natural resources in the Red River Basin (RRB).
B. To ensure coordination of Minnesota state agency participation in RRB watershed planning and program development.
C. To facilitate cooperation of Minnesota state agencies on water resource issues that affect the RRB effort.
D. To serve as a forum to resolve issues between and within agencies. Minnesota Board of Water and Soil Resources (BWSR) agree to use their Board to resolve issues where appropriate.

II. FINDINGS

A. In December 1998 the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (MDNR) and BWSR were signatories to the Flood Damage Reduction Workgroup Mediation Agreement along with other federal, tribal and local government and non-governmental entities. The agreement established a new set of goals and a process for collaborative actions regarding flood damage reduction and natural resource enhancement in the RRB. This work is directed by the Flood Damage Reduction Work Group (FDRWG), which continues to meet regularly and oversees the implementation of the "Mediation Agreement".
B. The Mediation Agreement also initiated a series of new generation watershed district comprehensive plans to be developed by the local watershed districts under the guidance of BWSR and with the involvement of a broad range of stakeholders, including state agencies.
C. As a result of the Mediation Agreement the watershed districts in the RRB have established project teams to provide for early coordination and involvement of stakeholders on projects. The MPCA, BWSR and MDNR participate actively on the project teams.
D. State agency objectives are often achieved through the efforts of a variety of local government agencies. Strong coordination, cooperation, and communication between local government agencies (Watershed Districts, Soil and Water Conservation Districts, and Counties) are critical in meeting local and basin wide goals.
E. The Minnesota Department of Health (MDH) is responsible for implementing a wide variety of environmental health programs to protect public health including actively working to promote source water protection activities among stakeholders and local and state agencies in the RRB.

F. The Minnesota Department of Agriculture (MDA) will help facilitate agriculture community input and producer participation in RRB watershed planning and project development activities.

III. OBJECTIVES

A. To adequately coordinate activity by the MPCA, MDNR, BWSR, MDH, and MDA, the signatories agree to form an interagency, interdisciplinary team that will have the following responsibilities:

1. Maintain close communication regarding the activities of the agencies.
2. Share annual work plans for agency activities in the RRB.
3. Provide interagency focus for local, state, federal and basin-wide planning.
4. Provide available technical and scientific data concerning water management issues in a usable form to local officials and the public.
5. Use available agency resources to inform and educate local officials and the public about water management issues.
6. Maintain contact with local and basin-wide organizations with water planning and water policy implementation responsibilities.
7. Ensure early and ongoing participation by agencies on watershed project teams, water planning organizations, source water protection teams, the FDRWG, the RRB Commission and with local governments. Such early coordination will complement existing program staff activities in the Basin.
8. Meet regularly to maintain communication and coordination of state agency input and response to basin activities.
9. Ensure agency involvement and participation in local projects early in the process to avoid unexpected and untimely decisions which are reactive instead of proactive.

IV. RESPONSIBILITIES

A. To attain the stated objectives, each signatory agrees that:

1. Overall coordination of the interagency activities and the activities of the team will be the responsibility of the MDNR Regional Director, the MPCA Regional Manager, the BWSR Northern Regional Supervisor, assigned personnel from the MDH and MDA.
2. Each agency will be responsible for supplying the funding and support for its staff. Cooperative use of services and facilities will be accomplished wherever possible.

V. LIMITATIONS

A. This Memorandum of Understanding (MOU) does not change the reportability of any position, nor does it affect other agency responsibilities that may be assigned to individuals on the team.

B. This document is not a legally enforceable, binding contract.

VI. EFFECTIVE DATE

A. This MOU shall become effective upon signature by authorized representatives from each agency, and will remain in force unless formally terminated by any party upon written notice to the others of their intention to do so. This MOU will be reviewed every four years and presented to any new administration.

VII. MODIFICATIONS

A. Modifications to the MOU may be proposed at anytime by any party, and shall become effective upon approval by all.

VIII. SIGNATORIES

_____ Date _____

Ron Harnack
Director
Minnesota Board of Water and Soil Resources

_____ Date _____

Diane Mandernach
Commissioner
Minnesota Department of Health

_____ Date _____

Gene Merriam
Commissioner
Minnesota Department of Natural Resources

_____ Date _____

Sheryl Corrigan
Commissioner
Minnesota Pollution Control Agency

_____ Date _____

Gene Hugoson
Commissioner
Minnesota Department of Agriculture

BWSR Meeting Date 4/27/05

Motion: Middle Fork Crow River WD establishment petition

Moved by: Quentin Fairbanks

Seconded by: Paul Krabbenhoft

	Affirmative	Opposed
Jim Anderson	✓	—
~~*Kevin Anderson*~~	—	—
Paul Brutlag	—	✓
~~*Kay Cook*~~	—	—
~~*Mark Dittrich*~~ Paul Burns	✓	—
Sheryl Corrigan	✓	—
Quentin Fairbanks	✓	—
Karen Harder	✓	—
Paul Krabbenhoft	✓	—
~~*Randy Kramer*~~	—	—
Gene Merriam	✓	—
Clair Nelson	✓	—
Victor Ormsby	✓	—
Louise Smallidge	✓	—
~~*Lisa Thorvig*~~	—	—
LuAnn Tolliver	✓	—
Dan Wilson	✓	—
Jerome Deal	✓	—

H: roll-call vote

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

In the Matter of the Establishment Petition for the Middle Fork Crow River Watershed District in Kandiyohi, Meeker, Pope and Stearns Counties pursuant to Minnesota Statutes Sections 103D.205 to 103D.225.

ORDER TO ESTABLISH MIDDLE FORK CROW RIVER WATERSHED DISTRICT

Whereas, more than fifty (50) resident owners residing in the proposed Middle Fork Crow River Watershed District in Kandiyohi, Meeker, Pope and Stearns Counties filed an Amended Petition and a Petition of Support dated November 16, 2004, with the Board of Water and Soil Resources (Board) on November 16, 2004, to establish a watershed district pursuant to Minn. Stat. § 103D.205, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Establishment Petition.** The Amended Petition (Petition) to establish the Middle Fork Crow River Watershed District (Exhibit 2) dated November 16, 2004, was filed with the Board on November 16, 2004. (Exhibit 1) The Petition was signed by more than fifty (50) resident owners in the proposed watershed district pursuant to Minn. Stat. § 103D.205, Subd. 3 (4). On November 19, 2004, Sam Modderman, Kandiyohi County Auditor/Treasurer, pursuant to Minn. Stat. § 103D.211, certified that more than fifty (50) petitioners were resident owners within the proposed watershed district. (Exhibit 17) The proposed watershed district lies within Kandiyohi, Meeker, Pope and Stearns Counties. Filed with the Petition were the required proofs of service on the Kandiyohi, Meeker, Pope and Stearns County Auditors, the Commissioner of the Department of Natural Resources, and the Director of the Division of Waters of the Department of Natural Resources. (Exhibit 15) A Petition of Support was submitted with the Petition. (Exhibit 3) The Petition of Support was signed by more than 350 citizens and differs from the Petition in the list of manager nominees.

2. **Property Description.** The territory to be included in the watershed district is depicted in Exhibit A of the Petition and is the area in the Middle Fork Crow River Watershed that is in Kandiyohi, Meeker, Pope and Stearns Counties, approximately 275 square miles in several communities, which includes land in the Cities of Atwater, Belgrade, New London and Spicer, and the Towns of Lake Johanna, Crow Lake, Crow River, Norway Lake, Colfax, Burbank, Roseville, Lake Andrew, New London, Irving, Union Grove, Manannah, Green Lake, Harrison, Swede Grove, Harvey, Kandiyohi, Gennessee, and Acton.

3. **District Name.** The name of the proposed district is the Middle Fork Crow River Watershed District.

4. **Number of Managers.** The Petition specifies the proposed number of managers as five (5).

5. **Necessity for Watershed District.** The Petition lists degradation of water quality since the 1950's, erosion, sedimentation and best management practice issues as reasons establishment of the watershed district is necessary.

6. **Contemplated Improvements.** The Petition lists the following:

   a. Establish buffer zones and best management practices along drainage tile and stormwater tile outlets, lakeshore, ditches and streams in the watershed, and the maintenance of existing drainage ditches consistent with best management practices.

   b. Educational programs to improve water quality throughout the watershed area.

   c. Reducing or eliminating sources of pollution and nutrients, including nitrogen and phosphorus, which invade the Middle Fork Crow River and the water resources contiguous thereto.

   d. Possible restoration of aquatic vegetation.

   e. Possible lake level management practices that best serve the needs of watershed district lakes.

   f. Improved quality of shoreland practices and storm water management to ensure that development is done responsibly.

   g. Possible removal of sediment in areas that have lead to the degradation of a water body.

h. Ongoing testing for water quality and water clarity to measure results of improvement.

i. All other actions that have a positive impact on the many varied uses of the water resources within the Watershed District.

7. **Hearing Order.** At its regular meeting on December 15, 2004, the Board determined that the Petition met the requirements of Minn. Stat. § 103D.221, Subd. 1, and consequently ordered a public hearing to be held on the Petition. (Exhibit 19)

8. **Hearing Notice.** Legal notice of the public hearing on the proposed watershed district establishment, pursuant to Minn. Stat. § 103D.221, Subd. 2, was published in the West Central Tribune on December 22, 2004 (Exhibit 21), the Kandiyohi County Times on December 27, 2004 (Exhibit 22), the Independent Review on December 23, 2004 (Exhibit 23), the Paynesville Press on December 22, 2004 (Exhibit 24), the Observer on December 22, 2004 (Exhibit 25), the Bonanza Review News on December 23, 2004 (Exhibit 26), the Pope County Tribune on December 20, 2004 (Exhibit 27), and the Raymond Prinsburg News on December 22, 2004 (Exhibit 28). Further, a copy of the hearing notice and map were mailed to approximately 50 addressees including the affected county Boards of Commissioners, County Auditors, County Administrators, select petitioners, all of the cities in the proposed watershed district, all of the towns in the proposed watershed district, the SWCD, and the DNR. (Exhibit 20)

9. **Director's Report.** The Director of the Division of Waters of the Department of Natural Resources (DNR) filed a written report pursuant to Minn. Stat. §103D.215 on December 29, 2004 in support of the Petition. (Exhibit 29)

10. **Public Hearing.** A public hearing was held on the establishment of the Middle Fork Crow River Watershed District on January 6, 2005, at the Dethlefs Senior Center located at 317 Hillcrest Avenue in Spicer, Minnesota. The proceedings were tape recorded. The hearing panel consisted of Board members Randy Kramer, Clair Nelson, Paul Krabbenhoft and Jerome Deal as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for three weeks until 4:30 PM on January 27, 2004, for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 29 into the hearing record by reading a brief description of each exhibit. All exhibits in the hearing record are one page unless otherwise noted. Double sided pages count as two pages.

Exhibit 1. Letter dated November 16, 2004, with attached (a) Statement for the Petition, forwarding Exhibits 2 through 11, 7 pgs.

Exhibit 2. First Amended Petition (Petition) for the Establishment of the Middle Fork Crow River Watershed District (6 P., 2a-2f), 46 pgs.

Exhibit 3. Petition of Support for the Establishment of the Middle Fork Crow River Watershed District (27 P.), 172 pgs.

Exhibit 4. Resolution of Support for the Petition from the Kandiyohi County Board of Commissioners dated November 16, 2004.

Exhibit 5. Resolution of Support for the Petition from the New London City Council dated October 20, 2004.

Exhibit 6. Resolution of Support for the Petition from the Spicer City Council dated July 28, 2004.

Exhibit 7. Resolution of Support for the Petition from the Irving Town Board dated June 15, 2004.

Exhibit 8. Resolution of Support for the Petition from the Crow River Town Board dated June 7, 2004.

Exhibit 9. Resolution of Support for the Petition from the New London Town Board dated June 24, 2004.

Exhibit 10. Resolution of Support for the Petition from the Green Lake Property Owners Association dated June 25, 2004.

Exhibit 11. Resolution of Support for the Petition from the Nest Lake Improvement Association dated August 30, 2004.

Exhibit 12. Resolution of Support for the Petition from the Stearns County Board of Commissioners dated November 23, 2004.

Exhibit 13. Resolution of Support for the Petition from the Meeker County Board of Commissioners dated December 2, 2004.

Exhibit 14. Resolution of Opposition to the Petition from the Harrison Town Board dated August 11, 2004.

Exhibit 15. Proofs of Service of the Petition on the Auditors of: (a) Kandiyohi, (b) Stearns, (c) Meeker and (d) Pope Counties, and (e) the Department of Natural Resources Commissioner and

Director of the Division of Waters, 5 pgs.

Exhibit 16. Letter dated November 18, 2004 from Ronald Schneider regarding area in Pope County and the proposed boundary of the watershed district.

Exhibit 17. Letter dated November 19, 2004 from Sam Modderman, Kandiyohi County Auditor/Treasurer, certifying that at least 50 of the petitioners on the Petition are resident owners.

Exhibit 18. Letter of Recommendation and Support from the Harrison Town Board for Gordon Behm as manager of the proposed watershed district dated 12/15/04.

Exhibit 19. Order of the Board of Water and Soil Resources dated December 15, 2004, setting the date, time and location of the public hearing on the Petition, 5 pgs.

Exhibit 20. Letter dated December 20, 2004, from Jim Haertel to several addressees providing notification of the public hearing with attached (a) Legal Notice, (b) map and (c) list of addressees, 5 pgs.

Exhibit 21. Affidavit of Publication of Legal Notice in the West Central Tribune on December 22, 2004.

Exhibit 22. Affidavit of Publication of Legal Notice in the Kandiyohi County Times on December 27, 2004.

Exhibit 23. Affidavit of Publication of Legal Notice in the Independent Review on December 23, 2004.

Exhibit 24. Affidavit of Publication of Legal Notice in the Paynesville Press on December 22, 2004.

Exhibit 25. Affidavit of Publication of Legal Notice in the Observer on December 22, 2004.

Exhibit 26. Affidavit of Publication of Legal Notice in the Bonanza Review News on December 23, 2004.

Exhibit 27. Affidavit of Publication of Legal Notice in the Pope County Tribune on December 20, 2004.

Exhibit 28. Affidavit of Publication of Legal Notice in the Raymond Prinsburg News on December 22, 2004.

Exhibit 29. Director's Report in support of the Petition from Kent Lokkesmore, Director, Department of Natural Resources (DNR) Division of Waters, dated December 29, 2004.

Exhibits 30-58 were entered into the record by the petitioners during their presentation.

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Exhibit 30. Memo dated December 13, 2003 from Steven Heiskary, MPCA to Howard Markus, MPCA regarding TMDL Nutrient-Impaired Lake List containing information on the Middle Fork Crow River showing three lakes being close to impaired threshold values, 14 pgs.

Exhibit 31. Watershed District Establishment Meeting agenda dated March 13, 2004, with attachments (a) "Lakeshore Property Values and Water Quality" by Krysel, et al., dated June 2003, Chapter 5, 6 pgs; (b) "Aren't We All Concerned about Clean Water?" by Latham, et al., undated, 4 pgs; (c) "What is a Watershed District?" from MAWD website, dated 3/4/04, 2 pgs; (d) printout of Minn. Stat. Section 103D.905 (2003), 3 pgs; (e) attendance list, 3 pgs, (f) invitation which was sent to 85 local government officials and various citizens, (g) "Petition to Establish a Watershed District for Middle Fork Crow River" information sheet distributed at various public meetings, township, city, county meetings, and with the establishment petitions, including (h) "What is a Watershed District?" from BWSR website dated 8/00, 2 pgs.

Exhibit 32. Statement of need for the proposed watershed district including chronology of meetings and news releases, dated 1/6/05, 2 pgs.

Exhibit 33. Highlighted portion of Exhibit 1a used during presentation.

Exhibit 34. "Future Challenges and Opportunities" from Section 11 of the Highway 23 Water Quality Advisory Committee Final Report and Recommendations, dated 11/25/02, pages 77 and 78.

Exhibit 35. Information from the Department of Environmental Services, Kandiyohi County, regarding lake sensitivity to changes, dated 1/6/05, 3pgs.

Exhibit 36. "Resource Investigation of the Middle Fork Crow River Watershed" summary, undated, 6 pgs.

Exhibit 37. Meeting minutes of 12/13/02 with representatives of the Green Lake Property Owners Association regarding deterioration of Green Lake water quality, 2 pgs.

Exhibit 38. Condensed summary of communication with various state, county, regional and local agencies and organizations regarding degradation of the water quality of Green Lake, dated 1/16/04, 7 pgs.

Exhibit 39. Meeting summary of 1/16/04 with Kandiyohi SWCD regarding water quality issues, 4 pgs.

Exhibit 40. Meeting summary of 1/28/04 with interested citizens, local government and organization officials, and attorney Kurt Deter regarding establishment of a watershed district, 7 pgs.

Exhibit 41. Information packet submitted to the New London City Council on 3/17/04 including (a) Watershed District information, 2 pgs; (b) "Middle Fork Crow River Watershed Resource Investigation" unknown author or date, pages 65, 73, 91-94 and one page entitled "Monongalia 1. Sulfide control"; (c) "Watered Down Promise", by Paul Demko, published in the City Pages 3/10/04 regarding Governor Pawlenty favoring clean water but not providing funding, 3 pgs.

Exhibit 42. Letter dated 4/6/04 from Ann Latham to Spicer City Council regarding sources for information on watershed districts, 2 pgs.

Exhibit 43. Meeting summary of 4/6/04 with Meeker County Board of Commissioners regarding establishment of the proposed watershed district, 2 pgs.

Exhibit 44. "Local citizens developing a watershed district", published in Kandiyohi County Times on 5/17/04.

Exhibit 45. Letter responding to questions from Harrison Town Board Meeting of 6/8/04 from Ann Latham and Joe Flanders, undated, 2 pgs, with attachments (a) Diamond Lake water quality summary information from MPCA website, dated 6/11/04, 2 pgs; (b) Swimmable use support classification from MPCA website, dated 6/11/04, 4 pgs; (c) Guidelines for Establishment of Middle Fork Crow River Watershed District; (d) Diamond Lake water quality summary information from MPCA website, dated 1/4/05; and (e) Diamond Lake Phase II Continuation Grant.

Exhibit 46. News releases published in various local newspapers and distributed otherwise regarding public informational meeting on the proposed watershed district on 6/23/04, 11 pgs.

Exhibit 47. Letter dated 7/17/04 to townships and cities in proposed watershed district and Green Lake Sanitary Sewer and Water district regarding nominations of candidates for manager positions, unknown author, 8 pgs.

Exhibit 48. Procedure for Amendment to Establishment Petition to BWSR, unknown author or date.

Exhibit 49. Letter dated 7/19/04 from Ann Latham to Dennis Peterson, Chair, Kandiyohi County Board of Commissioners, regarding manager nominees and the status of the establishment petition, 2 pgs.

Exhibit 50. Meeting summary of 8/17/04 regarding manager nominees and the status of the establishment petition.

Exhibit 51. Meeting summary of 8/19/04 public informational meeting including attendance list, 3 pgs.

Exhibit 52. Letter dated 8/30/04 from Ann Latham to Dennis Peterson, Chair, Kandiyohi County Board of Commissioners, regarding manager nominees and the amended establishment petition.

Exhibit 53. Letter dated 9/4/04 to manager nominees regarding the amended petition.

Exhibit 54. "Watershed District is an idea to be considered", staff editorial published in the West Central Tribune on 7/30/04.

Exhibit 55. Meeting agenda of 10/5/04 regarding the amended establishment petition including the attendance list, 2 pgs.

Exhibit 56. Attendance list from 11/4/04 meeting on amended establishment petition.

Exhibit 57. Information sheet on market values in proposed watershed district, undated.

Exhibit 58. Meeting agenda of 12/16/04 regarding the amended establishment petition including the attendance list, 2 pgs, with attached (a) "Volunteer Surface Monitoring Guide, 2003" from the MPCA, Appendices I and J, 8 pgs; (b) Stearns County Zoning Ordinance, undated, Sections 3.1-3.2.5, 4.1-4.7, 7.3.9-7.6.1, 7.20.5-7.22, 11.1-14.1, 14 pgs; (c) Glossary from Exhibit 34, 5 pgs; and (d) NRCS newsletter on EQIP.

Exhibit 59. Letter of Support for the Petition from Robert and Constance Hodapp dated 1/6/05.

Exhibit 60. Letter of Support for the Petition from the New London Town Board dated 1/4/05.

Exhibit 61. Letter of Opposition to the Petition from Don Hanson, Colfax Town Clerk, dated 1/6/05.

- - - - - - -

After all people present at the public hearing were given an opportunity to speak, the hearing record was left open for three weeks until 4:30 PM on January 27, 2005, for receipt of written comments. The following exhibits were received while the record was open.

- - - - - - -

Exhibit 62. Letter of Recommendation and Support from Jennifer Davenport, Diamond Lake area, for Gordon Behm as manager of the proposed watershed district and in general support of the proposed watershed district dated 1/6/05.

Exhibit 63. Letter of Opposition to the Petition from Joe Poll, Belgrade, dated 1/7/05.

Exhibit 64. Letter of Opposition to the Petition from Ronald S. Peterson, Harrison Township, dated 1/7/05.

Exhibit 65. Letter of Opposition to the Petition from Bradley Gratz, Atwater, dated 1/7/05.

Exhibit 66. Letter of Support for the Petition from Susan Johnson, Spicer, dated 1/7/05.

Exhibit 67. Letter of Opposition to the Petition from David Bergstrom, Grove City, received 1/10/05.

Exhibit 68. Letter of Support for the Petition from Tom and Susan Lange, Spicer, dated 1/10/05.

Exhibit 69. Letter of Opposition to the Petition from Marion D. Celements, Spicer, dated 1/11/05.

Exhibit 70. Email of Opposition to the Petition from Phil Slinden, Atwater, dated 1/12/05.

Exhibit 71. Letter of Opposition to the Petition from the Meeker SWCD dated 1/12/05.

Exhibit 72. Letter of Opposition to the Petition from B. Charles Gratz received 1/13/05.

Exhibit 73. Letter of Opposition to the Petition from Ray Danielson, Gennessee Township, dated 1/14/05.

Exhibit 74. Letter of Opposition to the Petition from Franz and Deb Rosenquist and Jim Mohn received on 1/18/05.

Exhibit 75. Letter of Opposition to the Petition from the Kandiyohi SWCD dated 1/18/05.

Exhibit 76. Letter of Opposition to the Petition from Robert Meyerson, Diamond Lake area, dated 1/19/05.

Exhibit 77. Letter of Opposition to the Petition from Don Slinden, Sr., Acton Township, dated 1/20/05.

Exhibit 78. Letter from Diane Sander, C.R.O.W. Joint Powers Coordinator, dated 1/20/05 regarding their mission continuing whether a watershed district is formed or not.

Exhibit 79. Letter of Opposition to the Petition from LaVerne Johnson, Diamond Lake area, dated 1/20/05.

Exhibit 80. Letter of Opposition to the Petition from Daniel and Juanita Olson, Paynesville, dated 1/20/05.

Exhibit 81. Letter of Opposition to the Petition from Guste Blad, Diamond Lake area, dated 1/20/05.

Exhibit 82. Letter of Opposition to the Petition from Gerald Gratz dated 1/21/05.

Exhibit 83. Letter of Opposition to the Petition from Brent Brekke, Diamond Lake area, received 1/21/05.

Exhibit 84. Letter of Opposition to the Petition from Walt and Bea Lowinske, Diamond Lake area, dated 1/21/05.

Exhibit 85. Letter of Opposition to the Petition from Don Slinden, Jr., Atwater, received 1/21/05.

Exhibit 86. Email of Support for the Petition from Roger Strand, New London Township, dated 1/21/05.

Exhibit 87. Letter of Opposition to the Petition from Judy Christensen, Diamond Lake area, dated 1/23/05.

Exhibit 88. Letter of Opposition to the Petition from Mary J. Anderstrom, Diamond Lake area, dated 1/24/05.

Exhibit 89. Letter of Opposition to the Petition from Richard Thorp, Acton Town Clerk, dated 1/24/05.

Exhibit 90. Letter of Opposition to the Petition from Robert and Phyllis Anderson, Diamond Lake area, dated 1/24/05.

Exhibit 91. Letter of Opposition to the Petition from the families of Ronald and Diane Pierce and Howard and Sharon Pierce, received 1/24/05.

Exhibit 92. Letter of Opposition to the Petition from William and Joan Schultz, Diamond Lake area, received 1/25/05.

Exhibit 93. Letter of Opposition to the Petition from Bill and Carol Simondet, Diamond Lake area, dated 1/25/05.

Exhibit 94. Letter of Opposition to the Petition from Gordon ad Laura Bloomquist, North Breeze Resort, Diamond Lake, dated 1/25/05.

Exhibit 95. Letter of Support for the Petition from Steven M. Erickson, Spicer, dated 1/25/05.

Exhibit 96. Letter of Opposition to the Petition from Bruce Baker, City of Atwater Mayor, dated 1/25/05.

Exhibit 97. Petition to exclude Diamond Lake watershed from the proposed watershed district, 52 signatures, received 1/26/05, 7 pgs. (Note: some signatories submitted individual exhibits)

Exhibit 98. Letter of Opposition to the Petition from Orlan Floata, Diamond Lake area, received 1/26/05.

Exhibit 99. Letter of Recommendation and Support from David Melbye and Marybeth Block, Diamond Lake area, for Gordon Behm as manager of the proposed watershed, dated 1/26/05.

Exhibit 100. Email of Opposition to the Petition from JoAnn Gratz dated 1/27/05.

Exhibit 101. "Revised Exhibit A" of the Petition, a map distributed at the hearing of the proposed watershed district boundary showing the recently revised DNR Division of Waters watershed boundary.

11. **Board Committee.** On February 8, 2005, a committee of the Board convened at the Sauk River Watershed District Office in Sauk Centre, Minnesota. Committee members in attendance were Paul Krabbenhoft, Randy Kramer, Lisa Thorvig, Paul Brutlag and Jerome Deal, Chair. Based on the entire record in the matter and after due consideration, the committee with a majority vote decided to recommend to the full Board the watershed district be established because the establishment would benefit the public welfare and public interest, and would advance the purpose of Minnesota Statutes Chapter 103D. The committee further decided with unanimous votes to recommend the watershed district boundary be established according to "Revised Exhibit A" (Exhibit 101) which shows the recently revised DNR Division of Waters watershed boundary; that the name be the "Middle Fork Crow River Watershed District"; and that the watershed district board of managers consist of five managers with the distribution being three managers from Kandiyohi County, one manager from Meeker County and one manager from Stearns County. Lastly, the committee decided with a unanimous vote to recommend five manager nominees from the Petition to the respective county Boards of Commissioners for consideration as the first board of managers of the watershed district.

On March 23, 2005, a committee of the Board convened at the Board's office in Saint Paul, Minnesota. Committee members in attendance were Paul Krabbenhoft, Randy Kramer, Lisa Thorvig, Paul Brutlag, Clair Nelson and Jerome Deal, Chair. The counties were in agreement with the recommended manager nominees, except for one nominee from Kandiyohi County. Consistent with the Kandiyohi County recommendation, the committee decided with a majority vote to recommend the first board of managers consist of Joe Flanders from Meeker County, Robert Zenner from Stearns County, and from Kandiyohi County Gordon Behm,

County Gordon Behm, Robert Hodapp and Ruth Schaefer. Further, the committee decided with a unanimous vote that the terms of office for the first board of managers appointed by the respective county Boards of Commissioners should be as follows:

Kandiyohi County Managers

One manager position (Hodapp) – one year term
One manager position (Schaefer) – two year term
One manager position (Behm) – three year term

Meeker County Manager

One manager position (Flanders) – three year term

Stearns County Manager

One manager position (Zenner) – two year term

CONCLUSIONS

1. The Petition for establishment of the Middle Fork Crow River Watershed District is valid in accordance with Minn. Stat. § 103D.205.

2. Proper notice of hearing was given and the public hearing was held in accordance with applicable laws.

3. The establishment of the Middle Fork Crow River Watershed District would benefit the public welfare and public interest, and would advance the purpose of Minnesota Statutes Chapter 103D.

4. The boundary of the Middle Fork Crow River Watershed District should be as set forth in "Revised Exhibit A" (Exhibit 101) of the Petition which shows the recently revised Department of Natural Resources Division of Waters watershed boundary.

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

6. The Board has proper jurisdiction in the matter of ordering a watershed district establishment.

ORDER

1. The proposed watershed district is hereby established and is named the "Middle Fork Crow River Watershed District" by which name it shall hereafter be known, and it shall have all the power, authority, and duties provided by law.

2. The principal place of business of the Middle Fork Crow River Watershed District is the New London Town Hall, 16151 County Road 9 NE, New London, Minnesota and the mailing address is the Middle Fork Crow River Watershed District, P.O. Box 1, Spicer, MN 56288.

3. The territory to be included in the Middle Fork Crow River Watershed District encompasses a total area of approximately 271 square miles in the Cities of Atwater, Belgrade, New London and Spicer, and the Towns of Lake Johanna, Crow Lake, Crow River, Norway Lake, Colfax, Burbank, Roseville, Lake Andrew, New London, Irving, Union Grove, Manannah, Green Lake, Harrison, Swede Grove, Harvey, Kandiyohi, Gennessee, and Acton.

4. The boundary of the Middle Fork Crow River Watershed District shall be as set forth in "Revised Exhibit A" of the Petition, a map which shows the watershed district boundary based on the recently revised Department of Natural Resources Division of Waters watershed boundary, attached herewith to this Order and fully incorporated herein, together with the data set "Revised Exhibit A" was produced from.

5. The Board of Managers for the Middle Fork Crow River Watershed District shall consist of five (5) managers with three managers from Kandiyohi County, one manager from Meeker County and one manager from Stearns County.

6. The first board of managers of voting residents within the Middle Fork Crow River Watershed District shall be as follows:

Gordon Behm
13851 Diamond Shores Road
Atwater, MN 56209

Joe Flanders
50609 CSAH 3
Grove City, MN 56243

Robert Hodapp
13919 Skyline Drive
Spicer, MN 56288

Ruth Schaefer
14950 East Calhoun Road
Spicer, MN 56288

Robert Zenner
21521 Farmcrest Road
Belgrade, MN 56312

7. The term for the first Board of Managers appointed by the Board of Water and Soil Resources is one year and until the successors can be appointed and qualified, and the terms of office for the first board of managers appointed by the respective county Boards of Commissioners are as follows:

Kandiyohi County Managers

One manager position (Hodapp) – one year term
One manager position (Schaefer) – two year term
One manager position (Behm) – three year term

Meeker County Manager

One manager position (Flanders) – three year term

Stearns County Manager

One manager position (Zenner) – two year term

Thereafter, upon completion of the terms for the first board of managers appointed by the county Boards of Commissioners, manager terms are three years and until the successors can be appointed and qualified.

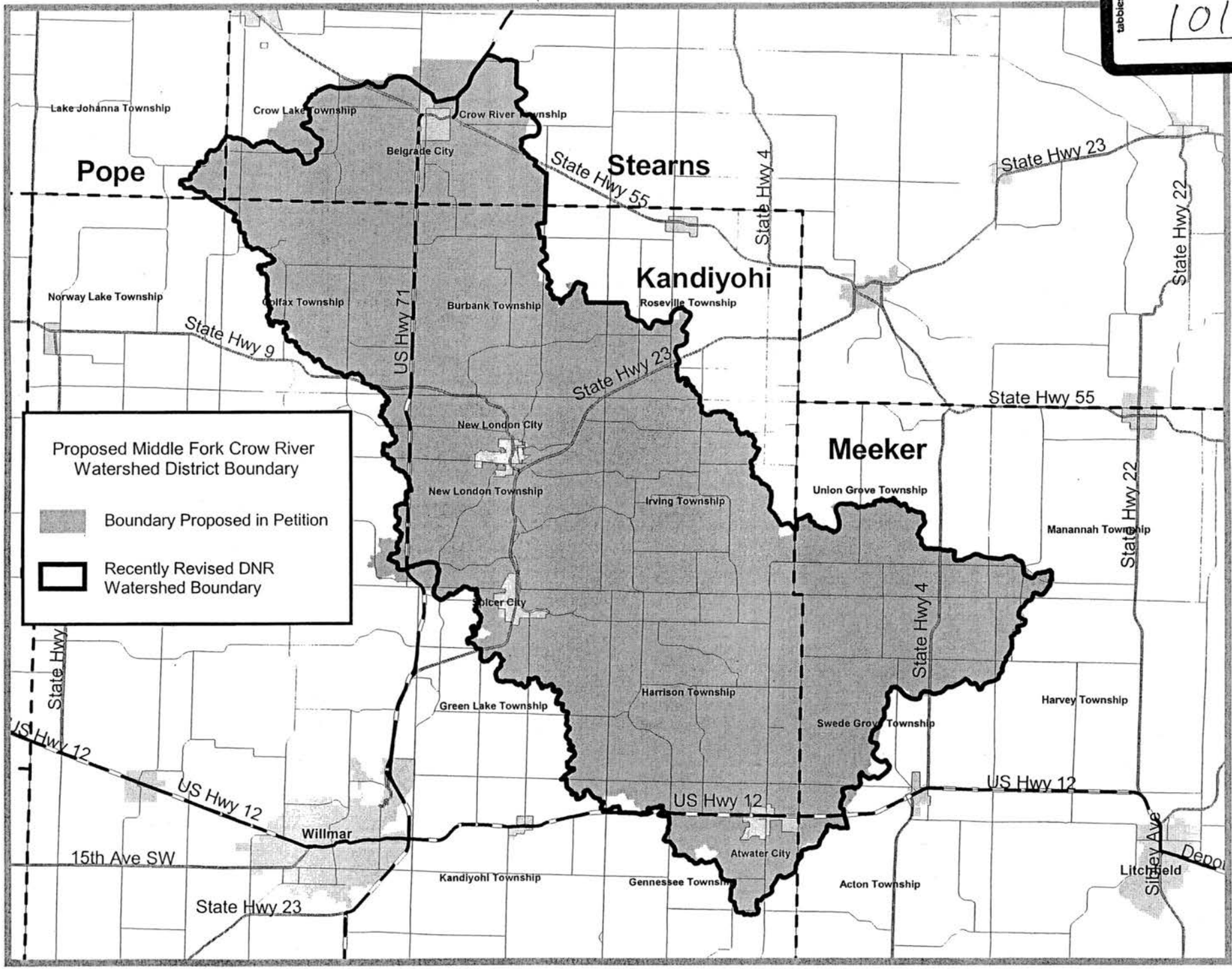
Dated at Saint Paul, Minnesota this 27th day of April, 2005.

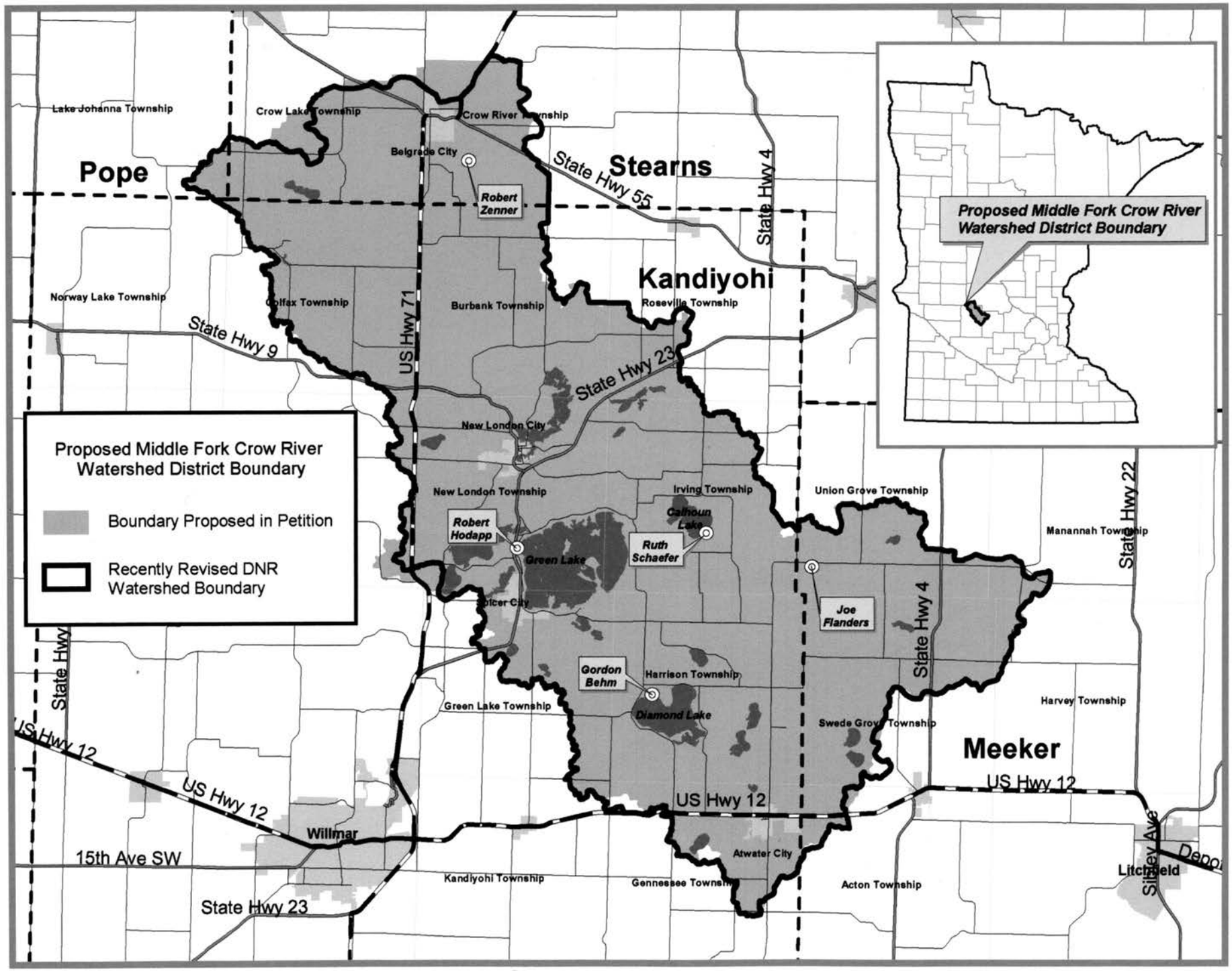
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

Revised Exhibit A of Establishment Petition

EXHIBIT
101




Proposed Middle Fork Crow River Watershed District Boundary
Boundary Proposed in Petition
Recently Revised DNR Watershed Boundary
Proposed Middle Fork Crow River Watershed District Boundary
Pope
Stearns
Kandiyohi
Meeker
Lake Johanna Township
Crow Lake Township
Crow River Township
Belgrade City
Robert Zenner
State Hwy 55
State Hwy 4
Norway Lake Township
Colfax Township
Burbank Township
Roseville Township
US Hwy 71
State Hwy 9
State Hwy 23
New London City
New London Township
Irving Township
Union Grove Township
Robert Hodapp
Green Lake
Calhoun Lake
Ruth Schaefer
Manannah Township
State Hwy 22
Joe Flanders
Gordon Behm
Harrison Township
Diamond Lake
Green Lake Township
Harvey Township
Swede Grove Township
US Hwy 12
Willmar
15th Ave SW
Kandiyohi Township
Gennessee Township
Atwater City
Acton Township
Litchfield
Sibley Ave

FY 05 NON POINT ENGINEERING ASSISTANCE CHALLENGE GRANT

BACKGROUND

The NPEA Challenge Grant is made available to NPEA JPBs once a biennium to provide accelerated engineering/technical assistance funding to assist landowners implementing high priority conservation practices.

Ten percent of the annual Feedlot Water Quality Management Grant ($1.5 M.) is reserved to fund this program.

SUMMARY

Amount Available - $300,000

Eligible Applicants - All NPEA JPBs

First Funding Priority - JPBs whose SWCDs received FY 05 Feedlot Water Quality Management Grants, who plan on adding or retaining staff to provide technical assistance in addition to NPEA Base Grant funded technical assistance (specifically, JPBs 4 - 11).

RECOMMENDATION

Nine applications were received from eight JPBs requesting $496,236. All applications were reviewed and approved by their Board Conservationists. The Cost Share Committee is forwarding their funding recommendation as indicated on the attached spreadsheet:

General Funding Strategy

Staff - Apply BWSR's First Funding Priority to add or retain staff. Amount should not exceed base grant. Recommendation to cap at 75% on inflated requests.

Auto Cad and Eagle Point Requests - Denied, Al Kean, BWSR Chief Engineer, will pursue cost savings via statewide upgrade in the next biennium for uniformity and upgrade capability.

State-of-the-Art Equipment - Denied, deemed a "luxury", not a necessity.

Vehicles - capped at $15K. $15K plus trade-in value ($7 - 10K) of current vehicle deemed adequate.

Basic Survey Equipment - Recommended

Basic IT Equipment - Recommended

NOTE: All applications stated that they would take partial funding. First Funding Priority to add or retain staff is upheld because funding recommendation results in about a 2/3 to 1/3, staff to equipment ratio. Non-Staff requests that are recommended for funding are regarded as high regional priority.

2005 NPEA Challenge Grant Applications
Total Amount Available $300,000
Total Funding Request $496,236.00

		AMOUNT REQUESTED	FUNDING RECOMMENDATION
TSA 1	**NW MN NPEA**		
	Total	**$10,325**	**$3,400**
	Initiatives		
	1 Auto Cad	$800	
	2 Eagle Point	$1,000	
	3 Eagle Point Technical Support	$2,625	
	4 Laser	$2,500	$2,500
	5 Power Point Projector	$1,500	
	6 Prism Pole	$200	$200
	7 Survey Equipment	$700	$700
	8 Training	$1,000	
TSA 2	**North Central MN NPEA**	**Objective: Improve delivery of technical assistance to landowners by increasing technical capacity of NPEA program through technological improvements in hardware, software, field equipment and training**	
	Total	**$29,900**	**$18,000**
	Initiatives		
	1 AutoCadd Upgrade	$1,700	
	2 Vehicle Upgrade	$25,000	$15,000
	3 Lazer Level (Trimble ZR600)	$2,500	$2,500
	4 Digital Camera	$700	$500
TSA 2	**North Central MN NPEA**		
	Total	**$90,400**	**$8,600**
	Note: This application is a joint request for TSA 1,2, and 4		
	Initiatives		
	1 1 Trimble R8 Base Station	$30,400	
	2 2 Rovers - $46,000 ($23,000)	$46,000	
	3 GPS Total Station Survey Training $4000 (4 individuals @ $1000)	$4,000	
	4 enclosed trailer	$3,500	YES
	5 4 wheel ATV	$6,000	YES
	6 ATV field accessories	$500	YES

THIS FUNDING RECOMMENDATION IS $8,600 FOR ITEMS 4 - 6 ONLY.

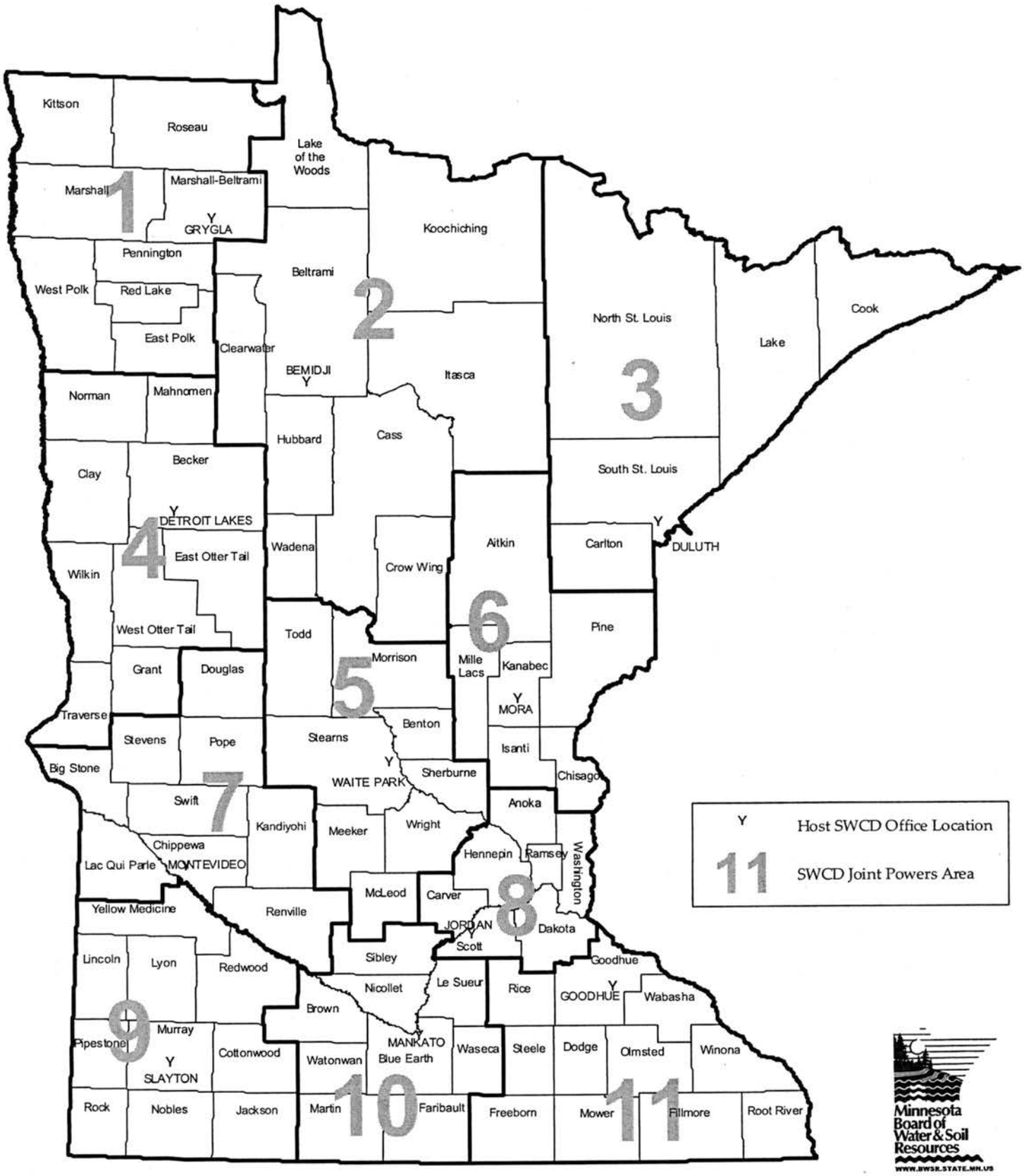
TSA 3	**CCLNS**	**Objective: The CCLNS Joint Powers Board #3 requests 2005 NPEA Challenge Grant funds to replace outdated equipment and provide training to enhance conservation engineering assistance delivery in our Techical Service Area**	
	Total	**$31,000**	**$20,000**
	Initiatives		
	1 Replaced one outdated computer	$1,000	$1,000
	2 Replace plotter	$3,500	$3,500
	3 Replace Vehicle	$25,000	$15,000
	4 Staff Training and development	$1,000	
	5 Upgrade computer Operating System	$500	$500

2005 NPEA Challenge Grant Applications
Total Amount Available $300,000
Total Funding Request $496,236.00

TSA 5	**Central MN SWCD**		
	Total	**$53,000**	**$53,000**
	Initiatives		
	1 Technician	$40,000	$40,000
	2 Car	$13,000	$13,000
TSA 8	**Association of Metro**	**Crosby Farm Park Bluff Stabilization/Restoration Feasibility Study - St Paul**	
	Total	**$52,680**	**$24,000**
	Initiatives		
	1 Feasibility Report	$8,100	
	2 Inventory and Data Gathering	$10,340	
	3 Site Survey	$4,830	
	4 Stormwater Model	$4,360	
	5 Synthesis and Analysis	$25,050	
	NOTE: THIS RECOMMENDATION IS FOR INITIATIVES 1 - 3 ONLY.		
TSA 9	**Southwest Prairie NPEA**		
	Total	**$95,931**	**$65,000**
	Initiatives		
	1 Engineer-in-training Salary	$85,931	$65,000
	2 Equipment	$10,000	N0
TSA 10	**Zone 10**	**Objective: To obtain funds to purchase a new Geodimeter total station to replace the original total station that is causing us problems. We would also like to replace outdated computers.**	
	Total	**$33,000**	**$33,000**
	Initiatives		
	1 Computers	$3,000	$3,000
	2 Geodimeter Total Station	$30,000	$30,000
TSA 11	**Southeast SWCD Technicians**		
	Total	**$100,000**	**$75,000**
	Initiatives		
	1 Enhanced Feedlot Engineering	$100,000	$75,000
	TOTALS	**$496,236**	**$300,000**

H:05NPEACGA

Nonpoint Engineering Assistance Program



Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

January 2003

ENVIRONMENT, NATURAL RESOURCES and AGRICULTURE 2006-2007 BUDGET ($thousands)

line	Summary Division Changes	FY 1	SENATE FY 2006	SENATE FY 2007	SENATE 2006-07	+/(-) Sen-Base	+/(-) Sen-Gov
3							
4	**Agency by Fund**	Fund Type					
189	**BRD. OF WATER & SOIL RES; Direct after SF1879**						
190	General	GEN dir	15,131	15,131	30,262	(600)	
191	**BWSR- total direct after SF1879**		**15,131**	**15,131**	**30,262**	(600)	
192							
193	**Change Items:**						
194	*Additional Floodplain Management (SF405-Vickerman)*	*GEN dir*	*35*	*35*	*70*		70
195	*Beaver Damage Control Grants (SF1418-Skoe)*	*GEN dir*	*50*	*50*	*100*		100
196	*Public Drainage System Buffer Study (SF876-Hottinger)*	*GEN dir*	*109*	*-*	*109*		109
197							
198	**BRD. OF WATER & SOIL RES; Direct all**						
199	General	GEN dir	15,325	15,216	30,541	(321)	
200	**BWSR- total direct all**		**15,325**	**15,216**	**30,541**	(321)	
201							
202							
203	**SCIENCE MUSEUM; Direct after SF1879**						
204	General	GEN dir	750	750	1,500	-	
205	**Science Museum- total direct after SF1879**		**750**	**750**	**1,500**	-	
206							
207	**Change Items:**						
208	*none*						
209							
210							
211	**AGRICULTURE DEPARTMENT; Direct after SF1879**						
212	General	GEN dir	37,511	34,034	71,545	-	
213	Remediation	REM dir	353	353	706	-	
214	**Agriculture- total direct after SF1879**		**37,864**	**34,387**	**72,251**	-	
215							
216	**Change Items:**						
217	AG-Protection Services						
218	*Agronomy Program Fees*	*AG stat*	*437*	*449*	*886*		-
219	*Nursery and Phytosanitry Fees*	*AG stat*	*152*	*152*	*304*		-
220	*ACRRA Administration*	*AG stat*	*50*	*50*	*100*		-
221	*MERLA Administration*	*REM dir*	*35*	*35*	*70*		-
222	AG-Promotion and Marketing						-
223	*Grain Buyer and Storage Fees*	*AG stat*	*55*	*55*	*110*		-
224	AG-Ethanol						-
225	*E85 Pump Grant Program (SF1213-Sams)*	*GEN dir*	*500*	*-*	*500*		500
226	*Ethanol Efficiency Grants (SF1893-Murphy)*	*GEN dir*	*100*	*100*	*200*		200
227	AG-Admin Services						-
228	*Ag BMP Loan Application Fees*	*AG stat*	*9*	*11*	*20*		-
229	*New Building Lease Costs*	*GEN dir*	*1,815*	*2,934*	*4,749*		-
230	*Rail Studies (Wilmar & Clara City)*	*GEN dir*	*85*	*-*	*85*		85
231	*Cold Climate Research (SF1754-Stumpf)*	*GEN dir*	*75*	*75*	*150*		150
232	*Livestock Siting Asstance and Training (Dille)*	*GEN dir*	*100*	*100*	*200*		-
233	*Livestock Odor and Air Research (Dille)*	*GEN dir*	*220*	*-*	*220*		-
234	*MN Horticulture Society (SF1357-Kubly)*	*GEN dir*	*35*	*35*	*70*		70
235	*Mental Health Grants (SF691-Sams)*	*GEN dir*	*100*	*100*	*200*		200
236	*Second Harvest Food Banks Milk Program (SF1202-Dille)*	*GEN dir*	*625*	*625*	*1,250*		1,250
237	*Rural Finance AuthorityBonds*	*RFA bond*	*18,000*	*-*	*18,000*		18,000
238							
239	**Total Change Items:**	*GEN dir*	*3,655*	*3,969*	*7,624*		
240		*REM dir*	*35*	*35*	*70*		
241		*RFA bond*	*18,000*	*-*	*18,000*		
242		*AG stat*	*703*	*717*	*1,420*		
243	**Total Change Items:**		*22,393*	*4,721*	*27,114*		
244							
245	**AGRICULTURE DEPARTMENT; Direct all**						
246	General	GEN dir	41,166	38,003	79,169	7,624	
247	Remediation	REM dir	388	388	776	70	
248	Rural Finance Authority; Bonds	RFA bond	18,000	-	18,000	18,000	
249	**Agriculture- total direct all**		**59,554**	**38,391**	**97,945**	25,694	
250							
251							

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 25, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Randy Kramer, Perry Aasness-Department of Agriculture, Paul Brutlag, Kay Cook, Wayne Edgerton-Department of Natural Resources, Karen Harder, Paul Krabbenhoft, Quentin Fairbanks, Clair Nelson, Victor Ormsby, Louise Smallidge, Dan Wilson-Department of Health, Lisa Thorvig-Pollution Control Agency, LuAnn Tolliver.

BOARD MEMBERS ABSENT:
Jim Anderson, Minnesota Extension Service

STAFF PRESENT:
Ron Harnack, Doug Thomas, Dave Weirens, Jim Haertel, Les Lemm, Brad Wozney, Doug Norris, Mary Jo Anderson

OTHERS PRESENT:
Carol Berg and LeAnn Buck, Minnesota Association of Soil and Water Conservation Districts (MASWCD)
Jack Frost, Met Council
Paul Burns, Department of Agriculture
Sandy Hooker, Minnesota Association of Townships

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

PLEDGE OF ALLEGIANCE

** 05-33 **ADOPT AGENDA** – Moved by Clair Nelson, seconded by Louise Smallidge, to adopt the agenda as presented. Motion passed on a voice vote.

MINUTES OF APRIL 27, 2005 – Dan Wilson stated that a correction is needed on page five, under his Department of Health report, it should read, "Dan Wilson reported that the MDH plumbing program will be consolidated with other similar building code programs at the Department of Labor and Industry". Moved by LuAnn Tolliver, seconded by Clair Nelson, to approve the minutes of April 27, 2005, as amended. Motion passed on a voice vote.

** 05-34

REPORTS

Chair's Report – Jerome Deal participated in the NRCS 70th Anniversary program on April 27. Chair Deal attended the State Envirothon at Camp Onomia near Mille Lacs Kathio State Park in Onamia. He stated that it was a great day, good volunteers, very organized. The School of Environmental Studies in Apple Valley won first place. Benilde-St. Margaret's of St. Louis Park took second in the competition, with Mankato East High School taking third. Lincoln High School of Thief River Falls won the oral presentation award. Chair Deal encouraged board members to attend future Envirothons.

Executive Director's Report – Ron Harnack commented on the Envirothon. Ron commended Pete Raeker on his coordination of the event. Ron commended all the volunteers and participants in the event. Ron also encouraged board member attendance in the future. Ron stated that the University of Minnesota offered a $500 scholarship to each student of the first place team. The National Envirothon will be held July 18-24 in Springfield, Missouri. Ron appreciated DNR and PCA's financial contribution.

Ron stated that BWSR CREP-II training is underway in partnership with FSA and NRCS.

Ron reported on staffing issues. Bruce Sandstrom retired after 33 years with the State of Minnesota. Sheila Otte, network administrator, has taken a new job at the Hennepin Technical College. New employees Kristi Mack, Eric Lind, and Tom Schmidt have been hired to work on CREP. Ron reported that Steve Woods was hit by a truck while riding his bicycle; he's bruised and sore, but he

will be okay. Ron reported that Steve Miller, retired RIM staff, had heart surgery and is doing well.

Ron reported that he just received the Attorney General's Opinion regarding whether the county has authority to remove a manager of a local watershed district prior to the expiration of a manager's three-year term. It is the Attorney General's Opinion that the County Board of Commissioners may only remove an appointed manager of a watershed district for cause after due process. Since the county did not ask about "cause" or "process" there was not any clarification on those issues. Ron will provide copies of the Attorney General's Opinion to board members. BWSR may want to consider it's oversight role as it relates to this issue.

Ron stated that the Board generally has a spring tour and a fall tour but due to budget constraints, it is recommended that the Board only have one tour this year in the fall. Ron suggested visiting southeastern Minnesota. It was decided that the Board tour will be held on Wednesday, September 28, with the Board meeting on September 29 in the southeast.

Dispute Resolution Committee – Jim Haertel presented two additional appeals that were not included in his Dispute Resolution Committee report. One appeal is in St. Louis County; the second appeal is in the City of Eagan.

Wetlands Committee – Clair Nelson stated that the Wetlands Committee will meet this afternoon and again after the June Board meeting.

Cost-Share Committee – Paul Krabbenhoft stated that the Cost-Share Committee will also meet this afternoon.

Education and Public Relations Committee – Kay Cook reported that she missed the Envirothon this year because she had a new grandbaby; she appreciated the volunteers filling in for her.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Lower St. Croix Watershed Management Organization, Amendment to Watershed Management Plan – Les Lemm reviewed the amended watershed management plan for the Lower St. Croix Watershed Management Organization. Numerous comments were received during the review process, resulting in several revisions to the draft plan. Karen Harder reported that the Metro Water

** 05-35 Planning Committee unanimously recommends approval of the plan. Moved by Karen Harder, seconded by Victor Ormsby, to approve the Watershed Management Plan for the Lower St. Croix Watershed Management Organization. Motion passed on a voice vote.

Isanti County Priority Concerns Scoping Document (PCSD)– Karen Harder reported that the Metro Water Planning Committee met on May 2, 2005, to review and consider the Isanti County Priority Concerns Scoping Document following the state agencies' comment period. It was agreed that the following priority concerns would be assessed and addressed in the Isanti County final plan: the cumulative effects of development on surface waters; protection and restoration of natural habitat and impaired waters in Isanti and bordering counties; and groundwater quality and quantity. Moved by Karen Harder, ** 05-36 seconded by Louise Smallidge, to approve the Isanti County Priority Concerns Scoping Document. Motion passed on a voice vote.

Southern Water Planning Committee

Goodhue County Local Water Management Plan Update – Victor Ormsby reported that the Southern Water Planning Committee met on April 27, 2005, to review the recommendation of the state review agencies regarding final approval for the Goodhue County Local Water Management Plan Update. The Southern ** Water Planning Committee recommends approval. Moved by Victor Ormsby, 05-37 seconded by Randy Kramer, to approve the update of the Goodhue County Local Water Management Plan with a required update by May 31, 2010. Motion passed on a voice vote.

Stevens County Local Water Management Plan Update – Victor Ormsby reported that the Southern Water Planning Committee met on April 27, 2005, to review the recommendation of the state review agencies regarding final approval for the Stevens County Local Water Management Plan Update. The Southern ** Water Planning Committee recommends approval. Moved by Victor Ormsby, 05-38 seconded Paul Krabbenhoft, to approve the update of the Stevens County Local Water Management Plan with a required update to the Implementation Section by May 31, 2015. Motion passed on a voice vote. Chair Deal commended Stevens County on their good working relationships and progress on their Plan.

Yellow Medicine County Local Water Management Plan Update – Victor Ormsby reported that the Southern Water Planning Committee met on April 27, 2005, to review the recommendation of the state review agencies regarding final approval for the Yellow Medicine County Local Water Management Plan Update.

** 05-39 The Southern Water Planning Committee recommends approval. Moved by Victor Ormsby, seconded by Dan Wilson, to approve the update of the Yellow Medicine County Local Water Management Plan with a required update to the Implementation Section by May 31, 2015. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:00 a.m. The meeting reconvened at 10:20 a.m.

NEW BUSINESS

2006 Conservation Easement Services Grants Recommendations – Kevin Lines explained the proposal to compute annual RIM Reserve Service Grants via a flat rate amount per recorded easement. This would be for all administrative and management activities associated with easements that are already in place. With BWSR's current holding of 4,700 easements, this would provide $73.40 per easement based on the current RIM Service Grant amount of $345,000. This amount would help cover all inspections that are scheduled plus other easement management and administrative activities that SWCD staff may be involved with on their easements. Ron stated that this is not a bondable activity that can be

** 05-40 supported by CREP funding. Moved by Louise Smallidge, seconded by Victor Ormsby, to approve the proposed policy for the 2006 Conservation Easement Services Grants. Discussion followed. Motion passed on a voice vote.

OLD BUSINESS

LCMR Local Water Management Challenge Grants – Dave Weirens explained that BWSR submitted a Request for a Proposal to the Legislative Commission on Minnesota Resources (LCMR) for funds to eligible local units of government to implement high priority actions identified in current, state-approved local water management plans through competitive grants known as Local Water Management Planning Challenge Grants. LCMR is recommending $500,000 in FY2006 and $500,000 in FY2007 from the Environment and Natural Resources Trust Fund for this proposal. The Legislature is expected to appropriate these funds as part of the biennial environment, natural resources, and agriculture finance bill. BWSR has solicited eligible local units of government to submit projects to receive these funds. A total of 78 project proposals were received; the ranking was done by a review team consisting of BWSR board conservationists from the north, south, and metro region, and representatives of the Departments of Agriculture, Health, Natural Resources, and the Pollution Control Agency. The review team is recommending 35 of these projects be approved for funding. Dave gave an overview of the applications and

recommended projects that will be funded from the Environment and Natural Resources Trust Fund, contingent on legislative appropriation. These projects will receive half of project dollars requested immediately upon BWSR approval of a project workplan, and the remaining project dollars after the Legislative Commission on Minnesota Resources appropriates the Fiscal Year 2007 funds to the BWSR (anticipated to be early July 2007). Any approved project not submitting a project workplan by November 1, 2005 may have their funding revoked and the next highest-ranking project will be offered the available funds.

** 05-41 Ron suggested adding a total obligation column on the project list. Moved by Randy Kramer, seconded by Victor Ormsby, to approve the LCMR Local Water Management Grants as recommended. Motion passed on a voice vote.

Budget and Legislative Issues Update – Ron Harnack reported that the Legislature adjourned at midnight on May 23 (the Constitutional deadline for adjournment) they waited one minute and went back into Special Session in accordance with the proclamation made by Governor Pawlenty earlier in the day. Ron presented an overview of budget and legislative issues. Ron anticipates that the Administrative Advisory Committee will meet via conference call in mid-June or a face-to-face meeting before the June 22nd board meeting.

Ron stated that the Governor's Appointments Office is still working on the appointments process; hopefully, we will have board member appointments by the June board meeting.

AGENCY REPORTS

Department of Natural Resources (DNR) - Wayne Edgerton reported that DNR completed work on Chronic Wasting Disease (CWD) -- Wayne is happy to report that there were no chronic wasting disease cases reported. Wayne stated that CREP II sign-up begins June 6; DNR is assisting with funding those new positions. CSP sign-up ends May 27; DNR's private land specialists will assist those that sign-up.

Department of Health (MDH) – Dan Wilson reported that 103I, the well program, has been terminology updated and technically amended, through both Houses, now on the Governor's desk. Dan stated that all environmental fees for alterations have been approved by the conference committees.

Department of Agriculture (MDA) – Perry Aasness reported that MDA is awaiting the funding bill. MDA's budget is status quo from the Governor, with fee increases in pesticides. MDA's accomplishment was in the E20 legislative bill,

ethanol requirement to raise the gasoline blend 20% by 2018. Governor Pawlenty signed the bill. Perry stated that all diesel will be biodiesel at the pump. Perry stated that Soybean Rust is a concern, major impact on soybeans. MDA is working hard to control this.

Pollution Control Agency – Lisa Thorvig gave an update on the stormwater program. Lisa stated that it's time to look at the rulemaking process on pre-treatment of wastewater. PCA is hoping that policymakers will come up with a funding source for the Clean Water Legacy Act. Lisa reported that a new wastewater treatment plant in the City of Princeton on the Rum River has been put on hold. There is no discharge to the Rum River with the existing system. The courts have requested that PCA re-examine the wastewater treatment plant.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – Carol Berg, MASWCD President, reported that MASWCD's priority concerns are four legislative initiatives: CREP, Clean Water Legacy, levy authority, and support for BWSR's budget. Carol stated that MASWCD highlights include a leadership group that will go to Washington, D.C. this fall to discuss federal issues, the farm bill, and the Clean Water Act. MASWCD Board of Directors' are discussing long-term management issues and needs on conservation easements. Carol, on behalf of MASWCD, thanked Lisa Thorvig for assistance on a restoration program for MASWCD. LeAnn Buck commented on prairie management burns, liability issues with SWCDs on easements. LeAnn stated that MASWCD went through a resolutions priorities process at their last board meeting. Priorities include: Clean Water Legacy, forest stewardship plan, and NPDES Phase 2. LeAnn thanked BWSR for their support during the legislative session.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT shares in the frustration of many that the Legislature not fund transportation needs.

UPCOMING MEETINGS

- MAWD Summer Tour, June 23-25 in Crow Wing County, Thirty Lakes WD
- Next BWSR Meeting, June 22, 2005, in St. Paul

Chair Deal thanked board members for submitting the performance review forms for the executive director. Chair Deal met with Ron Harnack this morning.

** 05-42 Moved by Clair Nelson, seconded by Kay Cook, to adjourn the meeting at 11:55 a.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
May 12, 2005
by Jim Haertel

There are presently twelve appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated April 7.

File 05-9. This is a new appeal of a Restoration Order in St. Louis County. The appeal involves the excavation of a ditch, and the placement of fill, in wetland. Also, the ditch drains into DNR protected waters designated as "Forested River" in the shoreland management ordinance. The project is associated with gravel mining. No decision has been made on the appeal.

File 05-8. This is a new appeal of a Restoration Order in Roseau County. The appeal involves the excavation of ditches, and the placement of fill, in wetland. The project is associated with commercial development of the site. No decision has been made on the appeal.

Files 05-3 and 04-2. File 05-3 is an appeal of a Replacement Plan decision in Morrison County. At issue is the placement of fill in wetland for a road. There have been previous appeals regarding this project. File 04-2 is an appeal of an exemption decision for this project. The appeals regard a road that was upgraded and the denial of a forestry exemption. A cease and desist order and a restoration order were issued. The exemption appeal was remanded for a hearing, the LGU denied the exemption again, and that decision has been appealed. The exemption appeal has been accepted. No pre-hearing conference on the exemption appeal was set since the landowner, after negotiations, consented to submitting a replacement plan application upon completion of a wetland delineation. The replacement plan application was submitted proposing 2:1 replacement. The application was denied and that is the subject of appeal File 05-3. The appeal has been accepted and combined with File 04-2. The extensive record was being compiled before a pre-hearing conference would be held, however, now it appears the situation may be headed towards resolution with the purchase of wetland banking credits at a 4:1 replacement ratio.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and the extensive record is being compiled before a pre-hearing conference is held.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

File 03-18. This 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 with the landowner purchasing wetland bank credits.

SUMMARY OF NALMS
FOR SRWD BOARD OF MANAGERS
April 26-29, 2005 in Chicago

On the above dates I planed to Chicago (at no expense to the SRWD) to learn more about "Enhancing the States' Lake Management Programs –Protecting lakes and reservoirs in Urbanizing Areas". A major contributor to this program is U S Environmental Protection Agency (EPA). There were 24 sessions plus lunch and dinner speakers. There were attendees from Pennsylvania, Illinois, Wisconsin, Washington DC, Washington, Ohio, California, Indiana, New York, Florida, Georgia, Iowa, Colorado, Delaware, Oklahoma, Ontario Canada, Missouri, Massachusetts, Maryland, Maine, North Carolina, Vermont, Rhode Island, North Dakota, Texas, Virginia, New Jersey, Oregon, New Hampshire, Edmonton Alberta Canada, Michigan, Connecticut, and Minnesota.

My intent is to outline the sessions and give you enough information to do some research and create awareness of information available.

1. **Continuing Challenges and New Opportunities to Improve Urbanizing Lakes.** Thomas R. Schueler, Center for Watershed Protection in Ellicott City, MD Phone: 410-461-8323 email: trs@cwp.org

2. **Smart Growth for Clean Water**. Geoffrey Anderson, Acting Chief of Staff, Office of Policy, Economics, and Innovation US EPA in Washington DC. Phone: 202-566-2878, email: anderson.geoffrey@seattle.gov

3. **EPA's Urban Nonpoint Source Guidance and Lake Management.** Rod Frederick, P.E., F.ASE, Office of Water and Nonpoint Source Control Branch in Washington DC, Phone:202-566-1197, email: Frederick.rod@epa.gov

4. **Managing for Long Term Lake Quality in a Suburban Setting.** Eric J. Macbeth, City of Eagan, MN Phone: 651-675-5300, email: emacbeth@cityofeagan.com

5. **New Thinking in an Old City: Philadelphia's Watershed Management Program.** Glen J. Abrams, Office of Watersheds, in Philadelphia, PA Phone: 215-685-6039, email: glen.abrams@phila.gov

6. **Using Biological Information to Develop Aquatic Life Uses and Nutrient Criteria.** Jeroen Gerritsen, Tetra Tech, Inc from Owings Mills, MD Phone: 410-356-8993 email: jeroen.gerritsen@tetratech.com

7. **Iowa Great Lakes Watersheds.** Michael J. Hawkins, Natural Lakes Investigations, Iowa Department of Natural Resources, Spirit Lakes, IA Phone: 712-336-1840 Email: Michael.hawkins@dnr.state.ia.us

8. **Building More Effective Lake Organizations.** Dana Oleskiewicz, President, Ohio Lake Management Society, Ohio State University, Wooster, Ohio. Phone: 330-263-3667 Email: oleskiewicz.1@osu.edu

9. **Effect of a Phosphorus Fertilizer Ordinance on Runoff Water Quality.** John M. Barten, Maple Plain, MN Phone: 763-694-7841 Email: jbarten@threeriversparkdistrict.org

10. **Pollutant Management Considerations for Urban Lakes and Ponds.** Richard A. Claytor, Jr., Horsley Witten Group, Sandwich, MA Phone: 508-833-6600 Email: rclaytor@horsleywitten.com

11. **Urban Lakes and watersheds in Massachusetts: Meeting the Challenges of restoration and protection.** Myron L. Gildesgame, Office of Water Resources, Massachusetts Department of Conservation and Recreation, Boston, MA Phone: 617-626-1371 Email: mike.gildesgame@state.ma.us

12. **Changing Climate and Its Impacts on our Water Resources.** S. Elwynn Taylor, Iowa State University Extension Climatologist Agronomist, Ames, Iowa. Phone: 515-294-1923 Email: setaylor@iastate.edu
(Excellent speaker!)

13. **Improving Urban Lakes with Watershed-Based Retrofit Measures.** Henry L. Gibbons, Environmental Services, Tetra Tech, Inc, Seattle, WA Phone: 206-728-9655 Email: harry.gibbons@tetratech.com

14. **The Ghost of Loadings Past: Techniques to Reverse Degradation of Urban Lakes.** Kenneth J. Wagner, ENSR International, Willington, CT Phone: 860-429-5323 x222 Email: kwagner@ensr.com

15. **Use of Re-Development and Retrofitting BMPs in TMDL Implementation Plans.** John Reuter, U of CA, Davis and Eric Strecker, GeoSyntec Consultants, Portland, OR Phone: 503-222-9518 Email: estrecker@geosyntec.com

16. **Setting Realistic Expectations and Management Goals for Urban Lakes and Ponds.** Williams W. Jones, School of Public and Environmental Affairs, Indiana University, Bloomington, IN Phone: 812-855-4556 Email: joneswi@indiana.edu

17. **West Nile Virus, Canada Geese, and Other Urban Wildlife Problems: Real or Perceived?** Michael D. Adams, Lakes Management Unit, Lake County Health Department, Waukegan, IL Phone: 847-249-4972 Email: madam@co.lake.il.us

18. **The Power of Knowledge, Volunteer Monitoring Models and the Building of Community Response Capacity.** Candie C. Wilderman, Department of Environmental Studies, Dickinson College, Carlisle, PA Phone: 717-245-1573 Email: wilderma@dickinson.edu

19. **The Hunt for Red E.Coli.** Eric H. O'Brien, Water Montoring Section, Iowa DNR – Geological Survey, Iowa City, IA Phone: 319-353-2835 Email: eobrien@igsb.uiowa.edu

20. **Following the Flow: A New NPS Assessment Tool for Volunteers and Decision Makers.** Jeffrey A. Schloss, Center for Freshwater Biology and Cooperative Extention, U of New Hampshire, Durham, NH Phone: 603-862-3848 Email: jeff.schloss@unh.edu

21. **Wet Weather Monitoring Strategies for Urban Lake Watersheds.** Roger T. Bannerman, Fish Management and Habitat Bureau, Wisconsin DNR, Madison, WI Phone: 608-266-9278 Email: banner@drn.state.wi.us

22. **Seattle's Green Infrastructure – Thinking outside the Pipe!** Denise M. Andrews, Surface Water Unit, Seattle Public Utilities, Seattle, WA Phone: 206-684-4601 Email: denise.andrews@settle.gov

23. **Selecting and Designing Effective Urban BMPs at the Site and Watershed Scales.** Eric Strecker See number 15 on previous page

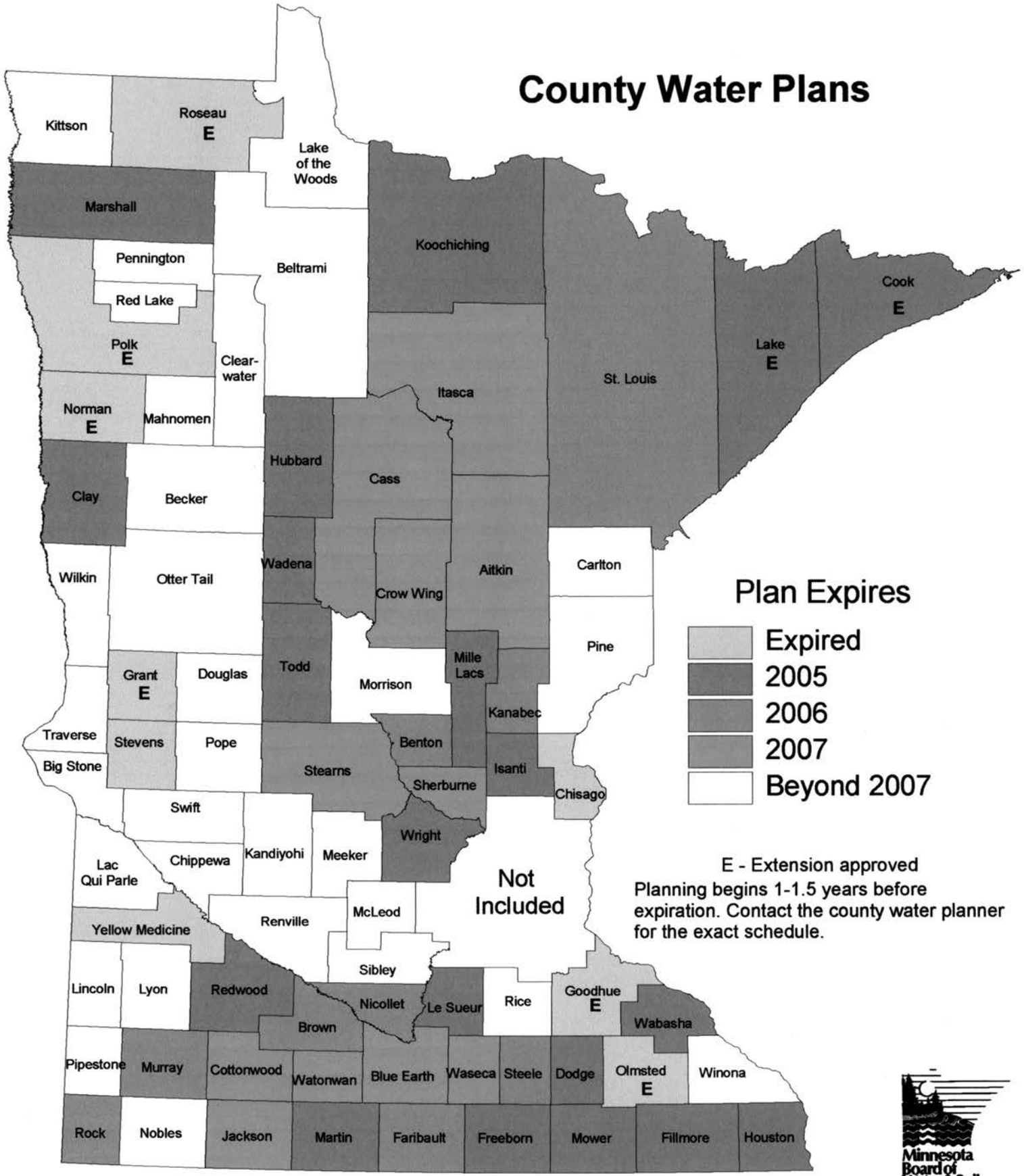
24. **Pharmaceuticals and Other Organic Wastewater Contaminants in Water Resources of the United States.** Edward T. Furlong, Methods Research and Development Program, National Water Quality Laboratory, US Geological Survey, Denver, CO Phone: 303-236-3941 Email: efurlong@usgs.gov

In addition I picked up a book "Low Impact Development Design Strategies – An Integrated Design Approach". I haven't read it all yet but looks like it will provide some good information.

Another book I recently received in the mail (they are out of print) is "Getting In Step – A Guide for Conducting Watershed Outreach Campaigns". It's designed to provide "New and improved tips and tools for creating awareness, educating specific audiences, and motivating positive behavior change to improve water quality". It has lots of marketing ideas to fight the apathy that exists.

Kay Cook
5-13-05

County Water Plans



Plan Expires

- Expired
- 2005
- 2006
- 2007
- Beyond 2007

E - Extension approved
Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

map updated: May, 2005

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan For the **Lower St. Croix Watershed Management Organization** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Lower St. Croix Watershed Management Organization (LSCWMO) submitted a Watershed Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, 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. **LSCWMO Establishment.** The LSCWMO was organized on June 21, 1985 and is organized under a Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings. The first generation Watershed Management Plan was written and adopted in 1991. The draft second generation plan was submitted to BWSR, other state agencies, and local governments for the 60-day review on June 23, 2004. On December 2, 2004, all review agencies had received the revised draft plan for the required 45-day review period. The final draft plan was submitted to BWSR on March 14, 2005. The LSCWMO updated the Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings in 2005.

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed. .** The LSCWMO is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the north, the South Washington Watershed District to the west, the Vermillion River Watershed Management Organization (Dakota County) to the south, and the St. Croix river to the east. The LSCWMO encompasses portions of the Cities of Afton, Cottage Grove, and Hastings; and Denmark Township in its entirety. The entire Lower St. Croix watershed is approximately 45.85 square miles in size. The watershed includes a major surface and groundwater hydrologic divide for the Mississippi River and St. Croix River basins. The

main hydrologic features of this watershed are Trout Brook, Kelle's Coulee, O'Conners Creek and Lake, and numerous tributaries to the Mississippi and St. Croix Rivers. The current land uses within the watershed are predominantly agricultural and undeveloped. The watershed is unique in that it is located adjacent to a developing watershed and contains a number of valuable natural resources. Development pressure and changes in land uses within the watershed will likely increase over the next five to ten years.

4. **Local Review.** The CCWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

- Washington County found the plan generally consistent with County activities, such as the 2003-2013 Groundwater Plan and land Management and Transportation Department responsibilities. The County encouraged consideration of groundwater protection in their rule development process. LSCWMO added groundwater protection to the list of potential rule areas. The County also recommended removal of the reference to the County funding option in the Plan and to use the minor amendment process to gain approval of the financing strategy for each project at the time of implementation; the specific language supplied was inserted into the Plan. The County also recommended several grammatical changes and clarifications, which were made by the LSCWMO.

- Washington Conservation District comments recommended addressing Prime Farmland separately from Parks and Open Spaces and relating it to other issues such as development pressure, and included several clarifications. The Prime Farmland issue was identified as separate from Parks and Open Spaces, and clarifications were made as recommended.

- Valley Branch Watershed District comments pertained to the LSCWMO's legal boundary, including clarification of process for making adjustments to the legal boundary, adding language on dealing with issues outside the legal boundary but within the hydrologic boundary, and coordinating with neighboring watersheds on permit reviews. The LSCWMO made the recommended clarifications to the Plan.

- Denmark Township requested the Plan clarify their relationship and responsibilities relevant to that portion of the watershed that is within the City of Hastings, specifically that the Township has agreed to assume Hastings' share of administrative expenses but any capital improvement projects within that area must be funded by the City of Hastings. Clarification was added to the Plan. The Denmark Town Board also urged the LSCWMO to pursue *ad valorem* taxing authority diligently.

- City of Cottage Grove commented that the funding section was unclear for the funding of subwatershed implementation activities. The LSCWMO added clarification that subwatershed implementation activities will be funded based on 100% of land area within the subwatershed.

5. **Metropolitan Council Review.** The Council found the Plan to be consistent with the Council's Water Resources Management Plan and stated no significant concerns.

6. **Department of Agriculture Review.** MDA did not provide comments on the LSCWMO plan.

7. **Department of Health Review.** MDH did not provide comments on the LSCWMO plan.

8. **Department of Natural Resources Review.** The DNR, in both comment letters, recommended the Plan include a list of state-listed rare plant and animal communities occurring in the watershed. The LSCWMO first proposed providing general information rather than specific, but then included the specific list as an appendix after the 45-day review comments. The DNR recommended incorporating information and policies for stream restoration, which resulted in the addition of two new policy statements and expanded implementation activities to specifically indicate the identification of restoration activities. The DNR suggested the LSCWMO analyze the contribution of the watershed as a whole to St. Croix River flooding to determine what the WMO could accomplish within the watershed to reduce the watershed's contributions. The LSCWMO responded that, given the watershed's relatively undeveloped nature and setting within the St. Croix River watershed, it is unlikely to play even a minor role in the flooding within the river, and that the Plan does address local flooding issues. DNR comments also included clarifications and corrections, which were incorporated into the Plan.

9. **Pollution Control Agency Review.** PCA comments included suggestions for dealing with future impairments, and water quality data collection requirements. MPCA recommended the rate control requirements further emphasize managing and limiting flows associated with 1.5 to 2-year storm events. The LSCWMO made the suggested changes to the Plan. MPCA also recommended no net increase in runoff volume from the 1, 2, and 10 year storm events in those portions of the basin it is achievable. The LSCWMO proposed a standard for no-net increase for storms less than and including the 2-year event, with consideration of requirements up to the 10-year event during the rule development process or as outcomes of subwatershed or resource based implementation activities.

10. **Board Review.** BWSR comments related to: 1) clarification and consolidation of policies, 2) inclusion of a revised and updated JPA with final submittal of plan, 3) inclusion of a more detailed gap analysis of the current regulatory structure within the LSCWMO boundaries, 4) recommendations on the process for wetland planning and rule development, 5) clearly stating the need to comply with NPDES, 6) consideration of requiring a cash surety for erosion control requirements, and 7) recommendations for more detail and specific language in numerous areas. All BWSR suggestions were satisfactorily incorporated into the Plan.

11. **Highlights of the Plan.**

- Development of watershed rules and permit program.
- Relatively short timeframe, extending through 2009.

- Focus on resource assessment and planning, with Plan update to include results and identified projects.
- The Plan outlines the steps the LSCWMO has or will take to comply with the recommendations of the Washington County Water Governance Study.
- Runoff rate and volume control requirements established.
- Required 30-foot naturally vegetated buffer adjacent to all natural surface waters, including wetlands, lakes, and stream channels.

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 Watershed Management Plan for the Lower St. Croix Watershed Management Organization pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Lower St. Croix Watershed Management Organization plan attached to this Order defines water and water-related problems within the LSCWMO boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated March 7, 2005 as the Watershed Management Plan for the Lower St. Croix Watershed Management Organization.

Dated at Saint Paul, Minnesota this 25th day of May 2005.

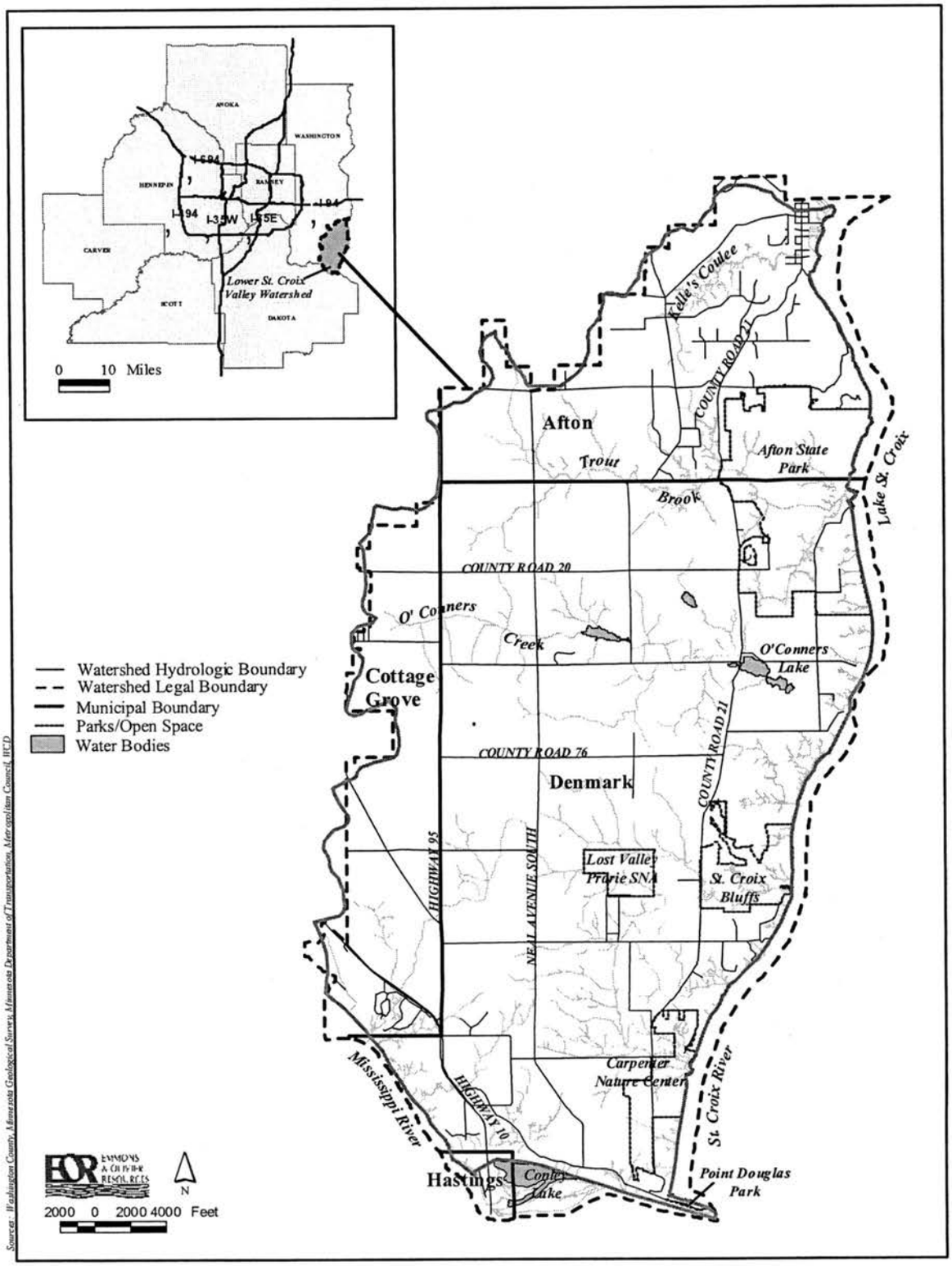
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

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Minnesota Board of Water and Soil Resources
May 2005 Metro Subcommittee Meeting

OVERVIEW
Lower St. Croix Watershed Management Organization Plan 2005 – 2009



Watershed Description. The Lower St. Croix Watershed Management Organization (LSCWMO) is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the north, the South Washington Watershed District to the west, the Vermillion River Watershed Management Organization (Dakota County) to the south, and the St. Croix river to the east. The LSCWMO encompasses portions of the Cities of Afton, Cottage Grove, and Hastings; and Denmark Township in its entirety. The entire Lower St. Croix watershed is approximately 45.85 square miles in size. The watershed includes a major surface and groundwater hydrologic divide for the Mississippi River and St. Croix River basins. The main hydrologic features of this watershed are Trout Brook, Kelle's Coulee, O'Conners Creek and Lake, and numerous tributaries to the Mississippi and St. Croix Rivers. The current land uses within the watershed are predominantly agricultural and undeveloped. The watershed is unique in that it is located adjacent to a developing watershed and contains a number of valuable natural resources. Development pressure and changes in land uses within the watershed will likely increase over the next five to ten years.

Summary of Plan Review Process. The LSCWMO was organized on June 21, 1985 and is organized under a Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings. The first generation Watershed Management Plan was written and adopted in 1991. The Washington County Water Governance Study (Washington County, 1999) has recommended the enlargement of the Valley Branch Watershed District to include the LSCWMO, but the timing of this enlargement is dependent on the LSCWMO's ability and willingness to take on an active water management role. This Watershed Management Plan (Plan) outlines the steps the LSCWMO is taking to achieve the goals of the County Water Governance Study while maintaining the status of a Water Management Organization.

The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on June 23, 2004. The LSCWMO received 60-day review comments from BWSR, MN Department of Natural Resources (DNR), MN Pollution Control Agency (PCA), Metropolitan (Met) Council, City of Cottage Grove, Denmark Township, Washington Conservation District, Washington County, and Valley Branch Watershed District. On December 2, 2004, all review agencies had received the revised draft plan for the required 45-day review period. Comments were received from BWSR and the DNR. The final draft plan was submitted to BWSR on March 14, 2005. The LSCWMO updated the Joint Powers Agreement between Denmark Township and the Cities of Afton, Cottage Grove, and Hastings in 2005. Denmark Township has agreed to take on the City of Hastings' responsibility to manage and provide funding for the 0.4 square mile portion of Hastings within the LSCWMO.

Fiscal Context and Implementation. The LSCWMO's primary source of funding for administration and implementation activities is via dues from member communities in accordance with the joint powers agreement. LSCWMO annual expenditures for administration and implementation of the Plan have been increased to approximately $100,000 for each year covered by the Plan.

Fiscal activities are an approximate barometer of influence within a watershed only. LSCWMO's proposed budget appears to be approximately in the middle of total annual expenditures in comparison with other WMOs, and significantly less than area watershed districts. The following table provides contextual financial information for other Metro area watersheds.

Watershed Organization Operating Parameters for Select Developing and Adjacent Areas

Watershed	Type	Counties	Size (Mi^2)	Actual Expenditures			Exp./ Sq Mile
				2001	2002	2003	
Bassett Creek	WMO	Hennepin	40	$433,208	$390,653	$318,823	$7,9
Browns Creek	WD	Washington	28	$1,035,814	$536,531	$403,906	$14,4
Carnelian-Marine	WD	Washington	43	$404,561	$447,838	na	$10,4
Coon Creek	WD	Anoka	96	$467,285	$601,544	$660,523	$6,8
Elm Creek	WMO	Hennepin	131	$160,360	$156,370	$121,562	$9
Lower Minnesota River	WD	Hennepin, Carver, Scott, Dakota	64	$427,058	$292,621	$204,346	$3,1
Lower Mississippi River	WMO	Dakota, Ramsey	56	$43,324	$50,727	$57,383	$1,0
Middle St. Croix	WMO	Washington	20	$14,044	$10,819	$36,998	$1,8
Minnehaha Creek	WD	Hennepin	184	$6,086,030	$5,270,636	$3,343,963	$18,1
Pioneer-Sarah Creek	WMO	Hennepin	71	$91,149.54	$103,625	$75,501	$1,0
Prior Lake-Spring Lake	WD	Scott	42	$410,171	$610,534	$732,799	$17,4
Ramsey-Washington Metro	WD	Ramsey, Washington	53	$3,048,986	$3,329,310	$3,370,862	$63,6
Rice Creek	WD	Ramsey, Anoka, Washington	201	$1,319,055	$1,692,567	$2,589,521	$12,8
Shingle Creek	WMO	Hennepin	44	$238,813	$353,581	na	$8,0
South Washington	WD	Washington	54	$2,356,478	$2,323,327	$5,771,911	$106,8
Vadnais Lake Area	WMO	Ramsey	24	$63,192	$66,409	$78,431	$3,2
Valley Branch	WD	Washington	64	$443,537	$526,532	$730,992	$11,4
West Mississippi	WMO	Hennepin	24	$83,385	$125,104	na	$5,2

Reviewing Agency/ LGU Comments and LSCWMO Responses. The following is an agency specific summary of comments submitted and LSCWMO responses:

BWSR comments related to: 1) clarification and consolidation of policies, 2) inclusion of a revised and updated JPA with final submittal of plan, 3) inclusion of a more detailed gap analysis of the current regulatory structure within the LSCWMO boundaries, 4) recommendations on the process for wetland planning and rule development, 5) clearly stating the need to comply with NPDES, 6) consideration of requiring a cash surety for erosion control requirements, and 7) recommendations for more detail and specific language in numerous areas. All BWSR suggestions were satisfactorily incorporated into the Plan.

DNR, in both comment letters, recommended the Plan include a list of state-listed rare plant and animal communities occurring in the watershed. The LSCWMO first proposed providing general information rather than specific, but then included the specific list as an appendix after the 45-day review comments. The DNR recommended incorporating information and policies for stream restoration, which resulted in the addition of two new policy statements and expanded implementation activities to specifically indicate the identification of restoration activities. The DNR suggested the LSCWMO analyze the contribution of the watershed as a whole to St. Croix River flooding to determine what the WMO could accomplish within the watershed to reduce the watershed's contributions. The LSCWMO responded that, given the watershed's relatively undeveloped nature and setting within the St. Croix River watershed, it is unlikely to play even a minor role in the flooding within the river, and that the Plan does address local flooding issues. DNR comments also included clarifications and corrections, which were incorporated into the Plan.

MPCA comments included suggestions for dealing with future impairments, and water quality data collection requirements. MPCA recommended the rate control requirements further emphasize managing and limiting flows associated with 1.5 to 2-year storm events. The LSCWMO made the suggested changes to the Plan. MPCA also recommended no net increase in runoff volume from the 1, 2, and 10 year storm events in those portions of the basin it is achievable. The LSCWMO proposed a standard for no-net increase for storms less than and including the 2-year event, with consideration of requirements up to the 10-year event during the rule development process or as outcomes of subwatershed or resource based implementation activities.

MDH did not comment on the draft plan

MDA did not comment on the draft plan.

Met Council found the Plan to be consistent with the Council's Water Resources Management Plan and stated no significant concerns.

Washington County found the plan generally consistent with County activities, such as the 2003-2013 Groundwater Plan and land Management and Transportation Department responsibilities. The County encouraged consideration of groundwater protection in their rule development process. LSCWMO added groundwater protection to the list of potential rule areas. The County also recommended removal of the reference to the County funding option in the Plan and to use the minor amendment process to gain approval of the financing strategy for each project at the time of implementation; the specific language supplied was inserted into the Plan. The County also recommended several grammatical changes and clarifications, which were made by the LSCWMO.

Washington Conservation District comments recommended addressing Prime Farmland separately from Parks and Open Spaces and relating it to other issues such as development pressure, and included several clarifications. The Prime Farmland issue was identified as separate from Parks and Open Spaces, and clarifications were made as recommended.

Valley Branch Watershed District comments pertained to the LSCWMO's legal boundary, including clarification of process for making adjustments to the legal boundary, adding language on dealing with issues outside the legal boundary but within the hydrologic boundary, and coordinating with neighboring watersheds on permit reviews. The LSCWMO made the recommended clarifications to the Plan.

Denmark Township requested the Plan clarify their relationship and responsibilities relevant to that portion of the watershed that is within the City of Hastings, specifically that the Township has agreed to assume Hastings' share of administrative expenses but any capital improvement projects within that area must be funded by the City of Hastings. Clarification was added to the Plan. The Denmark Town Board also urged the LSCWMO to pursue *ad valorem* taxing authority diligently.

City of Cottage Grove commented that the funding section was unclear for the funding of subwatershed implementation activities. The LSCWMO added clarification that subwatershed implementation activities will be funded based on 100% of land area within the subwatershed.

Summary of Plan Strengths and Weaknesses. The plan presents 10 goals developed by the Board of Managers and Advisory Committee. Three of these goals deal with surface water, three with groundwater, and one each with recreation, fish and wildlife habitat, wetlands, and education. The LSCWMO identified 57 different policies that correspond to the watershed goals, to be used as a comprehensive list of possible actions that could be taken to achieve those goals. The LSCWMO understands that not all of the policies will be addressed within the Plan's timeframe, but included them for future planning efforts in the event outside funding is obtained for those projects.

The LSCWMO's goals are:

Goal 1. Maintain or improve the surface water quality of water resources within the watershed with a specific emphasis on Kelle's Coulee, Trout Brook, O'Conners Creek and Lake and the St. Croix and Mississippi Rivers

Goal 2. Prevent the degradation of water resources as a result of excess runoff volume and high peak flow rates.

Goal 3. Prevent the degradation of resources and the loss or damage of property due to erosion and sedimentation.

Goal 4. Maximize groundwater recharge as a means of maintaining drinking water supplies, preserving base flows in streams, and limiting discharges of stormwater to downstream receiving waters.

Goal 5. Protect existing groundwater supplies to private wells and groundwater dependent natural resources.

Goal 6. Maintain or improve groundwater quality within the watershed.

Goal 7. Encourage and enhance natural resource based, passive use recreational opportunities within the watershed consistent with overall water management goals.

Goal 8. Protect and improve key natural resources within the watershed to prevent the loss or degradation of fish and wildlife habitat.

Goal 9. Maintain, enhance, and restore, where possible, the functions and values of existing areas and wetlands within the watershed.

Goal 10. Provide information, knowledge and skills to those who live, work and/or recreate in the watershed to foster the protection of local land and water resources.

The Plan's implementation activities generally focus on conducting more in-depth, issue specific analysis and management plans. While there are no capital improvement projects being proposed in this Plan, the intent of the LSCWMO is that the more detailed management plans will include

recommendations for these types of projects. The LSCWMO feels this approach is necessary due to the current lack of knowledge regarding specific improvements.

Highlights of the Plan include:

1. Development of watershed rules and permit program.
2. Relatively short timeframe, extending through 2009.
3. Focus on resource assessment and planning, with Plan update to include results and identified projects.
4. The Plan outlines the steps the LSCWMO has or will take to comply with the recommendations of the Washington County Water Governance Study.
5. Runoff rate and volume control requirements established.
6. Required 30-foot naturally vegetated buffer adjacent to all natural surface waters, including wetlands, lakes, and stream channels.

BWSR Board Conservationist Les Lemm recommends sub-committee approval of the Lower St. Croix Watershed Management Organization Second Generation Plan.

Minnesota Board of Water & Soil Resources

May 25, 2005

Isanti County Commissioners
C/o Mark Demuth, Water Plan Coordinator
Isanti Soil and Water Conservation District
380 Garfield Street South
Cambridge, MN 55008

RE: Official State Comments Pertaining to the Review of Isanti County Priority Concerns Scoping Document for the Third Generation Water Management Plan Update.

Dear Isanti County Commissioners:

Pursuant to MS Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Isanti County has chosen to eventually address in the update of their comprehensive local water management plan. Prior to the county's submittal of the priority concerns scoping document (PCSD), staff from the Board of Water Soil Resources (BWSR) attended an interagency meeting hosted by the Isanti Water Management Task Force on March 2, 2005, to advise on the priority concerns selection process, list BWSR staff concerns, and arrive at a cursory level of consensus with the draft priority concerns among the agencies. The State review agencies reviewed the priority concerns scoping document and submitted all comments by April 26, 2005. The Board of Water and Soil Resources' metro water planning sub-committee (the subcommittee) met on May 2, 2005, to discuss agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The subcommittee commends the county for the process they used for collecting and reviewing issues raised by community stakeholders and ultimately selecting the priority concerns. The Task Force and consultant Marilyn Bayerl have done an effective job of condensing these down to the priority issues, which will be the focus of the water planner for the remainder of the process. None of the agencies have registered significant reservations regarding either the processes used or the priority concerns submitted. The Minnesota Pollution Control Agency did note an important additional subject area related to prioritizing listed Impaired Waters in Isanti County. As discussed with the Isanti County staff and consultant, Isanti County will address this issue during the development of goals and objectives for the Water Management Plan update. An education plan will also be incorporated into various, pertinent sections of the Plan update. Following the discussion of the priority concerns at the subcommittee meeting, it is mutually agreed that the priority concerns to be assessed and addressed in your final plan include:

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fax (218) 755-4201

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- **THE CUMULATIVE EFFECTS OF DEVELOPMENT ON SURFACE WATERS.**
- **PROTECTION AND RESTORATION OF NATURAL HABITAT AND IMPAIRED WATERS IN ISANTI AND BORDERING COUNTIES.**
- **GROUNDWATER QUALITY AND QUANTITY.**

These priority concerns are somewhat different then those originally submitted for review.

In summary, the committee was satisfied with the extent of information assembled by the county and the willingness to run a very open process utilizing a large number of stakeholders. We look forward to participating in the completion of your plan and its ultimate implementation.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

Cc: Steve Woods
Doug Thomas
Dave Wierens
Becky Balk, MDA
Matt Drewitz, MDA
John Wells, EQB
Sara Bertelsen, EQB
Art Persons, MDH
Dennis Assmussen, DNR
Mike Mueller, DNR
David Johnson, MPCA

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Ongoing Activities in Goodhue County

The Priority Concern Scoping Document contained a portion relating to the concerns that were not directly addressed in this update of the plan. This section contains concerns which are currently being addressed by a variety of programs and are ongoing. Thus, as a committee, we decided that including these concerns would be repetitive. However we feel that these concerns still need to be mentioned in this portion of the plan. This ongoing programs and practices section will inform the reader of current activities which relate to water resources in Goodhue County.

USDA Wetland Regulations (Swampbusters)

This wetland provision of the Farm Bill requires agricultural producers to protect and maintain wetlands on their property in order to be eligible for USDA Farm Program benefits.

WCA

The Wetland Conservation Act of 1991 states that a "no net loss" of drained, filled or excavated wetlands shall occur without a replaced/restored wetland to replace them. The replaced/restored wetland should be of equal or greater size and quality. Wetlands that are not covered by the DNR are the jurisdiction of WCA. The Local Government Unit (LGU) issues exemptions, no-loss or replacement plan determinations for drainage excavation or filling activities in wetlands.

DNR Waters Permits

The DNR can also administer WCA in certain instances. DNR does have public waters permits that cover a wide range of activities in when working with lakes, stream, and wetlands. During their permit process, the SWCD is often asked to review and comment on specific projects.

NPDES

The National Pollution Discharge Elimination System is a national program which is designed to reduce sediment and pollution that enters surface and groundwater during and after construction projects. Construction activities which disturb one or more acres of land, a NPDES permit is required. This permit requires proper erosion control practices to be installed. This is the same program which regulates amounts of pollution that wastewater treatment facilities and other industries can release into the atmosphere and water.

Feedlots

MN Rules 7020 were revised and adopted by the state in 2000. Goodhue County became a delegated county in the MPCA's feedlot program January 1, 2001. The delegation agreement between the County and MPCA provides Goodhue County with the authority to register all feedlot and manure storage areas within the county, distribute and review feedlot or manure storage permit applications, issue construction short form or interim permits, inspect all feedlot and manure storage areas, and review and process complaints. Goodhue County has over 1000 feedlot sites ten animal units or more registered. Of these 1000+ sites over 900 feedlot sites, qualify for Minnesota's open-lot agreement, which provides smaller farms, extended compliance schedules for water quality. With the use of open-lot agreements, on site farm inspections and permits the feedlot office is working towards better water quality.

MEPA
The Minnesota Environmental Policy Act is a state law passed in 1973 which aims to prevent and eliminate damage to the environment as a whole. Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EWA) may be requested by a petition from an interested group under this act.

RUSLE
The Revised Universal Soil Loss Equation is a tool developed by the USDA which is used as an estimate for soil loss. Variables such as cover and soil types are a function of its equation. Goodhue County currently has a soil loss ordinance being practiced.

CRP
Goodhue County as of January 1st 2005 has a total of 9313.9 acres enrolled in the Conservation Reserve Program and Continuous CRP (CCRP). New enrollment and resigning of this conservation program continue in Goodhue County.

Public/Private Wells
As a goal of the 1997 revised water plan, water test kits are currently being provided for pregnant women and newborns for a reduced rate. These test kits are sent to a certified lab to measure levels of nitrates and coliform bacteria in drinking water sources. These kits are available at Goodhue County Public Health Department and the SWCD office. Hospitals and Women with Infant Children (WIC) should direct pregnant women to either of these offices to purchase the kits at a reduced rate. Every year for the past 7 years a free nitrate testing station was held at the Goodhue County Fair. County citizens are able to bring samples of their drinking water in to get tested at the fair free of charge. The sample location is recorded along with the nitrate level. Samples can either come from private wells or community wells, which are generally regulated by a community provider.

Wellhead Protection
Communities that provide safe drinking water to the public should have some sort of wellhead protection plan established. Basically a wellhead protection area is an area surrounding a well where water is captured and recharges the drinking water supply. This area should be delineated and boundaries clearly labeled. Managing land use in this area can have a major influence on a communities drinking water supply in the future. Currently Cannon Falls, Pine Island and Red Wing have a plan or are currently going through the process of developing one. The process of developing a wellhead protection plan needs to be a coordinated effort between; the community where the plan is located, local unit of government, Goodhue County Public Health and the Minnesota Department of Health.

TMDL

The Minnesota Pollution Control Agency (MPCA), through the Clean Water Act, is the lead agency for conducting the Total Maximum Daily Load (TMDL) studies in the state of Minnesota. TMDL studies can show the source of a particular pollutant and how much a water body can handle of that pollutant (load) without having a negative effect on water quality. TMDL studies have been done and will continue in the future. For instance, Lake Pepin TMDL study is in its beginning stages as are portions of the Cannon River. A list of the MPCA timeline of TMDL studies is included in the appendix.

Sewage and Wastewater Treatment Plants

Goodhue County supports the Southeast Minnesota Wastewater Initiative (SEMNWI) in a regional effort to achieve septic tank compliance. SEMNWI received a 319 grant of $530,000 to educate local officials and the public about health and water quality effects of untreated sewage and septic systems. The Cannon River Watershed Partnership is heading a campaign to promote upkeep and replacement of failing septics that pose a health risk. The goal is a sustainable increase from the 2002 estimate of 300 repairs per year to 550 per year by the third year of the project. The Goodhue County Public Health Department has numerous brochures, pamphlets and folders on the operations and maintenance of septic systems. Once a year, the SWCD and the Public Health office will run a column in a newspaper to remind septic owners to check/maintain/pump their systems.

Solid Waste Management

The Goodhue County Solid Waste Management Department is taking actions to protect the surface and ground water resources of the County. This department is the driving force of the County's recycling efforts. Household Hazardous Waste Collection days are typically held in the spring and summer months throughout the County. On these collection days, people can bring their old, unused or unwanted paints, pesticides and anything from their homes with a hazard warning label. The Department also coordinates a series of Clean-up days where people can bring their old appliances, batteries, furniture, computers etc. in for proper disposal. The Solid Waste Department also regulates all waste management facilities in Goodhue County as well as licensing waste haulers, underground tanks conditions, and landfills. These restrictions help the overall quality of surface water and groundwater by managing soil contamination.

Floodplain and Shoreland Management

Floodplain and Shoreland Management is a program through the DNR and administered by the LGU. The overall goal of the program is to preserve and enhance the quality of surface waters, preserve the economic values of shoreland properties and ensure the sustainable use of water and related resources. Under this program restrictions and management guides are followed when a development is in the vicinity of surface water. These guidelines focus on the realization on the value of shoreland areas, and applying best management practices when construction work is needed.

Minnesota Board of Water & Soil Resources

DATE: April 18, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: **Goodhue County Local Water Management Plan Final Review**

I have completed my final review of the Goodhue County Local Water Management Plan and recommend approval of this update.

The Goodhue County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (DNR), and Minnesota Department of Agriculture (MDA). All agencies recommend approval of the Plan.

MPCA recommends that BWSR approve the Plan as submitted. MPCA also encouraged the addition of action items to the involvement of the watershed-based TMDLs. My review found that the Plan Update includes the TMDLs and Impaired Waters Program in their assessment of the priority concerns section of the plan. The impaired waters were referenced as a priority in the action items related to nutrient management and feedlots and inferred by the actions items identified for the erosion control and storm water quality and quantity and the landuse and natural areas priority concerns.

DNR commented that Goodhue County has written an excellent Local Water Management Plan and looks forward to assisting the County in implementing specific actions outlined in the Plan. MDA commends the County on the development of its plan, recommends approval, and looks forward to cooperating with the County on implementation.

Water Plan Coordinator, Beau Kennedy, should be commended for his leadership and dedication throughout the planning process. Mr. Kennedy was hired in the middle of the update process and took the initiative to become knowledgeable of the local issues, partners, and County priorities – taking this planning process through to development of the final product, a well-planned and written document. I look forward to assisting Goodhue County in the implementation of their plan.

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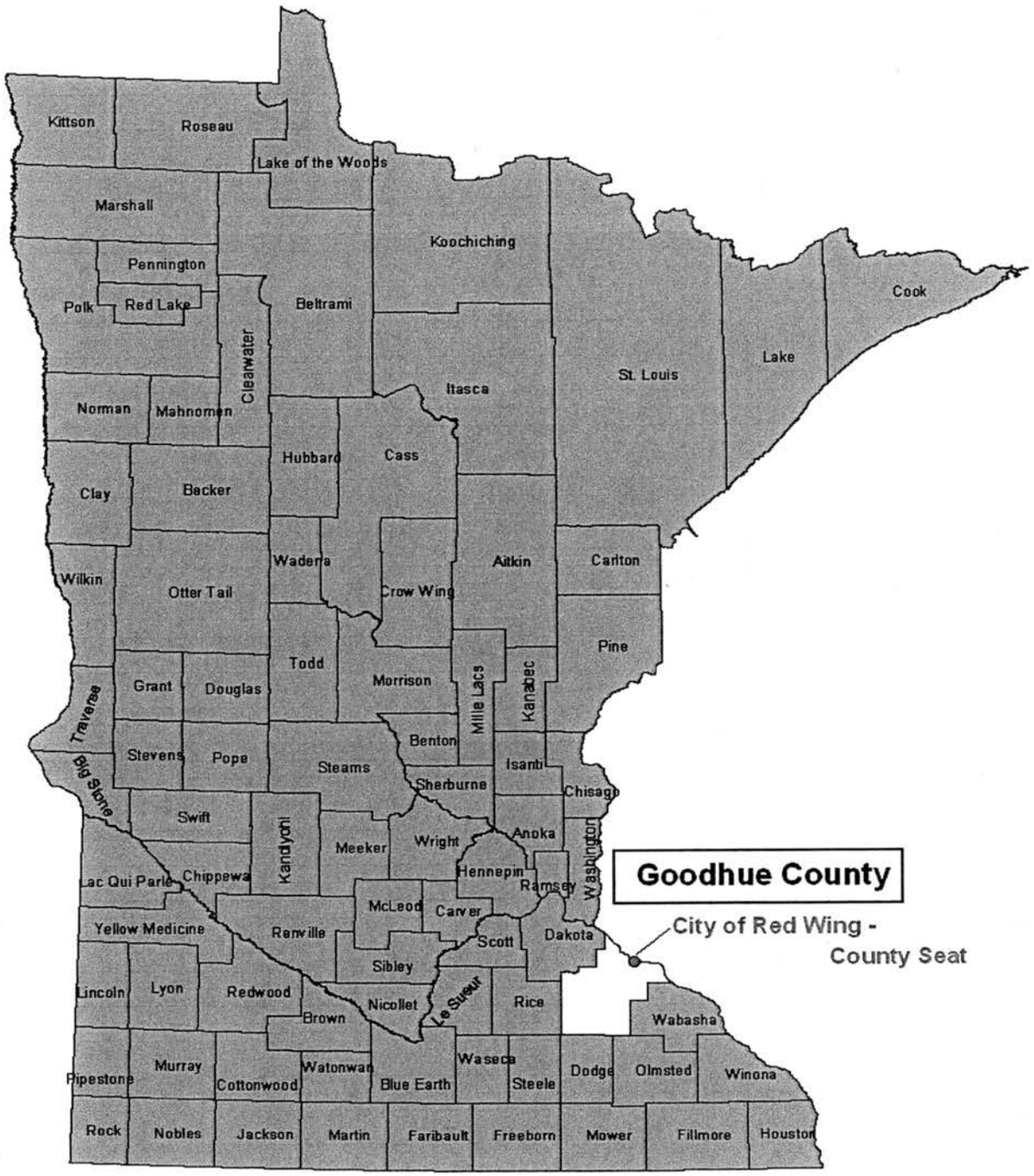
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Todd
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Isanti
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Chisago
Swift
Kandiyohi
Meeker
Wright
Anoka
Washington
Lac Qui Parle
Chippewa
Hennepin
Ramsey
McLeod
Carver
Yellow Medicine
Renville
Scott
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Sibley
Lincoln
Lyon
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Rice
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Pipestone
Murray
Cottonwood
Watonwan
Blue Earth
Waseca
Steele
Dodge
Olmsted
Winona
Rock
Nobles
Jackson
Martin
Faribault
Freeborn
Mower
Fillmore
Houston
Goodhue County
City of Red Wing -
County Seat

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

In the Matter of Reviewing the Local Water Management Plan Update for **Goodhue County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the **Goodhue** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **February 22, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **September 9, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Goodhue** County, pursuant to M.S. Section 103B.312.

2) On **January 25, 2005** the Board of Water and Soil Resources approved official comments on the **Goodhue** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

3) The priority concerns the local water management plan addresses include:

   A) Erosion Control and Storm Water Quality and Quantity – Growing cities, outdated structures, increasing impervious surfaces, and unsustainable farming practices.
   B) Nutrient Management – Over applications of fertilizers, manure and other chemicals, both in rural and urban settings.
   C) Landuse and Natural Areas – Maintain the balance between non-agricultural growth and existing land uses - preserve natural areas in sensitive areas.
   D) Runoff from feedlots in karst areas, impaired waters and riparian areas.

4) On **February 22, 2005** the BWSR received the **Goodhue** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 27, 2005,** the regional Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Goodhue County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee recommends approval.

6) This update will be in effect until **May 31, 2010.**

CONCLUSIONS

1) All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Goodhue** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2) The **Goodhue** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the **Goodhue County** Local Water Management Plan with a required update by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-fifth day of May, 2005**.

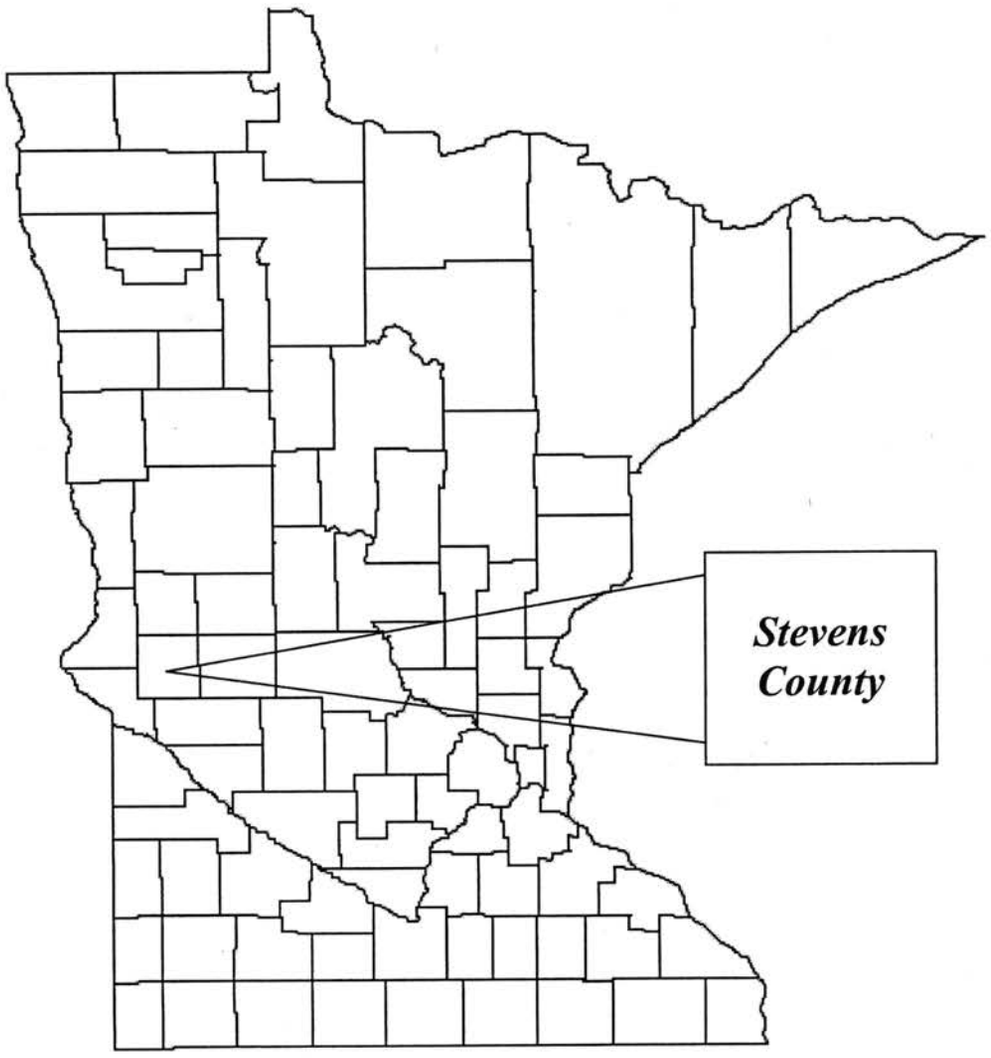
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Stevens County
Local Water Management Plan

10 – Year Water Management Plan: June, 2005 – June, 2015
5 – Year Implementation Program: June, 2005 – June, 2010



Prepared by the Stevens County Environmental Services and LWMP Task Force
P.O. Box 530, Morris, MN 56267 – Telephone: 320-589-7420

CHAPTER 4: IMPLEMENTATION OF ONGOING ACTIVITIES

This chapter identifies other activities and programs that make up the local water management program, but are not reflected in the priority concern section. There are many agencies in Minnesota at the local, regional, state and federal levels that are involved with water and land use issues either in a regulatory capacity, or through an education and information development role. Programs administered by local agencies such as the Environmental Services Office, the Planning and Zoning Office, and the Soil and Water Conservation District; state agencies such as the Board of Water and Soil Resources, the Minnesota Pollution Control Agency and the University of Minnesota Extension Service; and federal agencies such as the Natural Resource Conservation Service and Farm Service Agency, will continue to be used during this 10 year plan update. Table-7 indicates these ongoing programs and activities expected to be carried out annually. The following acronyms are used in the table:

BMP – Best Management Practices
BWSR – Board of Water and Soil Resources
CRP – Conservation Reserve Program
ES – Environmental Services
EQIP – Environment Quality Incentive Program
HHW – Household Hazardous Waste
MPCA – Minnesota Pollution Control Agency
NRCS – Natural Resource Conservation Service
P/Z – Planning and Zoning
SCORE – Select Committee on Recycling and the Environment
SWCD – Soil and Water Conservation District
USDA – United States Department of Agriculture
WCA – Wetland Conservation Act

Table-7

IMPLEMENTATION SCHEDULE: ONGOING ACTIVITIES

Programs	Cooperators	Annual Staff Cost	Funding	Watershed
WCA	ES, SWCD	$10,000	BWSR Grant	All
Feedlot Program	ES	$15,000	MPCA Grant	All
Shoreland Management	P/Z	$ 3,000	BWSR Grant	All
Zoning Administration	P/Z	$15,000	Local	All
CRP	SWCD/NRCS	$65,000	USDA	All
State Cost-share	SWCD	$ 6,000	BWSR	All
EQIP	NRCS	$10,500	USDA	All
Ag BMP Loans	ES	$ 3,000	Department of Ag	All
Recycling/HHW	ES	$15,000	SCORE Grant	All
Solid Waste	ES	$15,000	Local	All

CHAPTER 1: EXECUTIVE SUMMARY

Stevens County is located in west central Minnesota, approximately 150 miles west of the Twin Cities Metropolitan Area. The County has a land area of approximately 570 square miles, or 364,000 acres, which includes 5 cities and 16 townships. The largest population settlement is the city of Morris, which is also the county seat. Map-1 illustrates an overall map of Stevens County.

There are portions of four major watersheds within the County. The Pomme de Terre, Chippewa, and Upper Minnesota Watersheds (approximately 75 percent of the County) are in the Minnesota River Watershed, and the Mustinka Watershed is in the Red River of the North Watershed. The County is unique with a continental divide of two major watersheds and drainage in different directions. About 95 percent of the land area is farmed or used for rotational pasture. The population trend is declining. In 1980 the population was 11,322, falling to 10,634 in 1990 and 10,053 in 2000.

The Stevens County Local Water Management Plan (LWMP) is administered by the Environmental Services Office. The Stevens Soil and Water Conservation District (SWCD) assist with planning and implementation by providing technical expertise for annual projects. Assistance for educational projects is sought from the regional or state Minnesota Extension Service. The LWMP Task Force has remained intact since the original plan, the 1996 plan revision, and was instrumental in developing the priority concerns, assessments, goals, objectives and actions of this plan update.

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

The purpose of this updated Local Water Management Plan is:

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

DESCRIPTION OF PRIORITY CONCERNS AND SUMMARY OF GOALS AND ACTIONS

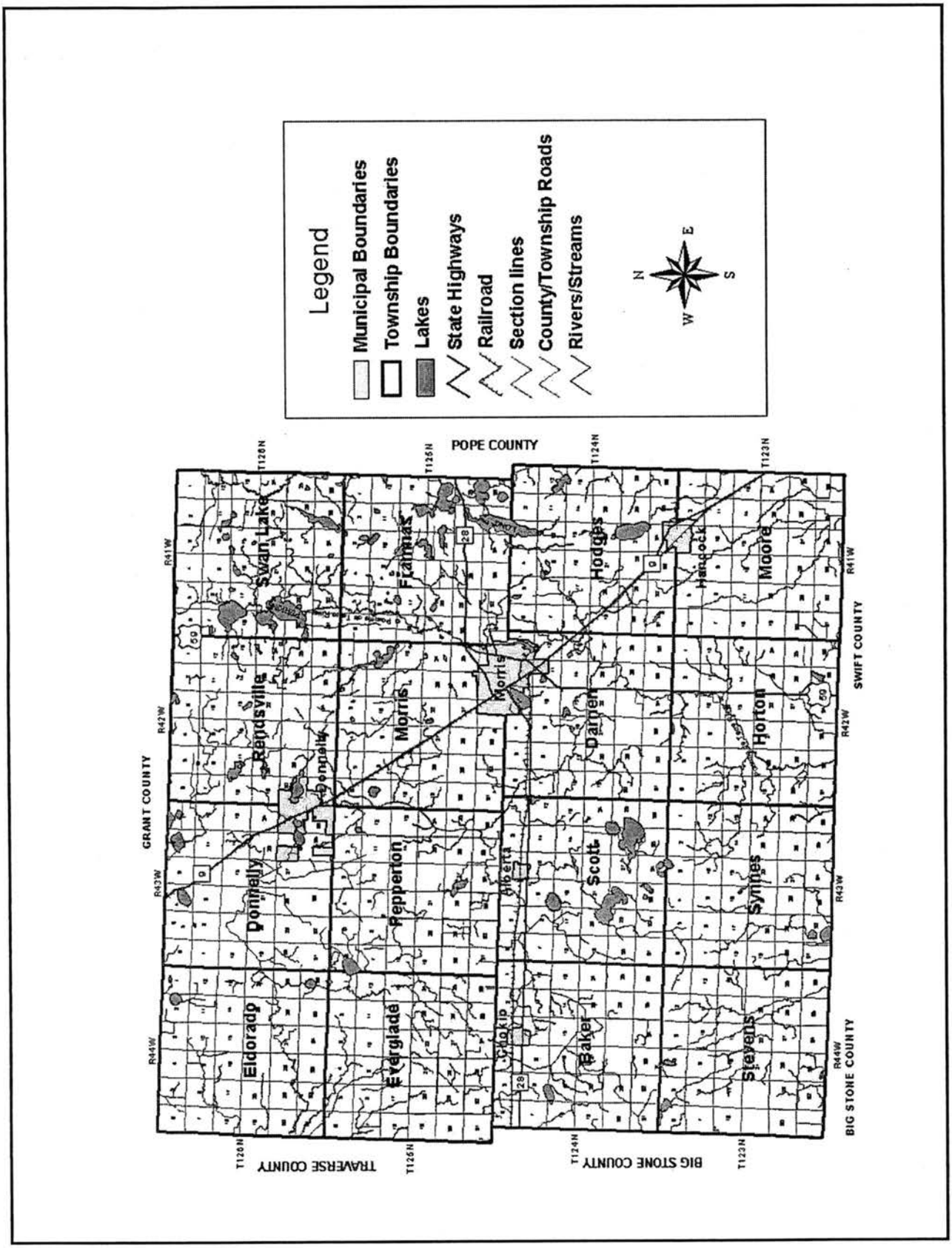
Through comments received from state and local agencies, a public input meeting, and a survey of perceived problems within the county, the following priority concerns were identified:

PRIORITY CONCERN: County Administration/Enforcement of Individual Sewage Treatment Systems - adopt Minnesota Rules Chapter 7080.

Stevens County has yet to formally adopt Minnesota Rules Chapter 7080. Local units of government are responsible for administering and enforcing a local septic system ordinance.

- **The goal of this priority concern is to protect surface and groundwater quality.**

MAP-1: Overall Map of Stevens County



- **Summary of actions include:**
  - Draft an individual sewage treatment system (ISTS) ordinance for County Board consideration;
  - Set a public hearing date, conduct the public hearing for draft ordinance and seek County Board adoption;
  - Administer and enforce ISTS ordinance;
  - Consider adding inspection triggers at property transfer;
  - Develop strategies to identify ISTS imminent public health threats and develop information/education program for the general public for proper operation/maintenance of ISTS;
  - Seek additional low interest loan funds; and
  - Provide an annual report for the Natural Resource Block Grant requirements.

Approximate cost: $6,000 – Program Adoption; and $250,000 – ISTS Loan Program

PRIORITY CONCERN: Groundwater/Rural Water/Wellhead Protection focusing on the City of Morris supplying rural water for the cities of Alberta and Chokio.

The city of Alberta has high levels of natural occurring arsenic in their water supply and the city of Chokio is in need of upgrading their current water treatment system. Both of these communities lie west of Morris. The possibility of supplying water from the city of Morris is currently being discussed.

- **The goal of this priority concern is to provide a good quality water supply to County cities and rural residents**.

- **Summary of the actions include:**
  - Complete rural water project with Morris and Alberta, develop an educational component on benefits of rural water for the entire county, conduct a survey on interest of rural water, and perform a feasibility study based on survey results;
  - Participate on wellhead protection teams of local water suppliers;
  - Create GIS maps identifying wellhead protection areas, target wellhead protection areas for best management practices, and provide educational components to city residents, farms and businesses regarding actions they can take to protect drinking water; and
  - Conduct countywide well testing, continue cost-share to seal unused wells and encourage water conservation through use of low-pressure irrigation systems to conserve water in the County.

Approximate Cost: $25,000

PRIORITY CONCERN: Erosion and Sediment Control concentrating on identified areas of agricultural lands for gully erosion and concentrated flows.

Since approximated 95 percent of the county land area is farmed or used for rotational grazing, soil erosion, sedimentation and surface water quality degradation are recognized issues.

- **The goal of this priority concern is to protect the County's soil resources and restore surface water quality.**

- **Summary of the actions include:**
  - Seek a 10% increase in crop residue based on tillage transect results and continue to conduct tillage transect survey annually;
  - Continue to fund a Continuous Conservation Reserve Program (CCRP) position to promote and establish additional filter strips and wetland restorations along ditches and streams to capture sediment;
  - Establish grass waterways, construct water and sediment control basins, establish field windbreaks and encourage use of rock inlet/french drains for field draintile;
  - Target acres for Conservation Reserve Enhancement Program (CREP) in the Mustinka River Watershed;
  - Work with the Minnesota Pollution Control Agency (MPCA) on the Total Maximum Daily Loads (TMDL) impaired reach of the Pomme de Terre River and seek Clean Water Partnership (CWP) 319 grant funding to focus on reduction of non-point source loading;
  - Promote nutrient management and target stream bank stabilization sites to reduce erosion;
  - Assist feedlot operators with permitting, manure management, livestock exclusion, and in seeking financial and technical assistance through Environment Quality Incentive Program (EQIP); and
  - Identify and encourage upgrades of failing septic systems and seek low interest loan funding annually.

Approximate cost: $1,311,400

PRIORITY CONCERN: Stormwater and Drainage Management focusing on wetland restorations and flood control.

Stormwater and drainage management applies to agricultural and urbanized land uses that include quality and quantity considerations. Management includes activities within a watershed or region done to remedy existing problems and/or prevent occurrence of new problems.

- **The goal summary of this priority concern is to improve surface water management by decreasing runoff, flooding and erosion while maintaining the drainage systems.**

- **Summary of the actions include:**
  - Assist the MPCA on identifying construction sites in need of a National Pollution Discharge Elimination System (NPDES) permit and promote the use of erosion and sediment control to reduce sediment and nutrients entering watercourses;
  - Coordinate with the Bois de Sioux Watershed District to seek water retention/storage in the East Branch Twelve Mile Creek, work to resolve the Traverse/Stevens County line dispute and participate on project team in Stevens County portion of the Bois de Sioux;
  - Work countywide in each watershed to implement best management practices to reduce flooding, erosion and sedimentation, and promote Wetland Reserve Program (WRP) and CCRP.
  - Gather data for each drainage system and create a geographic information system (GIS) database for components of each system; and
  - Provide education to landowners/operators on keeping buffer strips in place to protect the drainage ditch systems.

Approximate cost: $3,010,000

PRIORITY CONCERN: Land Use/Development Issues - develop a Comprehensive Plan including updating the County Zoning Ordinance and Shoreland Standards.

Stevens County needs a comprehensive plan to emphasize the importance of proper planning and ensure decisions are best for the citizens of the County as well as the environment. The County currently has a draft comprehensive plan dated in the early 1970's that was never adopted. The zoning ordinance was originally adopted in 1972 with a few minor amendments since that time. The zoning ordinance also contains outdated shoreland standards that need to be updated.

- **The goal of this priority concern is to prepare and adopt a county comprehensive plan.**

- **Summary of the actions include**:
  - Seek grant funding to assist in promotion and development of comprehensive plan;
  - Appoint a task force to undertake a strategy in developing the plan;
  - Develop a process to engage people to participate;
  - Establish an understanding of issues;
  - Identify needs and develop the vision, goals and policies;
  - Develop alternative strategies;
  - Account for strategy costs and benefits, and choose those that best fit;
  - Complete and adopt the plan;
  - Implement the plan; and
  - Incorporate revision of zoning ordinance and shoreland standards in the planning process.

Approximate cost: Unknown

CONSISTENCY WITH OTHER PLANS

Stevens County considered and examined several plans in the completion of this document. Plans reviewed include the Bois de Sioux Watershed District, Chippewa River Watershed, city ordinances for Chokio, neighboring county LWMP's and the wellhead protection plan for the city of Hancock. The LWMP update has utilized appropriate action items to support these plans, and is consistent with the data and goals presented therein.

SUMMARY OF RECOMMENDED AMENDMENTS OF OTHER PLANS AND OFFICAL CONTROLS

The Stevens County LWMP does not have any recommended amendments to other plans or official controls.

Minnesota Board of Water & Soil Resources

DATE: April 18, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: **Stevens County Local Water Management Plan Final Review**

I have completed my final review of the Stevens County Local Water Management Plan and recommend approval of this update – contingent upon the submittal of satisfactory evidence that the County Board of Commissioners has instituted or completed proceedings to adopt Minn. R. ch. 7080 (county-wide individual septic tank system ordinance). This is a requirement from the Minnesota Pollution Control Agency. Stevens County is expecting to approve and adopt this ordinance on May 3, 2005.

Contingent upon adoption of Minn. R. ch. 7080, the Stevens County Local Water Management Plan meets all requirements including:

- focuses on the priority concerns identified in the priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- lays out a detailed implementation program with measurable actions, timeline and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources and Minnesota Department of Agriculture. All agencies recommend approval of the Plan, again please note MPCA's contingent approval based on the discussion above.

I look forward to assisting Stevens County in the implementation of their plan. Water Plan Coordinator – Bill Kleindl should be commended for his leadership and dedication throughout the planning process.

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

In the Matter of Reviewing the Local Water Management Plan Update for **Stevens County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Stevens** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **January 20, 2005** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **June 8, 2004** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Stevens** County, pursuant to M.S. Section 103B.312.

2) On **August 25, 2004** the Board of Water and Soil Resources approved official comments on the **Stevens** County Priority Concerns Scoping Document, which were mailed to the county on **August 25, 2004**.

3) The priority concerns the local water management plan addresses include:

   A) County administration / enforcement of Individual Sewage Treatment Systems – adopt Minnesota Rules 7080;
   B) Groundwater / Rural Water / Wellhead Protection focusing on the City of Morris supplying rural water for the cities of Alberta and Chokio:
   C) Erosion and Sediment Control concentrating on identified areas of agricultural lands for gully erosion and concentrated flows;
   D) Stormwater and Drainage Management focusing on wetland restoration and flood control; and
   E) Land Use / development Issues – develop a Comprehensive Plan including updating the County Zoning Ordinance and Shoreland Standards.

4) On **January 21, 2005** the BWSR received the **Stevens** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 27, 2005,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Stevens County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee recommends approval.

6) This update will be in effect until **May 31, 2015.**

CONCLUSIONS

1) All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Stevens** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2) The **Stevens** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the **Stevens County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-fifth day of May, 2005**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

YELLOW MEDICINE
COUNTY WATER PLAN
EXECUTIVE SUMMARY

Based upon the recently revised Board on Water and Soil Resource's Local Water Management Plan Guidelines, the Yellow Medicine 2005–2014 Water Plan is divided into the following four components:

- **Executive Summary.** This section includes the purpose of the local water management plan, description of the priority issues that are addressed in the plan, a summary of the Goals and Actions along with estimated total project costs. In addition, the executive summary contains a Yellow Medicine County general profile and a list of Yellow Medicine County's Water Plan Committee members.

- **Chapter One: Assessment of Priority Concerns.** This Chapter provides data regarding each of Yellow Medicine County's five priority concerns: Groundwater Protection; Erosion and Sediment Control; Reducing Priority Pollutants; Manage Flooding; and Surface Water and Drainage Management.

- **Chapter Two: Implementation Schedule.** This Chapter establishes Yellow Medicine County's Goals, Objectives and Action Steps. These are based on each of the high priority water planning issues identified in the County's Water Plan Scoping Document and assessed in Chapter One. Yellow Medicine County will implement the Goals and Objectives between 2005 and 2009. In addition, this Chapter contains a description of Yellow Medicine County's ongoing water plan-related activities.

- **Chapter Three: Plan Administration.** This Chapter contains information on plan administration, including plan coordination, implementation, schedule, the role of the County in implementation and the role of other agencies, resolving intergovernmental conflicts and amendments to the Water Plan.

Section A:
The Purpose of the Yellow Medicine County Water Plan

The Comprehensive Local Water Management Act (Minnesota Statutes Chapter 103B) encourages counties to develop and implement a comprehensive water plan. Pursuant to the requirements of the law, this Plan:

- Covers the entire area of the county;

- Addresses water problems in the context of watershed units and groundwater systems;

- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;

- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and

- Must specify the duration of the plan not to be less than five years nor more than ten years. This Water Plan is a third generation plan that covers a ten-year period (2005–2014) with a five-year implementation plan (2005-2009).

Section B:
Yellow Medicine County's
Priority Water Plan Concerns

Yellow Medicine County's Water Plan Scoping Document (found in Appendix A) explains the process used to identify the County's priority concerns. The process began in November 2002, and ended nearly a year later with the official submittal of the County's Scoping Document. Within those 13 months, the County solicited comments from various local and state agencies, all of Yellow Medicine County's cities and townships, and a survey sent to every resident in the County. Finally, a number of public meetings were held to discuss water planning issues.

The Yellow Medicine County Water Plan Committee reviewed all of the comments received and grouped them into the following five categories:

1. **Groundwater Protection**: aiding public water suppliers with the development of wellhead protection plans and by providing assistance to help manage vulnerable areas from potential contamination sources.

2. **Erosion and Sediment Control** on agricultural lands located in the Yellow Medicine and Lac qui Parle Watersheds.

3. **Reducing Priority Pollutants**, nutrients and bacteria, related to feedlots and non-conforming individual sewage treatment systems.

4. **Manage Flooding** and its' effects minimizing losses associated with the flooding of agricultural lands.

5. **Surface Water and Drainage Management** by addressing runoff volume and water quality deterioration due to excessive runoff.

Section C:
Summary of the Goals & Actions

The five priority issues identified in Section B served as the focus in the creation of the Goals, Objectives and Action Steps. Each of the five corresponding goals along with a number of sample action steps are summarized below. As Chapter Two explains, each action step includes information on who is responsible for implementation, when it should take place and how much it is

expected to cost (note that may State and Federal programs would need to be used in order to reach the estimated costs).

Groundwater Protection Goal:

"To Protect and Improve the Quality of Groundwater in the County"

Key Action Steps:

- ✓ Prioritize Wellhead Protection Areas for cost-share and other land use incentive programs
- ✓ Establish baseline groundwater quality by testing 20 private wells
- ✓ Cost-share the sealing of 20 abandoned wells each year
- $ *The 14 groundwater actions steps identified in this Plan are estimated to cost nearly $50,000 over the next five years*

Erosion and Sediment Control Goal:

"To Protect and Improve the Soil Resources and Surface Water in the County"

Key Action Steps:

- ✓ Plan BMPs for 20,000 cropland acres
- ✓ Establish 800 new acres of filter strips / buffers along ditches and streams
- ✓ Enroll 500 acres of cropland subject to severe erosion into existing programs
- ✓ Enroll 200 acres of pasture into prescribed grazing systems
- ✓ Restore 50 acres of wetlands into conservation programs
- $ *The 11 erosion and sediment control actions steps identified in this Plan are estimated to cost nearly $1.5 million over the next five years (State and Federal Programs will also be used)*

Reducing Priority Pollutants Goal:

"To Enhance the County's Water Resources"

Key Action Steps:

- ✓ Develop nutrient and pesticide management plans, targeting 12,000 acres countywide
- ✓ Upgrade 50 Individual Sewage Treatment Systems per year
- ✓ Create a GIS layer of all septic systems installed in the County
- $ *The nine reducing priority pollutants actions steps identified in the Plan are estimated to cost nearly $1.75 million over the next five years (State and Federal Programs will also be used)*

Managing Flooding Goal:

"To Implement Sound Flood Management Strategies"

Key Action Steps:

- ✓ Address the smaller flood events (such as two- and five-year events) by restoring 75 acres of wetlands through various conservation programs
- ✓ Take flood prone land out of crop production by encouraging enrollment into land retirement programs
- ✓ Update the County's Floodplain Ordinance to reflect changes made to the program and the official maps
- $ *The six manage flooding actions steps identified in this Plan are estimated to cost nearly $350,000 over the next five years*

Surface Water and Drainage Management Goal:

"To Implement Sound Surface Water and Drainage Management"

Key Action Steps:

- ✓ GPS all County and Judicial ditches and identify existing filter strips
- ✓ Gather data, create and maintain a database for each drainage system
- ✓ Seek funds to repair two or three small dams in the County
- ✓ A blind intake cost share program will be offered to landowners to replace 20 open intakes
- $ *The seven surface water and drainage management actions steps identified in this Plan are estimated to cost nearly $200,000 over the next five years*

General County Profile

Yellow Medicine County is located in West Central Minnesota along the South Dakota border. The County has nine cities and twenty-one townships (see Map 1). According to the 2000 Census, the County had 11,080 residents. The County has an area of 752 square miles, which amounts to 485,120 acres of land. Hammer-shaped, the County is 54 miles long from east to west, and from 12 miles north and south at the west end to 21 miles at the eastern boundary. The eastern boundary follows the Minnesota River and extends into the hammer shape, narrowing down to a twelve-mile dimension north and south running westward for thirty miles to the South Dakota border. Outside of the County's nine communities, the countryside is primarily dominated by agricultural land uses.

The elevation is 1,714 feet in the southwest corner of the county, 1,380 feet in the northwest corner, 920 feet in the northeast tip of the county and 1,059 feet in the southeast corner. The highest point,

which is near the southwest corner, is 1,739 feet. The lowest point, which is where the Minnesota River flows out of the county, is about 860 feet. All of the county drains into the Minnesota River by way of the Yellow Medicine River, the Lac Qui Parle River, and small streams and ditches, which rise in the Coteau des Prairies, a long range of hills running from west of Lake Traverse in the north to the Iowa line in the south. The Lac Qui Parle River flows from southwest to northeast through the county, entering Lac Qui Parle County before discharging into the Minnesota River.

Yellow Medicine County
Water Plan Committee Members

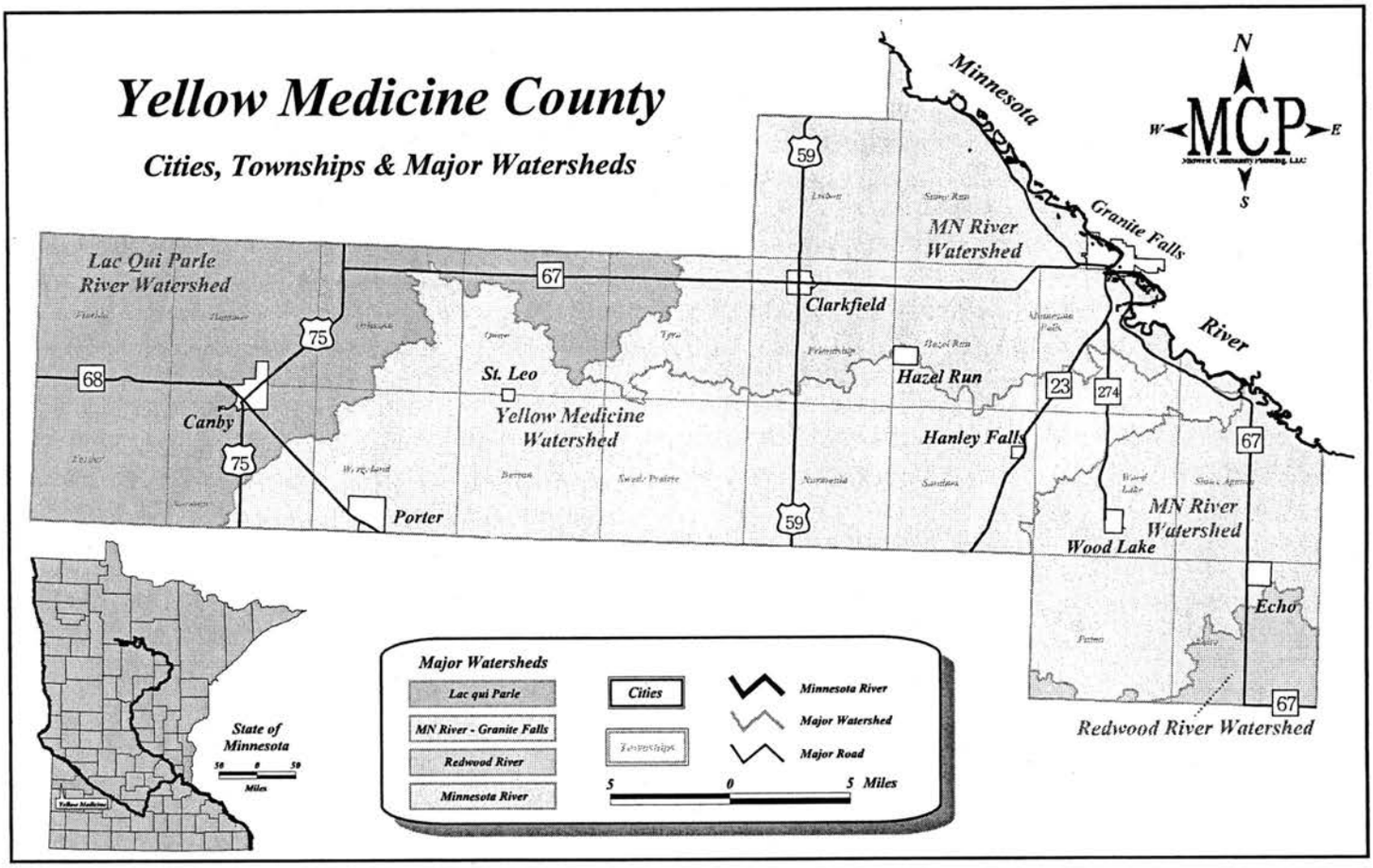
The following Yellow Medicine County Water Plan Committee members are recognized for their contributions to this Water Plan:

Lou Ann Nagel, Yellow Medicine SWCD
Willis Beecher, LQP - Yellow Bank Watershed District
Terry Renken, Yellow Medicine River Watershed District
Leonard Swenson, Lincoln Pipestone Rural Water System
Gene Eilers, Municipalities Representative
Alan Saltee, Township Representative
Gary Johnson, County Commissioner
Lewis Miller, Citizen
Delmar Mamer, Citizen
Randy Jacobson, Zoning Administrator
Jolene Johnson, Water Plan Coordinator

Ex-Officio Members

John Johnson, YMC Highway Department
David Sill, BWSR

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Yellow Medicine County
Cities, Townships & Major Watersheds
N
W
MCP
E
S
Minnesota
Granite Falls
River
MN River
Watershed
Lac Qui Parle
River Watershed
Clarkfield
Hazel Run
St. Leo
Yellow Medicine
Watershed
Canby
Porter
Hanley Falls
MN River
Watershed
Wood Lake
Echo
Redwood River Watershed
59
67
75
68
23
274
State of
Minnesota
Major Watersheds
Lac qui Parle
MN River - Granite Falls
Redwood River
Minnesota River
Cities
Minnesota River
Major Watershed
Major Road
5 0 5 Miles

Minnesota Board of Water & Soil Resources

DATE: April 13, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: David Sill, Board Conservationist

SUBJECT: Yellow Medicine County Local Water Management Plan Final Review

I have completed my final review of the Yellow Medicine County Local Water Management Plan and recommend approval of this update. The Yellow Medicine County Local Water Management Plan meets all requirements including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives *(please note I have asked for minor additions to two assessments regarding Managing Flooding and Surface Water/Drainage Management - this will be completed before the May BWSR Board meeting)*;
- Lays out a detailed implementation program with measurable actions, timeline and budget; and
- Includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources and Minnesota Department of Agriculture. All agencies recommend approval of the Plan.

I look forward to assisting Yellow Medicine County in implementing their local water management plan. With teamwork and coordination between the County, Soil & Water Conservation District and watershed projects significant conservation activity is taking place!

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

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

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

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Chapter Two:
Goals, Objectives and Action Steps

This Chapter establishes Yellow Medicine County's Goals, Objectives and Action Steps for each of the County's high priority issues. In review, the County's five priority issues are:

✓ ***Groundwater Protection***
✓ ***Erosion and Sediment Control***
✓ ***Reducing Priority Pollutants***
✓ ***Managing Flooding***
✓ ***Surface Water and Drainage Management***

Chapter Definitions

Each of the action steps contained in this Chapter identifies who is responsible for its implementation, when the action step should occur, and an estimate on how much it will cost. For the purposes of this Chapter, the following abbreviations are used (**An *Asterisk, Underlined, and Bold means lead action step responsibility**):

CB = County Board
PC = County Planning Commission
PZ = County Planning & Zoning
DA = County Ditch Authority
HD = County Highway Department
YMR = Yellow Medicine River Watershed
LqP = Lac qui Parle Watershed
MGS = Minnesota Geological Survey
SWCD = Soil and Water Conservation District
WPC = Water Planning Coordinator
NRCS = Natural Resources Conservation Service
UMVRDC = Upper Minnesota Valley Regional Development Commission
USACE = U.S. Army Corps of Engineers
BWSR = Board of Water & Soil Resources
DNR = Department of Natural Resources
FWS = U.S. Fish & Wildlife Service
MDA = Minnesota Department of Agriculture
MDH = Minnesota Department of Health
MDOT = MN Department of Transportation
CPH = Countryside Public Health
MPCA = Minnesota Pollution Control Agency
UMES = University of MN Extension Service

Throughout the Comprehensive Water Plan, goals, objectives and action steps are defined in the following way:

Goal: A general, idealistic statement intended to be achieved at some undetermined future date.

Objective: Begin with an action verb and can be measurable if a date, dollar amount, etc. is included.

Action Step: Specific implementation steps that will be followed in order to achieve the County's Goals and Objectives.



PRIORITY ISSUE #1:
GROUNDWATER PROTECTION

Priority Concern:

"Aiding public water suppliers with the development of wellhead protection plans and by providing assistance to help manage vulnerable areas from potential contamination sources."

GROUNDWATER GOAL: ***PROTECT AND IMPROVE THE QUALITY OF GROUNDWATER IN THE COUNTY.***

Objective A: Assist with wellhead protection planning.

Actions:

1. Participate on wellhead/source water protection teams when invited by the local public water suppliers.

   Who: *__WPC__, SWCD ***When:*** 2005 – 2009 ***Cost:*** $1,000

2. Create GIS shape files identifying and showing wellhead protection areas.

   Who: *__MDH__ ***When:*** As Available ***Cost:*** $1,000

3. Contact cities and the rural water system with available assistance. Advise and assist public water suppliers with technical land use information and planning assistance when Wellhead Protections Plans are developed.

   Who: *__PZ__, SWCD ***When:*** As Available ***Cost:*** $1,000

4. Contact property owners in the Wellhead Protection Areas to encourage enrollment in easement programs (such as CRP, RIM) and to establish buffer strips.

   Who: *__SWCD__ ***When:*** 2005 – 2009 ***Cost:*** $1,000

5. If wellhead protection areas for public water suppliers have not been established yet - identify and prioritize a two mile radius around each public water well for BMP land use incentive programs.

   Who: *WPC, SWCD, PZ ***When:*** 2005 ***Cost:*** $1,000

Objective B: Support good land use decisions regarding groundwater resources and wellhead protection areas.

Actions:

1. Examine ways to incorporate groundwater information into the land use decision-making process. Invite state agencies to assist the County with learning how to interpret data and identify sensitive areas needing additional management and protection. Use the Upper Minnesota River Basin Regional Hydrogeologic Assessment and other groundwater information as informational sources.

   Who: ***PZ**, WPC ***When:*** 2005 ***Cost:*** $1,500

2. Establish baseline groundwater quality data by testing 20 private wells. Combine results with previous water testing data. Create a GIS map of the water testing data.

   Who: ***CPH**, WPC ***When:*** 2005 – 2009 ***Cost:*** $600

3. Continue to have Wellhead Protection Areas as priority areas for cost-share and other land use incentive programs (i.e., sealing abandoned wells, upgrading septic systems, feedlot management, nutrient management, CRP, RIM, etc.).

   Who: ***SWCD**, WPC, PZ, NRCS ***When:*** 2005 – 2009 ***Cost:*** $2,000

4. Provide a variety of education on both public wellhead protection areas and the protection and management of private wells (and well areas) to city residents, farms and businesses regarding specific actions they can take to protect drinking water.

   Who: ***WPC** ***When:*** 2005 – 2009 ***Cost:*** $600

5. Continue to cooperate with Lincoln-Pipestone Rural Water on the expansion of the rural water system and advise them about County programs that will help manage potential contamination sources.

   Who: ***WPC**, SWCD ***When:*** 2005 – 2009 ***Cost:*** $500

6. Educate landowners, both rural and urban, on the proper application and disposal of agriculture and lawn chemicals/fertilizers.

   Who: ***WPC**, PZ, MDA ***When:*** 2005 – 2009 ***Cost:*** $500

7. Promote water conservation by using existing materials and resources (i.e., Minnesota Rural Water Association's handouts).

   Who: ***WPC**, SWCD ***When:*** 2005 – 2009 ***Cost:*** $800

8. Through an education campaign, identify steps in the demolition of vacant building sites so that all wells are sealed, underground storage tanks are removed, and hazardous waste is disposed of properly before demolition occurs.

   Who: ***WPC**, PZ ***When:*** 2005 – 2009 ***Cost:*** $500

9. Continue to provide financial assistance as available to seal 20 abandoned wells per year.

   Who: ***WPC**, PZ ***When:*** 2005 – 2009 ***Cost:*** $5,000/yr.

PRIORITY ISSUE #2:
EROSION AND SEDIMENT CONTROL

Priority Concern:

"Erosion and sediment control on agricultural lands."

EROSION AND SEDIMENT GOAL: ***TO PROTECT AND IMPROVE THE SOIL RESOURCES AND SURFACE WATER QUALITY IN THE COUNTY.***

Objective A: Reduce erosion and sediment problems to sustainable levels by promoting the use of Best Management Practices (BMPs).

1. Plan BMPs for 20,000 cropland acres. Concentration will be on areas in the County that were designated as high priority areas. Such as:

   a. Yellow Medicine Watershed, in particular portions of Sandnes, Norman, Wergeland, and a portion of the Yellow Medicine River, from Hanley Falls to the Minnesota River.
   b. Lac qui Parle Watershed, in particular portions of Norman, Omro, Oshkosh, Tyro and Wergeland Townships.
   c. Canby Creek Watershed, in particular above Del Clark Lake.
   d. Above the structure on the Lazarus Creek Watershed.
   e. Public Wellhead Protection Areas.
   f. Main Channel of the Yellow Medicine River.
   g. Land adjacent to the Lake of Wood Lake.

   Who: ***SWCD**, PZ ***When:*** 2005 – 2009 ***Cost:*** $20,000

2. Reduce the amount of wind erosion on the most severely erodible acres by designing and planting 50,000 feet of field windbreaks and/or living snowfences, 50 acres of farmstead windbreaks and 25 acres of wildlife habitat. Continue to promote the installation of plastic mulch for better weed control and/or soil moisture.

   Who: *__SWCD__, MnDOT, HD ***When:*** 2005 – 2009 ***Cost:*** $150,000

3. Conduct a Conservation Tillage Transect Survey for the County. Take information from conservation tillage survey and establish priorities for educational purposes and analyze data on tillage systems and crop residue cover. Seek to achieve a 10% increase in fields meeting crop residue targets countywide based on tillage transect survey. Promote enrollment of 10,000 acres into the residue management practice incentive program offered through the Environmental Quality Incentive Program (EQIP).

   Who: *__SWCD__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $300,000

4. Reduce the amount of water erosion on severely eroded acres by the installation of the following conservation practices. Continue to work with the Yellow Medicine River Watershed and the Lac qui Parle Watershed Clean Water Partnerships to accelerate the implementation of those practices in the high priority areas:

   a. Terraces and/or water & sediment control basins 25,000 feet
   b. Grass Waterways 50 acres

   Who: *__SWCD__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $300,000

5. Continue to manage CREP, RIM and CRP easements, monitor sites to see that conservation practices are installed and conduct status reviews.

   Who: *__SWCD__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $10,000

6. Establish 800 new acres of filter strips/buffers along ditches and streams to capture sediment as it leaves the fields. Maintain the minimum one-rod grassed areas as it applies to drainage policy. Continue to work with the Yellow Medicine River Watershed and the Lac qui Parle Watershed Clean Water Partnerships to accelerate the implementation of those practices in the high priority areas.

   Who: *__SWCD__, NRCS, DA, YMR, LqP ***When:*** 2005 – 2009 ***Cost:*** $300,000

7. Enroll 500 acres of cropland subject to severe erosion into existing programs (i.e., CRP, RIM, etc.).

   Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $150,000

8. Enroll 200 acres of pasture into prescribed grazing systems.

   Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $2,000

9. Conduct an annual meeting of stakeholders and/or Local Work Group to discuss resource concerns and set priority areas for the Environmental Quality Incentive Program (EQIP). Promote installation of best management practices utilizing the EQIP and/or the State Cost Share Program, and the Ag BMP Loan Program for financial support. Convene Local Work Group Meetings for EQIP to discuss priority practices and priority areas. Assist with taking applications and planning for EQIP contracts.

   Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $1,000

10. Educate landowners/operators about erosion and sediment control, the importance of installing conservation practices and encourage enrollment into conservation programs by providing information and options about BMP's through newsletters, news releases and individual contacts.

    Who: *__**SWCD**__ ***When:*** 2005 – 2009 ***Cost:*** $1,500

11. Restore 50 acres of wetlands into conservation programs.

    Who: *__**SWCD**__, NRCS ***When:*** 2005 – 2009 ***Cost:*** $200,000

PRIORITY ISSUE #3:
REDUCING PRIORITY POLLUTANTS

Priority Concern:

"Reduce priority pollutants, nutrients and bacteria, related to feedlots and non-conforming individual sewage treatment systems."

PRIORITY POLLUTANT GOAL: TO ENHANCE AND RESTORE THE COUNTY'S WATER QUALITY.

Objective A: Reduce priority pollutants to sustainable levels.

Actions:

1. Work with the Minnesota Pollution Control Agency to develop and action plan for removing the following Yellow Medicine's impaired waters off the TMDL 303d listing:

Reach	New or Previous Listing	Affected use	Pollutant or stressor
Del Clark Lake	New	Aquatic consumption	Mercury and Fecal Coliform
Yellow Medicine River	Previous Listing	Impaired River	Mercury and Turbidity
Lac qui Parle River	Previous Listing	Impaired River	Mercury
Minnesota River	Previous Listing	Impaired River	Mercury, PCBs, Turbidity, and Fecal Coliform
Spring Creek	Previous Listing	Impaired River	Biota

   a. Facilitation and scoping – MPCA lead with County and other local resource partner's assistance.
   b. Intense monitoring/problem investigation and verification – MPCA lead with County and other local resource partner's assistance.
   c. TMDL development (model development, allocation exercise and public notice/EPA approval – MPCA lead with County and other local resource partner's assistance.
   d. Implementation plan development – County and other local resource partner's lead with MPCA and other assistance.
   e. Post monitoring and accomplishment reporting – County and other local resource partner's lead.

Who: *<u>MPCA</u>, WPC, SWCD ***When:*** 2005 – 2009 ***Cost:*** $Unknown

2. Promote the timing, rate, and placement of synthetic and/or organic fertilizers and pesticides using incentives (such as EQIP and others). Develop nutrient and pesticide management plans, targeting 12,000 acres countywide. Provide continual information and education to landowners regarding the need to follow the University of Minnesota's nutrient management recommendations.

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $120,000

3. Upgrade 50 Individual Sewage Treatment Systems per year. Continually seek funding, administer the Ag BMP Loan Program and Clean Water Partnership Low Interest Loan Program offering landowners a low interest loan for fixing their non-conforming ISTS.

   Who: ***PZ**, WPC, SWCD, Watersheds ***When:*** 2005 – 2009 ***Cost:*** $1,000,000

4. Seek funds to assist with TMDL or Clean Water Partnership based activities.

   Who: ***Watersheds** ***When:*** 2005 – 2009 ***Cost:*** $500

5. Protect Del Clark Lake by encouraging landowners to install Best Management Practices. Seal two abandoned wells, bring two non-conforming sewer systems, and one feedlot into compliance in the Canby Creek Watershed.

   Who: *PZ, SWCD, WPC, NRCS ***When:*** 2005 – 2009 ***Cost:*** $25,000

6. Implement the following strategies to address feedlot compliance:
   a. Continue to develop a GIS layer of feedlots registered under current MPCA registration guidelines.
   b. Incorporate the database with the feedlots permitted by MPCA.
   c. Develop an informational packet to mail to registered feedlot operators to assist them with contacts for technical questions (compliance, design, manure management) and financial incentives.
   d. Assist 10% of the noncompliant feedlots by 2008.
   e. Inspect 10% (approximately 37) of the County's feedlots annually.

   Who: ***PZ**, WPC ***When:*** 2005 – 2009 ***Cost:*** $15,000

7. Assist five feedlot operators per year with completing MPCA permits. Assist feedlot operators in seeking financial assistance through EQIP, State Cost-Share and the Ag BMP Low Interest Loan Program.

   Who: ***PZ**, SWCD, NRCS ***When:*** 2005 – 2009 ***Cost:*** $4,000

8. Create a GIS layer of all septic systems installed in the County.

   Who: ***PZ** ***When:*** 2006 ***Cost:*** $10,000

9. Map cropland fields that have been identified as needed for manure application through manure management plans. This will be done by watershed.

   Who: ***PZ** ***When:*** 2005 – 2009 ***Cost:*** $7,000

PRIORITY ISSUE #4: MANAGE FLOODING

Priority Concern:

"Manage flooding and its' effects minimizing losses associated with the flooding of agricultural lands."

FLOOD GOAL: TO IMPLEMENT SOUND FLOOD MANAGEMENT STRATEGIES

Objective A: Minimize losses associated with the flooding of agricultural lands.

Actions:

1. Address the smaller flood events such as 2 year and 5 year events by restoring 75 acres of wetlands through various conservation programs. Target sites within the watersheds to achieve strategic flood storage in conjunction with water quality and wildlife benefits.

   Who: ***SWCD**, NRCS, YMR, LqP ***When:*** 2005 – 2009 ***Cost:*** $300,000

2. Take flood prone land along rivers, streams and waterways out of crop production by encouraging enrollment into land retirement programs, such as CRP, RIM, WRP, etc., and applying best management practices to those areas (also see Priority Issue #2, Actions 6 and 7).

   Who: ***SWCD**, NRCS ***When:*** 2005 – 2009 ***Cost:*** $20,000

3. Work with Area II, RCRCA, watershed, and surrounding counties to assess, prioritize and pursue funding through various agencies for water storage opportunities.

   Who: *__WPC__, HD, YMR, LqP ***When:*** 2005 – 2009 ***Cost:*** $2,000

4. Use the FEMA Floodplain maps to assess agricultural flooding problems and promote local, state and federal BMP programs.

   Who: __PZ__, WPC ***When:*** 2005-2009 ***Cost:*** $5,000

5. Seek assistance from landowners in reviewing the draft floodplain maps for accuracy. Provide input to DNR, FEMA and the Corps of Engineers on proposed corrections to the maps.

   Who: __PZ__, WPC ***When:*** 2005 ***Cost:*** $3,000

6. Update the County Floodplain Ordinance to reflect changes made to the program and the official maps.

   Who: __PZ__ ***When:*** 2005 ***Cost:*** $5,000

PRIORITY ISSUE #5:
SURFACE WATER AND DRAINAGE MANAGEMENT

Priority Concern:

"Surface water and drainage management by addressing runoff volume and water quality deterioration due to excessive runoff."

SURFACE WATER AND DRAINAGE MANAGEMENT GOAL: TO IMPLEMENT SOUND SURFACE WATER AND DRAINAGE MANAGEMENT STRATEGIES

Objective A: Apply watershed-based principles in properly managing drainage systems.

Actions:

1. Transfer existing County and Judicial Ditch information to ArcView and develop a GIS layer consisting of that information. GPS all County and Judicial ditches and identify existing filter strips along the ditches.

   Who: ***UMVRDC**, DA, WPC ***When:*** 2005 ***Cost:*** $32,000

2. Using the newly created layer developed in Action #1, gather data, create and maintain a database for each drainage system including name, location, petition year, size, outlet and repair history.

   Who: **Ditch Inspector**, PZ ***When:*** 2005-2009 ***Cost:*** $20,000

3. Promote the use of alternative intakes, such as blind intakes, that promote efficient trapping of sediments and nutrients that enter drainage systems. A blind intake cost share program will be offered to landowners to replace 20 open intakes with blind intakes.

   Who: ***SWCD**, DA ***When:*** 2005 ***Cost:*** $2,000

4. Seek funds to repair two or three small dams in the county that were previously constructed by landowners (Area II, SWCD, NRCS).

   Who: ***SWCD**, NRCS, YMR LqP ***When:*** 2005 – 2009 ***Cost:*** $60,000

5. Promote upland treatment (encouraging landowners to install best management practices, seal abandoned wells and bringing non-conforming sewer systems and feedlots into compliance in the Lazarus Creek Watershed), protecting the Lazarus Creek Project.

   Who: ***LQP Watershed**, Area II, SWCD ***When:*** 2005 - 2009 ***Cost:*** $75,000

6. Utilize the US Fish and Wildlife Service Drained Wetland Basin Inventory, to help address current and future water quality and surface water management goals and issues.

   Who: ***SWCD**, NRCS, WPC ***When:*** 2005 – 2009 ***Cost:*** $5,000

7. Encourage the MPCA to include Wood Lake in their Lake Assessment Project.

Who: *<u>**WPC**</u>, CB ***When:*** 2006 ***Cost:*** $1,000

Chapter Three:
Ongoing Activities

This Chapter identifies other activities and programs that make up the Local Water Management Program, but are not necessarily reflected in the priority concerns section (or the County's Scoping Document).

There are many agencies in Minnesota at the local, regional, state and federal levels that are involved with water and land use issues either in a regulatory capacity, or through and education and information development role. Programs administered by various resource partners will continue to be used during this ten-year water plan: such as the local Environmental Office, the Planning and Zoning Office, and the Soil and Water Conservation District; state agencies, such as the Board of Water and Soil Resources, the Minnesota Pollution Control Agency, and the University of Minnesota extension Service; and federal agencies, such as the Natural Resource Conservation Service and Farm Service Agency.

The following is a list of ongoing activities in Yellow Medicine County:

- Publish newsletters, news articles, and news releases to address water quality, water quantity, and conservation issues and concerns.
- Promote recycling and solid waste management.
- Provide well testing kits for the public.
- Continue to promote and staff the Household Hazardous Waste drop off site located in Clarkfield.
- Continue to enforce the Yellow Medicine County Feedlot Ordinance and assist producers with feedlot questions.
- Provide low interest loans for septic system upgrades through the watersheds Clean Water Partnerships.
- Administer the Shoreland and Floodplain Management Program.
- Work with the Minnesota Department of Agriculture as a testing site for commercial pesticide applicators.
- Continue to require permits and inspections for all newly installed septic systems.
- Select a conservation farmer.
- Participate in the MASWCD poster and essay contest.
- Set up displays at the fair, banks, restaurants, family resource fairs, etc.
- Distribute educational material to each grade level (Pre-school-6) in the county and conduct a presentation in each classroom.

- Sponsor a student to attend Long Lake Conservation Camp.
- Work with the SWMACDE to sponsor an Environmental Fair for all 6th graders.
- Distribute an education newsletter twice a year to all teachers, scout leaders, 4H leaders, etc.
- Promote soil stewardship week.
- Hold conservation days for all 5th graders in the county.
- Hold a field day for all 2nd grade students at Bert Raney School.
- Assist and promote the SWMACDE Area Envirothon and the State Envirothon.
- Work with Pezuta Zizi Environmental and Cultural Learning and Resource Center to present the Rocky Creek Ecosystem for the 5th and 6th graders at Bert Raney and H. A. Hagg Schools. Continue to serve on the Pezuta Zizi Board.
- Hold a mini Envirothon for Junior High Students.
- Develop promotional presentation for local organizations.
- Offer a scholarship to a graduating student majoring in natural resources, age or a related field.
- Provide assistance in implementing the Federal Farm Program. (SWCD)
- Continue to Administer the 1991 Wetland Conservation Act. (SWCD)
- Continue to monitor groundwater observation wells designated by DNR. (SWCD)
- Continue to comment on DNR water permits. (SWCD)
- Participate in the state rainfall-monitoring program by selecting rainfall monitors to record daily precipitation. (SWCD)
- Yellow Medicine County has designated the entire county as a high priority wetland preservation area. The county will continue to accept and process eligible applications for wetland preservation on a countywide basis.
- The Yellow Medicine County Comprehensive Plan will be updated and is scheduled to be completed in 2006. The Yellow Medicine County Land Use and Related Resource Ordinance will also be updated.

For more information about Yellow Medicine County's Ongoing Activities, please contact the following:

Yellow Medicine County Zoning and Ag Office

1000 10th Avenue; P.O. Box 675

Clarkfield, MN 56223-0675

(320) 669-7524

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

In the Matter of Reviewing the Local Water Management Plan Update for **Yellow Medicine County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the **Yellow Medicine** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **January 20, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **December 4, 2003,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Yellow Medicine** County, pursuant to M.S. Section 103B.312.

2) On **January 28, 2004,** the Board of Water and Soil Resources approved official comments on the **Yellow Medicine** County Priority Concerns Scoping Document, which were mailed to the county on **January 28, 2004**.

3) The priority concerns the local water management plan addresses include:

   A) Groundwater Protection aiding public water suppliers with the development of wellhead protection plans and by providing assistance to help manage vulnerable areas from potential contamination sources;
   B) Erosion and Sediment Control on agricultural lands located in the Yellow Medicine and Lac qui Parle Watersheds;
   C) Reduce priority pollutants - nutrients and bacteria, related to feedlots and non-conforming individual sewage treatment systems;
   D) Manage flooding and its effects minimizing losses associated with the flooding of agricultural lands; and
   E) Surface water and drainage management by addressing runoff volume and water quality deterioration due to excessive runoff.

4) On **February 14, 2005,** the BWSR received the **Yellow Medicine** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **April 27, 2005,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Stevens County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee Meeting recommends approval.

6) This update will be in effect until **May 31, 2015.**

CONCLUSIONS

1) All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Yellow Medicine** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2) The **Yellow Medicine** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the **Yellow Medicine County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-fifth day of May, 2005.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Board Resolution # 05-40

Approve Funding for FY06 Conservation Easement Service Grants

WHEREAS the Board of Water and Soil Resources has received a request from its Conservation Easement staff to allocate its annual Conservation Easement Services Grant via a flat rate amount per recorded easement;

WHEREAS the Board of Water and Soil Resources is recommending $345,000 in FY 2006 from General Revenue for this purpose. These grants to SWCD's would be for all administrative and management activities associated with easement;

WHEREAS the legislature is expected to appropriate these funds as part of the biennial environment, natural resources, and agriculture finance bill;

WHEREAS the BWSR holds 4,677 easements totaling 178,000 acres in 78 of Minnesota's 91 SWCD's. Using a flat rate allocation each SWCD would receive a $73.76 per easement payment for each easement held in their respective SWCD;

WHEREAS the BWSR Conservation Easement Section staff is recommending the following Conservation Easement Service allocation for each of the following SWCD's based upon the number of recorded easements on behalf of the State of Minnesota (see attached).

NOW, THEREFORE BE IT RESOLVED THAT, The Minnesota Board of Water and Soil Resources approves the recommended Conservation Easement Service Grant be funded from the biennial environment, natural resources and agricultural finance bill, contingent on legislative appropriation.

Jerome Deal

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

5/25/05

Date

Board Resolution # 05-41

Approve Funding for FY 2006-07 Local Water Mgt. Challenge Grants

WHEREAS the Board of Water and Soil Resources submitted a Request for a Proposal to the Legislative Commission on Minnesota Resources for funds to eligible local units of government to implement high priority actions identified in current, state-approved local water management plans through competitive grants known as Local Water Mgt. Planning Challenge Grants; and

WHEREAS the Legislative Commission on Minnesota Resources is recommending $500,000 in FY2006 and $500,000 in FY2007 from the Environment and Natural Resources Trust Fund for this proposal;

WHEREAS the Legislature is expected to appropriate these funds as part of the biennial environment, natural resources, and agriculture finance bill;

WHEREAS the Board of Water and Soil Resources has solicited eligible local units of government to submit projects to receive these funds;

WHEREAS a total of 78 project proposals were received and reviewed by a team consisting of representatives of BWSR, the Departments of Agriculture, Health, and Natural Resources and the Pollution Control Agency; and

WHEREAS this review team is recommending 35 of these projects be approved for funding.

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves projects 1–35 on the recommended project list be funded from the Environment and Natural Resources Trust Fund, contingent on legislative appropriation. These projects will receive half of project dollars requested immediately upon BWSR approval of a project workplan, and the remaining project dollars after the Legislative Commission on Minnesota Resources appropriates the Fiscal Year 2007 funds to the BWSR (anticipated to be early July 2007). Any approved project not submitting a project workplan by November 1, 2005 may have their funding revoked and the next highest-ranking project will be offered the available funds.

Jerome Deal

Jerome Deal
Chair, Minnesota Board of Water and Soil Resources

5/25/05
Date

BWSR 2006-2007 Local Water Management Challenge Grant
RECOMMENDED PROJECTS
Page 1

Total Number of applications 78
Total Amount Requested $2,600,580.98
Amount Available $1,000,000

	Application Title	Local Unit of Govt	Requested Amount	Recommended Amount	Cummulative Total
1	2006-2007 LWM Challenge Grant - Critical Watershed Enhancement	Aitkin SWCD	$13,075.00	$13,075	$13,075
2	NMF Healthy Lakes and Rivers Initiative	Beltrami SWCD	$25,000.00	$25,000	$38,075
3	***Lake Boulevard Project***	***Beltrami SWCD***	***$25,000.00***	***$4,161***	**$42,236**
4	Detailed Drainage Infrastructure Mapping and Inventory Project	BNC Water Quality	$22,500.00	$22,500	$64,736
5	Long Lake Water Quality Improvement Project	Browns Creek WD	$75,000.00	$75,000	$139,736
6	***BCWD GIS-based inventory and comprehensive management plan for public drainage***	***Buffalo Creek WSD***	***$25,000.00***	***$20,000***	**$159,736**
7	Buffalo-Red River WSD Ditch Mapping Challenge Grant	Buffalo-Red River	$16,540.50	$16,540	$176,276
8	Arlington-Hamline Alternative Stormwater BMP	Capital Region WD	$75,000.00	$75,000	$251,276
9	Carlton County Geologic Atlas	Carlton County	$16,500.00	$16,500	$267,776
10	Carnelian Marine Challenge Grant	Carnelian Marine WSD	$25,000.00	$25,000	$292,776
11	Sky Blue Waters Surface Water Management	Cass County	$25,000.00	$25,000	$317,776
12	SW Leech Lake Wastewater Study	Cass County	$20,000.00	$20,000	$337,776
13	Clearwater SWCD City of Clearbrook & Clearbrook Watershed Pollution Reduction for Silver Creek	Clearwater SWCD	$19,200.00	$19,200	$356,976
14	Lake Features GIS - Staff training	Cook County	$8,500.00	$8,500	$365,476
15	Aitkin/Cass/Crow Wing Counties Conservation Easement and Intra-Lake Zoning	Crow Wing SWCD	$75,000.00	$75,000	$440,476
16	Restoration of Water Quality of the South Fork of the Root River	Fillmore SWCD	$25,000.00	$25,000	$465,476
17	2005 Goodhue County Drained Wetland Inventory Grant	Goodhue SWCD	$5,000.00	$5,000	$470,476
18	Itasca County Shoreland Revegetation Project	Itasca SWCD	$24,400.00	$24,400	$494,876
19	Historical and Projected Water Quality Trends in Itasca County Lakes	Itasca SWCD	$24,200.00	$24,200	$519,076
20	Lincoln County Public Drainage Ditch Inventory and Management Plan	Lincoln County	$25,000.00	$25,000	$544,076
21	Establish and maintain groundwater monitoring stations- Lower Minnesota River WD Challenge Grant	Lower Minnesota River WSD	$25,000.00	$25,000	$569,076
22	2006 LWM Rainwater Garden Challenge Grant	Mille Lacs SWCD	$3,000.00	$3,000	$572,076
23	Water Quality Improvements for Gleason Lake and County Ditch 15	Minnehaha Creek WD	$75,000.00	$75,000	$647,076
24	LWM Challenge Grant - Swan River Project	Morrison County	$8,000.00	$8,000	$655,076
25	Regional Surface Water Management in the Upper Cedar River Watershed	Mower SWCD	$75,000.00	$75,000	$730,076
26	Red Lake Watershed Flood Reduction Project 60 Challenge Grant	Red Lake WD	$50,000.00	$50,000	$780,076
27	Red Lake Watershed District Ditch System Inventory and Mapping Project	Red Lake WD	$25,000.00	$25,000	$805,076
28	Renville County GIS-based public drainage ditch systems inventory	Renville County	$25,000.00	$25,000	$830,076
29	Union Lake Sarah Erosion Challenge Grant	Sand Hill River WD	$50,000.00	$50,000	$880,076
30	No-till Drill Purchase	Stevens County	$20,000.00	$20,000	$900,076
31	Todd County Drainage Survey	Todd SWCD	$25,000.00	$25,000	$925,076
32	Clean Lakes Club Education Initiative	Waseca County	$2,500.00	$2,500	$927,576
33	Drainage System Inventory - Watonwan County Management Plan Challenge Grant	Watonwan County	$25,000.00	$25,000	$952,576
34	Wild Rice Watershed District GIS-based Public Drainage Ditch System Inventory	Wild Rice WD	$22,424.00	$22,424	$975,000
35	Lake Ann Education and Monitoring - Wright County Management Plan Challenge Grant	Wright SWCD	$25,000.00	$25,000	$1,000,000

Note: projects in bold received less funding than requested.

Projects Not Funded

	Application Title	Local Unit of Govt	Requested Amount	Cummulative Total
36	Wirth Lake Improvement	Basset Creek WMO	$75,000.00	$75,000
37	Upper Mississippi River Basin Monitoring Sites Establishment	Beltrami SWCD	$25,000.00	$100,000
38	CRP/CREP Restored Wetland Monitoring Project	BNC Water Quality	$19,500.00	$119,500
39	Bois de Sioux Watershed Dist. Culvert Inventory	Bois de Sioux WSD	$25,000.00	$144,500
40	Foxford Road Rainwater Garden Retrofit Project	Carver County	$20,000.00	$164,500
41	Metropolitan growth and climate change effects on sustained yield and river base flow	Dakota County	$75,000.00	$239,500
42	Wetland and Watercourse Inventory and Assessment in the Vermillion and North Cannon River Watershed	Dakota SWCD	$40,000.00	$279,500
43	Empowering Lake Associations to protect their own resources	Douglas SWCD	$12,400.00	$291,900
44	Faribault County Septic Maintenance & Awareness Program (SMAP)	Faribault SWCD	$25,000.00	$316,900
45	Dual County Intercropping and intensive grazing using live mulches and perennials	Fillmore SWCD	$50,000.00	$366,900
46	Erosion Control Signage Grant	Goodhue SWCD	$1,500.00	$368,400
47	Ihduhapi stabilization project-Pioneer Sarah Creek Watershed Management Organization	Hennepin County	$75,000.00	$443,400
48	Fulda Lakes Education and Implementation Program	Heron Lake WD	$51,364.50	$494,765
49	Rock Inlet Replacement -Cost Share Program	Heron Lake WD	$36,000.00	$530,765
50	Increase recreational access to water resources - Houston County Watershed	Houston County	$45,000.00	$575,765
51	2006 Itasca County SWCD Shallow and Sand Lakes Inventory Challenge Grant	Itasca SWCD	$12,500.00	$588,265
52	LIDAR for Iowa Great Lakes Watershed in Jackson County, Minnesota	Jackson County	$11,500.00	$599,765
53	Kanabec County Drainage System Inventory 2006 Grant	Kanabec County	$25,000.00	$624,765
54	Percy Blake Streambank application	Kittson SWCD	$14,148.00	$638,913
55	Lake of the Woods Sediment Sampling and Paleolimnology	Lake of the Woods County	$25,000.00	$663,913
56	Friends of MN Valley - Refuge Parking Lot Retrofit/Rainwater Garden	Lower Minnesota River WSD	$25,000.00	$688,913
57	Somerset View Neighborhood Infiltration Treatment	Lower Mississippi WMO	$25,000.00	$713,913
58	Trout Brook Fisheries Assessment and Stream Management Plan	Lower St. Croix WMO	$25,000.00	$738,913
59	Lower St Crox WMO Watershed Pollutant Loading Study	Lower St. Croix WMO	$25,000.00	$763,913
60	CSAH 2 Kramer/Rick Erosion Control Project	Meeker County	$25,000.00	$788,913
61	2006 LWM Ogechie Water monitoring grant	Mille Lacs SWCD	$5,000.00	$793,913
62	BMP Cost-Share Program for Nobles County and Three Watershed Districts	Nobles County	$75,000.00	$868,913
63	Zumbro Watershed Riparian Zone Inventory	Olmsted County	$75,000.00	$943,913
64	Manure Pit Closures -Pine County Local Water Management Plan Challenge Grant	Pine SWCD	$16,500.00	$960,413
65	Lakeshore Stewardship Education Project	Pope County	$14,000.00	$974,413
66	2006-2007 Abandoned Well Sealing Cost-Share	Ramsey County	$25,000.00	$999,413
67	Monitoring BMPs effectiveness -Sauk River Watershed District	Sauk River WD	$75,000.00	$1,074,413
68	High Island Creek Watershed BMPs	Sibley SWCD	$25,000.00	$1,099,413
69	South Two Rivers WD for Pelican Lake Association in St. Anna	South Two Rivers WD	$25,000.00	$1,124,413
70	2006-2007 ISTS Assessment and Inventory Challenge Grant	Stearns County	$75,000.00	$1,199,413
71	Automated mass balance challeng3e grant 2006-2007	Thirty Lakes WD	$24,998.98	$1,224,411
72	Mass Balance 2006 Challenge Grant	Thirty Lakes WD	$25,000.00	$1,249,411
73	Long term citizen volunteer for private well monitoring	Wadena SWCD	$75,000.00	$1,324,411
74	Waseca County 2005 Well Sealing Initiative	Waseca County	$5,000.00	$1,329,411
75	Creation of web accessible water database used for education the public on water resources	Washington County	$20,000.00	$1,349,411
76	Expand on groundwater and surface water monitoring networks to protect drinking water resources	Washington County	$75,000.00	$1,424,411
77	Educate citizens and local government of the importance of groundwater and surface water protection	Washington County	$75,000.00	$1,499,411
78	Micro-flood storage initiative	Wild Rice WD	$75,000.00	$1,574,411

GUIDELINES FOR APPLICATIONS FOR FY 2006/07 LOCAL WATER MANAGEMENT PLANNING CHALLENGE GRANTS:

Application Period: February 10, 2005 – March 11, 2005

Eligible Local Units of Government includes counties, watershed districts and watershed management organizations. Soil and water conservation districts (SWCD) may apply if the county has delegated the local water management planning responsibilities to them per 103B.311, subd. 2. All applicants must have an approved, current local water management plan.

Grant maximums: Grants will not exceed $25,000 per local government unit (LGU) or $75,000 per project where 3 or more LGUs are involved in implementing a project. Successful projects will receive half of the funds requested in FY 2006 and half in FY 2007.

Required Match: All grants must be matched one-to-one with non-state cash or in kind contributions.

Eligible projects: Proposed projects must implement priority action items in an approved local water management plan. Eligible projects include:

1. land and water treatment (i.e., install erosion or water quality improvement practices);
2. inventories (e.g., inventory public and private drainage systems)
3. water quality monitoring; or
4. education activities.

Special consideration will be given to projects that:

1. develop, implement or complement plans for lakes, rivers or drainage management systems;
2. provide administrative and technical training to local government officials regarding water management, wetlands, drainage, and related topics;
3. further the Governor's Clean Water Initiatives (these are: (1) flood damage reduction in the Red River Valley; (2) enhancing Minnesota's shoreland rules in the North-Central Lakes Area; (3) Twin Cities drinking water protection; and (4) Southeast Minnesota impaired waters restoration.)

Ineligible projects include:

1. installation of individual sewage treatment systems;
2. updating local water plans;
3. Clean Water Partnership Phase 1 diagnostic studies;
4. federal and state combined cost-share that exceeds 75% of the cost of the project;
5. additional state money for BWSR easement payments (RIM, CREP, WRP, road replacement) or admin/tech services associated with the easement acquisition; and
6. digitizing soil surveys not done to USDA-NRCS standards.

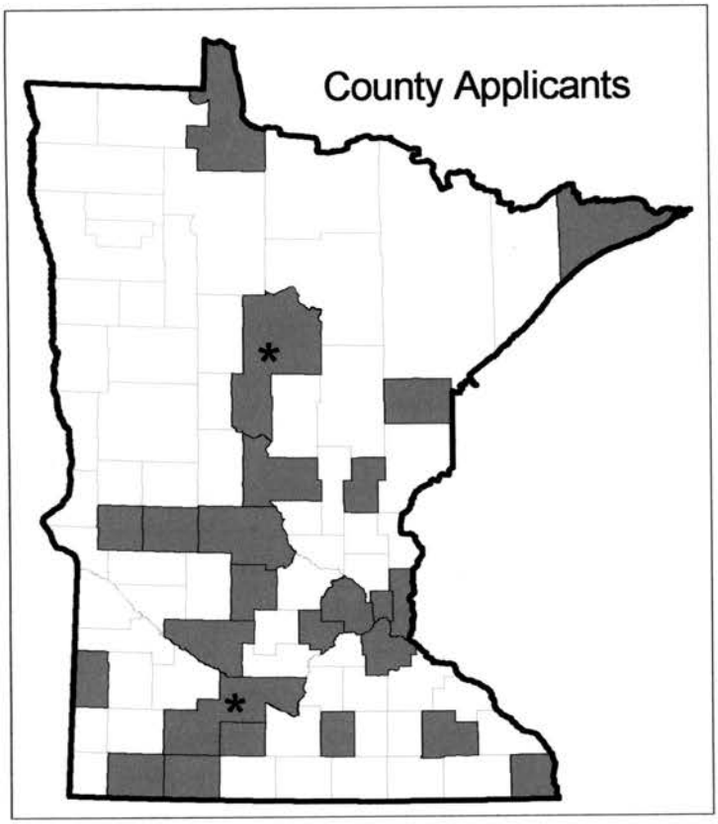
Additional information on eligible/ineligible costs can be found on the LCMR website under LCMR Project Manager Information:

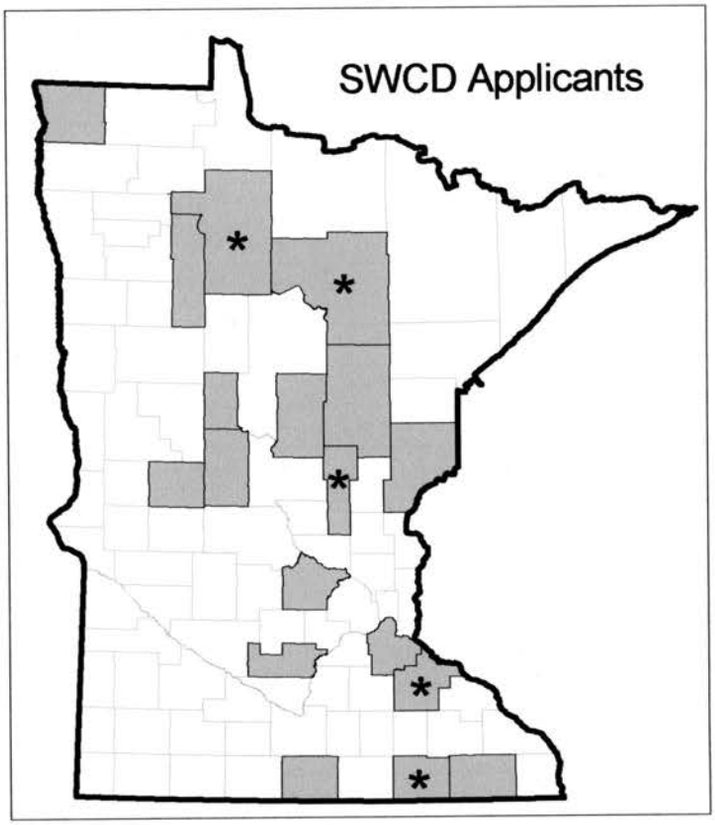
http://www.commissions.leg.state.mn.us/lcmr/manager/promanager.htm

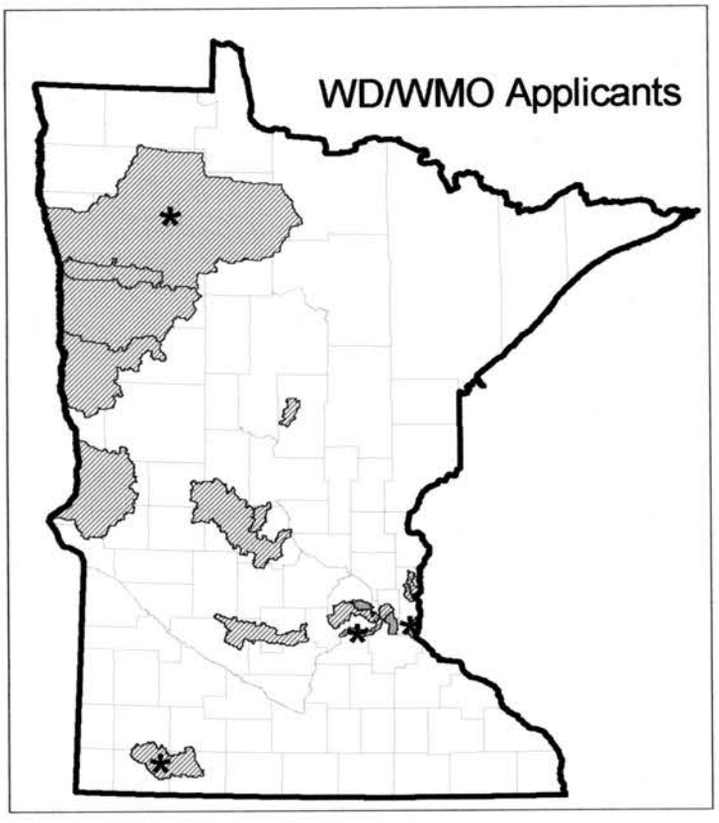
Application period closes at 4:30 p.m. on Friday, March 11th, 2005.

All applications must be submitted using the BWSR eLINK program.

2006 LWM Challenge Grant Applicants





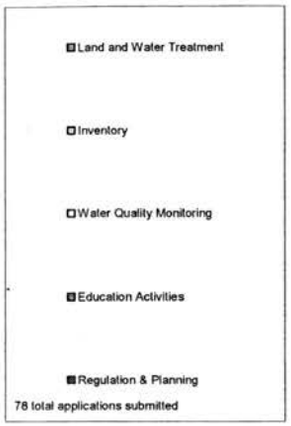


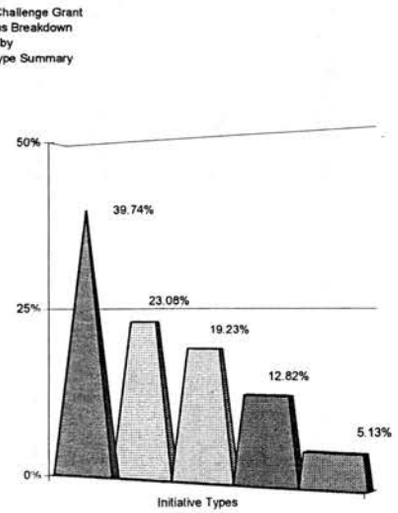
	Number of Applications	Amount Requested
County	29	$958,000.00
SWCD	25	$665,923.00
WD	20	$826,327.98
WMO	4	$150,000.00
Total Applications:	78	$2,600,250.98

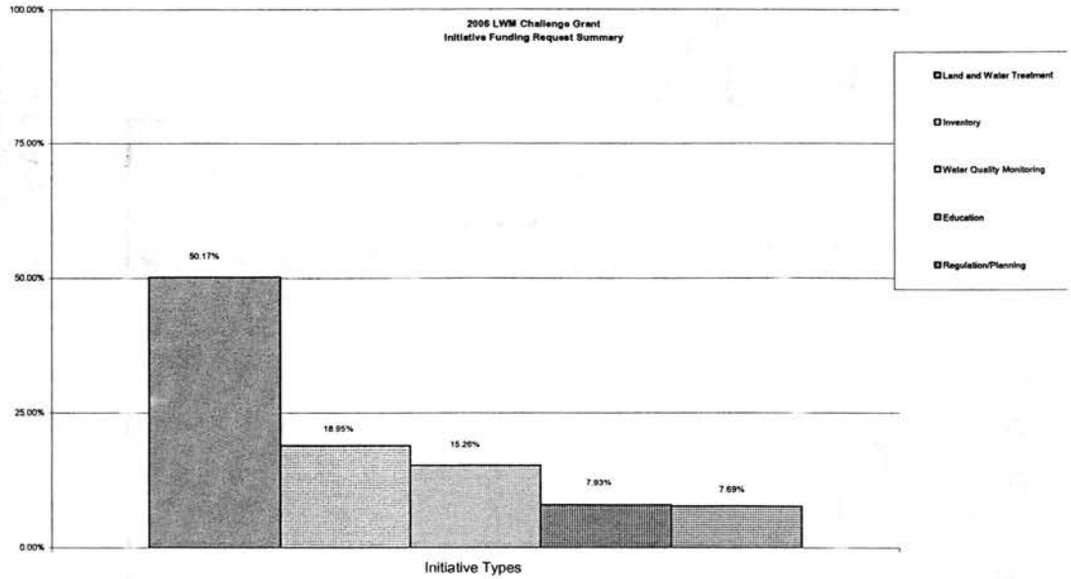
* These LGUs submitted multiple applications.

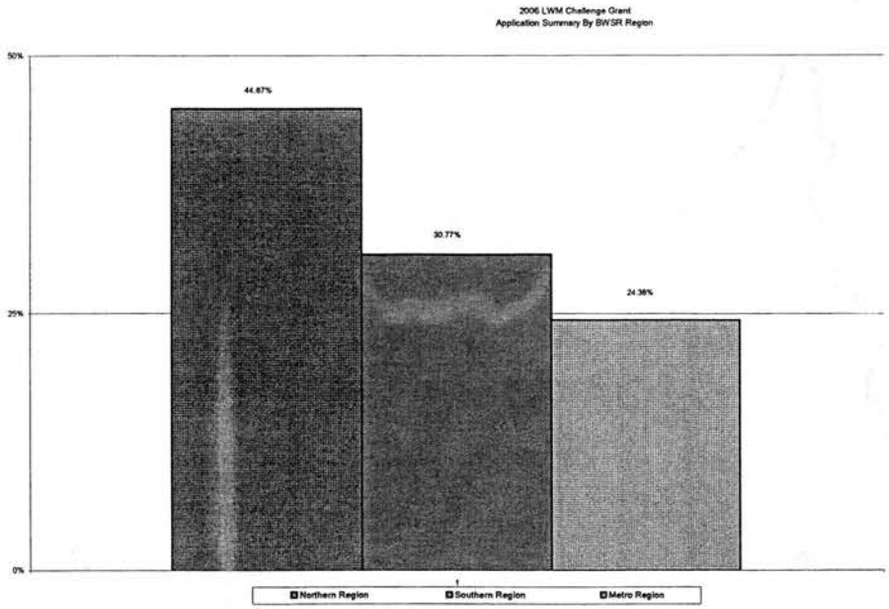
Minnesota Board of Water & Soil Resources
www.bwsr.state.mn.us

May 2005

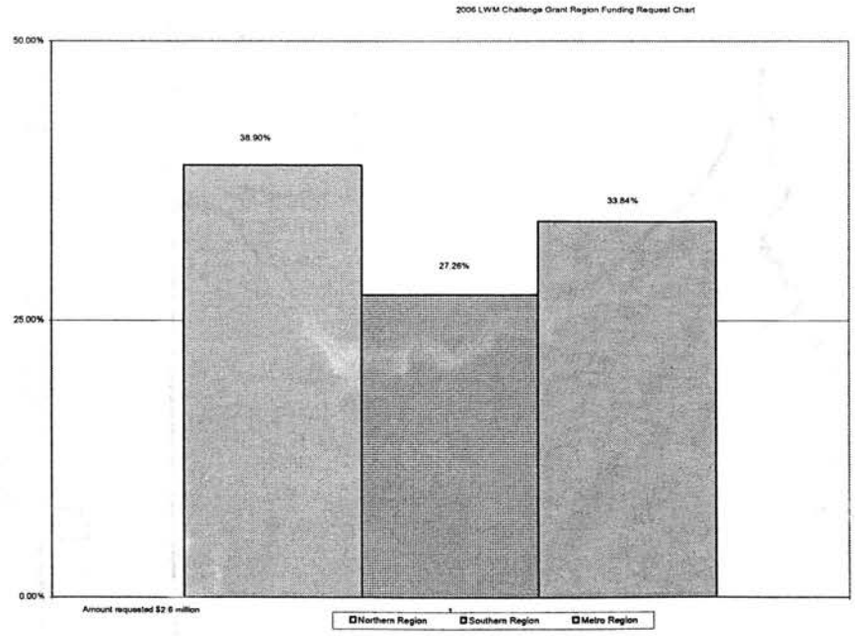








78 Applications submitted for consideration



FY06/07 Biennial Budget: Comparison of Governor's Recommendation, House Proposal, and Senate Proposal **5/16/2005**

All numbers -000

	Governor's Request			House Proposal			Senate Proposal		
	FY06	FY07	Total	FY06	FY07	Total	FY06	FY07	Total
NRBG	$4,102	$4,102	$8,204	$4,102	$4,102	$8,204	$4,102	$4,102	$8,204
Base grants	3,566	3,566	7,132	3,566	3,566	7,132	3,566	3,566	7,132
Cost-share	3,285	3,285	6,570	3,285	3,285	6,570	3,285	3,285	6,570
RRBC	100	100	200	100	100	200	100	100	200
Area II (existing)	0	0	0	105	105	210	105	105	210
Area II (additional)							35	35	70
Beaver Damage Control Grants							50	50	100
Drainage assessment **							109		109
Administration -300 *	3,973	3,973	7,946	3,973	3,973	7,946	3,973	3,973	7,946
Sub Total	15,026	15,026	30,052	15,131	15,131	30,262	15,325	15,216	30,541
House Option A (Area II)				(105)	(105)	(210)			
House Option A (general cuts)				(600)	(600)	(1,200)			
Grand Total	$15,026	$15,026	$30,052	$14,426	$14,426	$28,852	$15,325	$15,216	$30,541
Difference from Governor				**$ (600)**	**$ (600)**	**$ (1,200)**	**$ 299**	**$ 190**	**$ 489**
Language									
Technical Assistance Flexibility		No			Yes			No	
Camp Ripley authorization		No			Yes			Yes	
** Drainage assessment		No			Yes			Yes	
$15,000 to Mower County out of Cost Share rollover		No			Yes			No	
* All include Admin reduction:	(300)	(300)	(600)	(300)	(300)	(600)	(300)	(300)	(600)

Administrative Budget: Difference from FY05			
7% Governor's reduction	($600)	($600)	($600)
Inflation (primarily compensation costs)	(390)	(390)	(390)
Sub total reduction	(990)	(990)	(990)
House Option A	0	(1,200)	0
Grand Total Admin reduction	($1,980) *-23%*	($3,180) *-36%*	($1,980) *-23%*

Conservation Easement Service Grants –PROPOSAL May 25, 2005

Background
$750,000 from general fund, disbursed annually, 1988 to 2003. Reduced to $345,000 for 2004 and 2005 grants. Annual grants have been computed via a formula that looks at the past three years approved applications and the number of site inspections scheduled for the current year. Site inspection amount has been $60 per inspection scheduled. All SWCDs received a base grant of $1,000 each year until 2004.

Easement Numbers
The BWSR currently holds roughly 4,700 easements on 178,000 acres throughout the state. SWCDs range from a low of 0 easements, Carlton, to a high of 380 easements in Renville.

Proposal
Compute annual RIM Reserve service grants via a flat rate amount per recorded easement. This would be for all administrative and management activities associated with easements that are already in place. With BWSR's current holding of 4,700 easements, this would provide $73.40 per easement based on the current RIM Service Grant amount of $345,000. This amount would help cover all the inspections that are scheduled plus other easement management and administrative activities that SWCD staff may be involved with on their easements.

Benefits of proposal:

- Simple to compute and easy to understand
- SWCDs will know from year to year what their grant amount will be. This is advantageous for budgeting and program management.
- Since easement programs have become targeted (not statewide) SWCDs not in priority areas will not see their grant support fall off. They still have older easements to inspect and manage.

Potential problems with proposal:

- Grant amount needed for administration of these existing easements will increase from year to year depending on new easements recorded (CREP 2, WREP, etc.) This will necessitate adjustments to general fund appropriations. Example – CREP 2 may secure 4,000 more easements, this will necessitate an increase of ~~$400,000~~ $280,000 for RIM services grants.

Funds needed to implement new program initiatives would need to come from new bond appropriations. These grants could be based on staffing needs as was done for MN River CREP and CREP II.

FY05 RIM SERVICE GRANTS

SWCD	Total # of Easements	site insps. this yr.	FY03	FY04	FY05	FY06
Aitkin	2	2	1,250	0	120	147
Anoka	0		1,250	0	0	0
Becker	5	2	1,250	120	120	369
Beltrami	10	6	1,250	180	360	737
Benton	24	9	4,250	824	540	1,770
Big Stone	33	26	4,250	4,045	2,807	2,433
Blue Earth	200	184	34,400	32,967	20,920	14,747
Brown	162	137	23,500	22,595	14,817	11,945
Carlton	0		1,000	0	0	0
Carver	40	16	4,250	3,971	1,091	2,949
Cass	2	1	1,000	60	60	147
Chippewa	160	146	34,400	32,360	14,570	11,797
Chisago	5	2	1,250	120	120	369
Clay	53	30	13,000	3,489	2,456	3,908
Clearwater	7	6	4,250	120	360	516
Cook	0		1,000	0	0	0
Cottonwood	169	138	23,500	22,401	13,433	12,461
Crow Wing	0		1,000	0	0	0
Dakota	7	5	1,250	60	300	516
Dodge	2	1	1,250	60	60	147
Douglas	82	58	13,000	12,276	6,007	6,046
Faribault	184	164	34,400	32,707	18,932	13,567
Fillmore	10	7	4,250	480	420	737
Freeborn	74	56	23,500	21,462	4,706	5,456
Goodhue	54	27	8,000	1,620	1,620	3,982
Grant	23	16	4,250	3,970	1,420	1,696
Hennepin	32	24	13,000	1,244	1,440	2,359
Hubbard	1	0	1,250	0	0	74
Isanti	10	10	1,000	0	600	737
Itasca	0		1,000	0	0	0
Jackson	75	51	13,000	12,063	3,848	5,530
Kanabec	7	2	1,250	180	120	516
Kandiyohi	131	109	23,500	21,968	10,085	9,659
Kittson	7	4	1,250	300	240	516
Koochiching	0		1,000	0	0	0
Lac Qui Parle	174	169	34,400	32,483	15,490	12,830
Lake	0		1,000	0	0	0
Lake of Woods	0		1,000	0	0	0
LeSueur	96	74	23,500	21,684	5,589	7,078
Lincoln	94	88	23,500	21,936	8,661	6,931
Lyon	139	123	23,500	22,259	12,205	10,249
Mahnomen	0		1,000	0	0	0
Marshall	17	16	4,250	720	960	1,253
Marshall-Beltrami	4	2	1,250	60	120	295
Martin	177	153	34,400	32,572	19,027	13,051
McLeod	55	29	4,250	4,067	2,823	4,055
Meeker	72	36	13,000	2,007	2,160	5,309

CREP counties in bold

SWCD	Total # of Easements	site insps. this yr.	FY03	FY04	FY05	FY06
Mille Lacs	16	4	1,250	540	240	1,180
Morrison	31	16	4,250	960	960	2,286
Mower	49	29	23,500	2,421	1,740	3,613
Murray	74	62	13,000	12,278	7,330	5,456
Nicollet	71	53	13,000	12,142	4,526	5,235
Nobles	13	7	4,250	704	420	959
Norman	32	22	8,000	1,634	1,911	2,359
Olmsted	10	6	4,250	567	360	737
Otter Tail, East	11	9	4,250	507	540	811
Otter Tail, West	44	33	8,000	7,465	2,899	3,244
Pennington	1	1	1,250	60	60	74
Pine	1	0	1,250	60	0	74
Pipestone	20	15	4,250	3,937	966	1,475
Polk, East	6	5	1,250	120	300	442
Polk, West	1	0	1,250	0	0	74
Pope	156	117	23,500	22,226	11,024	11,503
Ramsey	0		0	0	0	0
Red Lake	4	1	1,250	60	60	295
Redwood	301	259	34,400	33,529	25,617	22,194
Renville	380	298	34,400	33,904	29,138	28,019
Rice	45	30	8,000	1,320	1,800	3,318
Rock	13	8	4,250	464	480	959
Root River	45	20	4,250	1,080	1,200	3,318
Roseau	1	1	1,000	0	60	74
Scott	47	24	4,250	4,005	1,768	3,465
Sherburne	0		1,000	0	0	0
Sibley	99	63	8,000	7,669	5,585	7,300
St. Louis, North	0		1,000	0	0	0
St. Louis, South	0		1,000	0	0	0
Stearns	19	13	8,000	551	780	1,401
Steele	48	35	23,500	21,279	2,494	3,539
Stevens	60	36	8,000	7,582	3,801	4,424
Swift	162	134	23,500	22,576	14,211	11,945
Todd	4	2	1,250	120	120	295
Traverse	21	16	8,000	7,291	1,157	1,548
Wabasha	25	11	4,250	720	660	1,843
Wadena	11	3	1,250	360	180	811
Waseca	102	84	13,000	12,604	9,011	7,521
Washington	2	1	1,250	120	60	147
Watonwan	101	80	23,500	21,791	7,918	7,447
Wilkin	25	19	13,000	1,211	1,140	1,843
Winona	18	12	4,250	944	720	1,327
Wright	42	19	4,250	1,771	1,632	3,097
Yellow Medicine	169	145	34,400	32,288	13,525	12,461
COUNTY TOTAL	4,677	3,230	856,700	648,290	345,000	345,001

CREP counties in bold

From: Ron Harnack
To: Ron Harnack
Date: 5/23/2005 3:28:43 PM
Subject: Board Legislative/budget update

As most of you now know the legislature and the Governor did not reach final agreement during the regular session that ended Monday @ midnight. The Governor announced that he is calling them back into Special Session on Tuesday, May 24. Here's a brief update on the budget & policy issues for BWSR:

The House have generally accepted the Governor's administrative reductions for BWSR ~ $300,000 per year. We have worked with the AAC and defined options to reach this reductions through various staffing reductions, rent negotiations with PCA, shared services with other agencies, promoting some leave without pay and redirecting some program costs to the programs like RIM, Wetland Road Replacement and to federal special projects.

The House does have another Option A that would be implemented if the casino partnership does not become a reality. For BWSR that would mean an additional $705K reduction with $105K coming from eliminating the grant to AREA II. The balance of $600K would need to come from BWSR programs and operations.

In addition to the above reductions we face absorbing $140K the first year and $280K the second year in inflationary costs. Most, but not all agencies will be stuck with these costs.

If the worst scenario becomes reality I will work with the AAC and some of our partners to bring recommendations to the full board at the June meeting.

I have attached a briefing on the status of discussions at the conference committee.

POLICY LEGISLATION:

1) The City of Cologne has been successful in getting a bill passed to both floors and incorporated in the transportation bill that would require BWSR to perform the mitigation for a City trail along a state road that would result in filling of wetlands. It was originally introduced to change the 2:1 mitigation to 1:1, but was changed in committee. A poor precedent to set, however, the project still has a number of hoops to go through.

2) Increasing the buffers on public drainage systems. The bill was changed to conduct an assessment of buffers on systems. You can see the language and the numbers in the conference committee side by side.

3) SWCD levy authority ended up not getting accepted. We should revisit the districts authority and the interpretation of their authority in relation to the funding by counties.

4) Clean Water Legacy initiative is still alive, on life support systems. However, the special session may breath new life into the proposal.

5) Requiring PCA to formally require a permit fee for 401 certifications on COE 404 program. The legislation would have required a $350 application fee and an additional $200 fee for each acre of wetland or surface water impacted. Negotiations resulted in no fee for projects that are covered by general permit or LOP, letter of permission. These projects are for the most part already covered by WCA. We also have an agreement with PCA where they will waive actions covered by WCA formal certification is by exception. Some of the northern counties transportation folks have voiced opposition to the language as it would increase fees on projects and potentially delay projects.

6) I have also attached a briefing from MAWD.

7) Attached email regarding remaining issues in Conference committee.

Ron Harnack, Executive Director
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CC: Anderson, MaryJo

From: Ron Harnack
To: Brick, Marilyn
Date: 5/23/2005 9:19:29 AM
Subject: Re: Conference Committee

Marilyn here's some thoughts on the remaining BWSR issues:

1) R33 : HS 17.48 - 17.54 : BWSR needs to have the Camp Ripley language to take advantage of federal $'s. Either as rider or as statutory addition to BWSR's authority. Apparantly the Senate may prefer it as statutory language and that is OK with us. We expect that there will be significant federal $'s available without any additional state cost. We talked to the Ripley folks again and they were going to talk to conferees to support the language. I also talked briefly with Sen Sams and he seemed supportive. Strongly support this language.

2) R32 : HS 16.53 -17.6 : SN 49.25 - 49.34: The flexibility language in the cost-share appropriation allows BWSR to authorize SWCD's to use thier BASE allocation for technical assistance. The HS Env & NR committee had NRCS, FSA, AGR and BWSR talk about the short fall in technical assistance and how that is limiting optimizing leveraging of public and private $'s. This would help address that. SWCD's would have to show that they can increase "on-the-ground" conservation outcomes. I talked with Sen Frederickson and he was supportive. BWSR encourages adoption of the flexibility language.

If necessary to get agreement on the language additional comfort words could be added. R32, 17.1 after "assistance" insert "when greater conservation outcomes can be achieved".

3) R34 : HS 17.55 - 18.4 : SN 11.1 - 11.15 : Language is the same in both the sides. Only the SN funds the drainage buffer assessment. The project cannot be done without the $109K. This is the minimum necessary to do the job. In addition the time frame of January 15, 2006, is not very practical and we would encourage the conference committee to consider a September 1, 2006 date if funded. That would give counties, watershed districts and swcd's time to do the assessment, report the results and for BWSR to assemble the information in a useful manner. This is not a Governor's recommendation. We would not support it as it is at the expense of other agency program operations.

I've talked with the Counties Chair Harlan Madsen and with the Watershed districts and each would find some benefit in the assessment, however, not if there's other program reductions.

4) R34 : SN 11.16 :Beaver control funding - Senate only with $'s and language. This program has gone from DNR to AGR and now to BWSR. The previous agencies have made this part of thier budget reductions in past years. It may have the same fate here depending on what the rest of the BWSR budget looks like. This is not a Governor's recommendation. This is not supported as it would be at the expence of other agency program implementation.

The policy language on R107 (SN 99.31) "commissioner" should be stricken and "the board" inserted if this is funded.

5) AREA II - The Senate has an additional $70K, however, they had 2 separate bills and assuming the HS - SN numbers for AREA II is agreed to then only one of the funding options should be considered not both. This was propose to be eliminated. We have eliminated these type of grants to a number of joint powers organizations in the past with the perspective that the administrative costs of the local organizations should be born by thier organization. The state's role is help get projects implemented not to provide ongoing administrative support.

6) R33 : HS 17.16 - 17.30 : This language is unique to the HS. It provides for a grant to the Mower SWCD for a special pilot project at the request of former legislator Leo Redding. The funds would come from any 2005 cost-share funds that been returned from canceled projects. This language and related allocation could indirectly affect the base grant to SWCD's as BWSR does use the cancelled project $'s to incent the base allocation where SWCD's actually get a high % of thier cost-share $'s put on the ground. The

amount is small and therefore the impact minimal, however, I would prefer that the language is NOT adopted.

7) R111 : SN 104.7 - 105.32 : With the language clarification on lines 105.3 - 105.7, most of the projects that we worked with the COE and PCA to streamline would not be impacted by this new fee. However, there are concerns voiced by some county transportation folks relating to the increased cost of doing business, particularly in the northern part of the state where building roads and impacting wetlands is unavoidable. My understanding is that PCA opposes this language as well as the new fee system. BWSR prefers NOT to see the language adopted, however, if something is going to pass then this is the minimum acceptable.

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>>> "Marilyn Brick" <Marilyn.Brick@house.mn> 5/20/2005 2:47:31 PM >>>
** High Priority **

Thanks, Ron.

Any comments on any issues that are outstanding that would affect your agency? Beaver control? Other?

Marilyn Brick, Committee Administrator
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>>> "Ron Harnack" <Ron.Harnack@bwsr.state.mn.us> 5/20/2005 2:39:21 PM >>>
Diane and Marilyn, I have a wedding on Saturday to Doug Thomas will be there if a committee meeting is held. Enjoy your Friday evening. If something comes up that you need to reach me here's phone numbers:

Ron Harnack
651-583-3225 (hm)
612-202-3815 (cell) My cell does not work well from home.
651-296-0878 (wk)

Doug Thomas
651-433-3132 (hm)
651-308-8647 (cell)
651-297-5617 (wk)

Ron Harnack, Executive Director

MAWD
Legislative Update
May 24, 2005

The curtain came down late last night on the 2005 Legislative Session, but, amid some legislative grumbling, it immediately rose again for the special session called by Governor Tim Pawlenty.

The session ended without agreement on how to fund most of the state's budget.

Three areas of vital budgetary concern to watershed districts include the Ag & Environment and Economic Development Omnibus Finance bill (HF902), the Omnibus Tax bill (HF785), and the Clean Water Legacy legislation (HF826, SF762). None of the three have been completed and are sure to be a part of the agenda for the 2005 Special Session.

First some good news, our manager's compensation bill (SF1371, Rep. Morrie Lanning & Senator Rod Skoe) has passed both bodies and will become law with the governor's signature. Unfortunately, the entry onto private lands issue got caught up in a property rights debate and the decision was made to drop it from the bill. We will need to have additional discussion on this issue over the interim and at our Annual Meeting.

As I have reported in the past, the bonding bill was by all measures a success for watershed districts. The additional $23 million in CREP II funding was critical to our long term needs, as was the $4.2 million in Flood Hazard Mitigation funding for the Red River Valley.

The Senate Clean Water Legacy bill passed the Senate yesterday on a 66-0 vote. The funding for this legislation is in the tax bill ($34 million this biennium) and is general fund money. The glitch here is that the Governor and House have to go along with the Senate's tax increase to get the funding. We'll need to stay tuned to the Omnibus Tax bill discussions on this one.

The Ag & Environment and Economic Development Omnibus Finance conference committee is still awaiting final targets on spending before we see any more action out of that conference committee. The Senate is holding the gavel and has indicated that there will be no more meetings until the targets are set. The major issue holding up agreement on this bill is the LCMR reform, known as the Heritage Council provisions. The Senate appears to be dead set against going as far as the House and Governor appear willing to go in terms of turning over their authority to appropriate trust fund dollars. Other items of interest in this bill are discussed below.

The Tax conference committee has two major problems we are following -- the House has the "Turbocharger" legislation that would require a referendum on property tax levies if a certain percentage of property owners responded unfavorably to a so called satisfaction survey. In addition, the Senate has a property tax freeze that would effect watershed districts. We are working to get both of these onerous provisions removed from any final tax bill.

MAWD will continue to monitor progress on these bills through the special session and keep you updated on their progress. Thanks to Dick Nelson, lobbyist for the RRWMB and Joel Carlson, lobbyist for Minnehaha Creek WD and Buffalo Red WD, for their assistance this legislative session.

Below are bills of interest to watershed districts -- these bills can be accessed through the Minnesota Legislative web site at: www.leg.state.mn.us. Don't hesitate to contact our office if you have any questions about these bills or other bills of interest.

HF 1514 Heidgerken SF 1931 Fischbach; Sauk River Watershed District increased levy authorized. Public Finance House file included language increasing levy $100,000 per year, but dropped out in the final compromise legislation. Included in initial Senate tax bill, SF 1683 and still in play in the Omnibus Tax bill.

HF 1467 Hackbarth SF 1801 Chaudhary; LCMR Reform bill. Minnesota Conservation Heritage Foundation established, Legislative Commission on Minnesota Resources eliminated, revenues distributed, and money appropriated. Allows for a citizen's council to appropriate trust fund dollars. Senate file tabled in Environment Policy Committee, House file heard and amended in various policy committees and placed in the Omnibus Ag & Environment bill (HF902). This is presently in conference committee awaiting final action.

HF 1309 Lanning SF1371 Skoe; Watershed manager's compensation bill. Watershed district manager compensation increased and land entry clarified. Passed by both bodies and sent to the governor for signature. Land entry issue dropped from bill on House side. Increases allowable per deim payments from $55 per day to $75. Awaiting governor's signature on the bill!

HF 1185 Cox SF 1123 Hottinger; Federal Clean Water Act 401 certification waiver and review specifications provided, fees increased. Not heard in the House Environment Committee. Passed Senate Environment Policy committee and placed into the Omnibus Senate Ag & Environment Finance bill (SF2276). In conference committee awaiting action.

HF 1181 Cox SF1132 Murphy; SWCD levy authority bill. Soil and water conservation districts added to the definition of special taxing district. Bills referred to taxes committee. Senate file heard in taxes committee and placed into initial Senate taxes bill, SF1683. Awaiting action in Tax conference committee.

HF 1019 Hansen SF 876 Hottinger; Extends grass bank buffer zone drainage requirement for ditches. Passed House Environment Policy committee after amendments and referred to Ag Committee. Agreement by stakeholders turned this bill into a study by BWSR with involvement by all stakeholders. Passed to Environment Finance for final action. Senate bill referred to Environment Policy committee, agreed-to language amended into bill, sent to Ag policy, passed and re-referred to Environment Finance. Language is in both sides of the Omnibus Environment Finance bills, with a $109,000 appropriation on the Senate side. Awaiting final conference committee action.

HF 894 Cox SF 935 Frederickson; Public waters inventory authority, public waters work permit and water use permit provisions, and enforcement authority modified. Passed the House and Senate committees and floors, confereed, passed and sent to governor for signature.

HF 0826 Ozment, SF 762 Frederickson; Clean Water Legacy Act established providing authority, direction, and funding to achieve and maintain water quality standards for surface waters in accordance with the federal Clean Water Act.

House action: This legislation weaved it way through numerous committees and finally ended up in the House Tax Committee. The Tax Committee did not act on the bill. The author changed the funding mechanism to delete the original $36 fee on water hookups to a fee on improved parcels. This legislation would collect approximately the same amount of revenue.

Senate action: This legislation also weaved its way through numerous Senate committees but finally made it to the Senate floor. The funding part of the bill was inserted in the Senate Tax bill and provided for $34 million in general fund dollars for the program over the next biennium. Unfortunately, while the final policy bill passed the Senate on 5/23/05, the funding mechanism provides for in the Senate will need to have the Governor & House agreeing to the tax increase proposed by the Senate Tax bill (HF785 Unofficial Engrossment).

HF 785 Krinkie, SF 318 Pogemiller; Property tax freeze, property tax rate increases prohibited for taxes payable in 2006 and certain subsequent years, increases in fees prohibited, reimbursement provided to local governments for tax and fee increases, and money appropriated. Language included in the Senate Tax bill.

HF 390 Tingelstad; SF 469 Vickerman; LCMR recommendations. Environmental and natural resource projects approved by the Legislative Commission on Minnesota Resources, funding provided, and money appropriated. Referred to House and Senate Environment Finance Committees and included in the Omnibus Environment Finance bills in each body.

HF 354 Cox; 459 Skoe; $23 million CREP funding. Conservation reserve enhancement program funding provided, bonds issued, and money appropriated. In both bonding bills for $23 million. Included in conference committee report & passed into law.

HF 279 Magnus, SF 405 Vickerman; Minnesota River Basin Projects, Inc., $280,000 grant to BWSR for Area II; provides for flood plain management. Sent to Finance committee in Senate, House Ag & Environment Finance in the House for action. Heard in House and Senate Ag & Environment Finance committee. Included in both House and Senate Environment bills for $105,000 in the Senate side and $140,000 in the House side. Action is pending in the conference committee.

HF 199 Penas, SF 340 Stumpf; Flood hazard mitigation project bonds issued and money appropriated. Action: Incorporated into bonding bill. Includes $4.2 million for Flood Hazard Mitigation program grants for various RRWMB related projects and $2 million for Austin area flood mitigation projects. Included in conference committee report & signed into law.

HF 3 Dorman, SF 1 Langseth; Omnibus bonding bill providing capital improvements funding for various state departments and higher education institutions including the University of Minnesota, modifying previous bonding, issuing new bonds, and appropriating money. Action: Passed both bodies, conference committee agreement and report, signed into law on April 11, 2005.

Flood Hazard Mitigation Grants program:

House	$21 million	Senate	$32.18 million	Final: $27 million

Dam Renovation - Shellrock River WD

House	$400,000	Senate	$ - 0-	Final: $2 million - on list.

Metro Greenways

House	$1 million	Senate	$1 million	Final: $0.5 million

CREP

House	$23 million	Senate	$23 million	Final: $23 million

Road Wetland Replacement

House	$4.362 million	Senate	$4.362 million	Final:	$4.362 million
Area II Funding					
House	$ 0	Senate	$0.5 thousand	Final:	$.5 million

HF 902 Ozment, SF 2276 Bakk/Sams; House and Senate Omnibus Ag & Environment Finance bills. Many of the items noted above are included in this bill and are still in the conference committee process. Those items not noted above but impacting watershed districts include $125,000 each year for ring dike funding in the Red River Valley and $210,000 each year for the RRWMB mediation program. Both of these programs are not controversial and should be funded by the conference committee.

In addition, $50,000 each year has been proposed by the Senate for a beaver control program. Returning 401 certification authority to the MPCA is also proposed on the Senate side, with a $350 per certification fee and an additional $200 per acre for each acre of wetland or surface water subject to the 401 certification.

It is not clear at this point just how long the special session will take to complete, but conventional wisdom at the capitol would say don't plan any vacations until well into July. Looks like a long, hot summer!!

Please share this MAWD Legislative Update with your staff, managers, and other key partners. If you have any questions please contact me at raybohnmga@aol.com. Thanks.

From: "LeAnn Buck" <leann.buck@maswcd.org>
To: "'Ron Harnack'" <Ron.Harnack@bwsr.state.mn.us>, "'Doug Thomas'" <Doug.Thomas@bwsr.state.mn.us>, "Steve Woods" <Steve.Woods@bwsr.state.mn.us>, "'Bill Hunt'" <william.hunt@mn.usda.gov>, "'Ann English'" <ann.english@mn.usda.gov>, "'Paul Flynn'" <Paul.Flynn@mn.usda.gov>, "Tim Koehler" <tim.koehler@mn.usda.gov>, "'Krysta Harden'" <krysta-harden@nacdnet.org>, "'Christa Jones'" <christa-jones@nacdnet.org>, "'Beth Mason'" <beth-mason@nacdnet.org>, "Rich Duesterhaus" <Rich-Duesterhaus@nacdnet.org>
Date: 5/24/2005 1:52:32 PM
Subject: Legislative Update End of Reg. Session

May 24, 2005
Memo To: Minnesota's Soil & Water Conservation Districts
From: Judy Erickson
MASWCD Legislative Affairs Specialist
Re: End of Regular Session Update

When the Legislature adjourned at 12:00 midnight, May 23 (the Constitutional deadline for adjournment), they waited one minute and went back into Special Session in accordance with the proclamation made by Governor Pawlenty earlier in the day.

While many had hopes that the House-Senate Conference Committee on the Agriculture, Natural Resources and Economic Development Budget would be able to complete their work, the controversy of the Governor's proposed reforms to the LCMR prevented Conferees from reaching an agreement with the Governor.

This issue will now be considered as a part of the special session. While they are required to meet in Session every three days, it is not anticipated that anything will be accomplished until after the Memorial Day holiday. However, Conference Committees, now called "working groups," may begin yet this week. The final work product of these "working groups" will be introduced as new bills and voted upon during the Special Session.

Biennial Budget Bill - LCMR Controversy. The major hold up in the environment bill is the Governor's proposed LCMR reforms. This proposal relates to the Legislative Commission on Minnesota Resources and who oversees the allocation of expenditures from the Environment and Natural Resources Trust Fund.

The House bill now replaces the current LCMR with the Minnesota Conservation Heritage Council made up of 11 citizen members appointed by the Governor. Funding is provided to the Council via the Commissioner of Finance. The Council makes its recommendations to the Governor. The Legislature has no direct oversight of the Council, but reports and audits are required.

In the Senate a hearing was held and an amendment was added to change the Council to a combination of citizens and legislators, the bill was tabled with an overwhelming vote of 8 to 2 and no further action has been taken.

Because the earliest the new Council could spend Trust Fund dollars until 2007, the Senate proposed an 8-Legislator, 8-Citizen, Blue Ribbon Task Force to review the issue and bring back recommendations for action

in the 2006 Legislature. While many legislators thought this was a good compromise and could clear the way for the Conference Committee to complete its work, the Governor did not agree to it and so here we are in Special Session.

Clean Water Legacy, SF762/HF826. Clean Water Legacy policy language passed the Senate on a 65-0 vote on Monday, May 23rd. But not without some excitement!

SWCD Elections Amendment Defeated. As the Clean Water Legacy bill was being considered, Sen. Sharon Marko (DFL-Cottage Grove) offered two amendments to change SWCD elections from their current process to align with county commissioner lines. Both were ruled out of order as not germane to the bill. Special thanks goes to Sen. Dennis Frederickson (R-New Ulm), Sen. Gary Kubly (DFL-Granite Falls), Sen. Pat Pariseau (R-Farmington), Sen. Steve Murphy (DFL-Red Wing) and Sen. Dave Kleis (R-St. Cloud) for their efforts on the Senate floor. If these are your Senators, please take a moment to send them a big thank you!

Senate Funding for the Clean Water Legacy bill. The Senate has provided funding through its general tax increase contained in the Tax Bill. Unfortunately, the Senate funding only provides about half of the resources needed in the first year of the biennium and only a fraction of what is needed in the second year. Full funding would not come until four years out and only after the Pollution Control Agency tests and develops clean up plans on 50 percent of the state's waters. Therefore, the Senate has essentially endorsed the policy, but has failed to provide the necessary long-term funding.

The Senate message on SF762 was sent to the House and the bill was referred to the House Tax Committee to match up with HF826. It will still be alive when (and if) they convene in 2006. (See the Update from 5/16/05 for details on the House funding plan).

This does not in any way prevent the issue from being raised in the 2005 Special Session where they must start anew with all bills.

SWCD Levy. SF1132/HF1181. A House-Senate Conference Committee/Working Group on the Tax Bill, HF785, will now consider the SWCD Levy. The SWCD Levy is in Article 8, sections 1-2, and section 49 of the Senate bill. A positive decision on this will need to occur during the Special Session and is a long-shot.

Nevertheless, the SWCD Levy proposal went farther than anyone imagined it would this session! We received hearings in the House and Senate Tax Committees. The levy authority also received a hearing in the House Agriculture, Environment and Natural Resources Finance Committee as it related to implementation of Clean Water Legacy Initiative.

Looking Ahead to 2006. If the Clean Water Legacy is not adopted during Special Session, that will be back on the plate. The 2006 bonding bill will be under consideration and will be a smaller bill than the 2005 bill. Districts will also need to spend time working with your local legislators on election issues as this will likely come up again in 2006.

Thank you for the opportunity to serve you this year. Thank you for all your hard work in support of the MASWCD Legislative Platform and for responding so faithfully to calls for action!

HOUSE LANGUAGE (H0902-5)

SENATE LANGUAGE (S2276-2)

10.26 $18,000 the first year and $22,000 the
10.27 second year are from the natural
10.28 resources fund for grants to be divided
10.29 equally between the city of St. Paul
10.30 for the Como Zoo and Conservatory and
10.31 the city of Duluth Zoo. This
10.32 appropriation is from the revenue
10.33 deposited to the natural resources fund
10.34 under Minnesota Statutes, section
10.35 297A.94, paragraph (e), clause (5).
10.36 The natural resources fund
10.37 appropriation in this subdivision
10.38 includes a reduction of $1,093,000 each
10.39 year for operations support
10.40 reallocation.

10.41 Any reduction in general fund
10.42 appropriations in S.F. No. 1879,
10.43 article 10, section 33, if enacted,
10.44 must be taken from administrative costs
10.45 of the central office in St. Paul.

HOUSE LANGUAGE (H0902-5)

SENATE LANGUAGE (S1879-1)

16.9	Sec. 4. MINNESOTA				48.36	Sec. 6. MINNESOTA				
16.10	CONSERVATION CORPS			840,000	840,000	48.37	CONSERVATION CORPS			840,000	840,000
16.11	Summary by Fund					48.38	Summary by Fund				
16.12	General	350,000	350,000			48.39	General	350,000	350,000		
16.13	Natural Resources	490,000	490,000			48.40	Natural Resources	490,000	490,000		

16.14 The Minnesota Conservation Corps may
16.15 receive money appropriated under this
16.16 section only as provided in an
16.17 agreement with the commissioner of
16.18 natural resources.

48.41 The Minnesota Conservation Corps may
48.42 receive money appropriated from the
48.43 natural resources fund under this
48.44 section only as provided in an
48.45 agreement with the commissioner of
48.46 natural resources.

16.19 Sec. 5. BOARD OF WATER
16.20 AND SOIL RESOURCES 15,131,000 15,131,000

48.47 Sec. 7. BOARD OF WATER AND
48.48 SOIL RESOURCES 15,131,000 15,131,000

HOUSE LANGUAGE (H0902-5)

SENATE LANGUAGE (S2276-2)

10.46 Sec. 6. BOARD OF WATER AND
10.47 SOIL RESOURCES 194,000 85,000

HOUSE LANGUAGE (H0902-5)

SENATE LANGUAGE (S1879-1)

16.21 $4,102,000 the first year and
16.22 $4,102,000 the second year are for
16.23 natural resources block grants to local
16.24 governments.

16.25 The board may reduce the amount of the
16.26 natural resources block grant to a
16.27 county by an amount equal to any
16.28 reduction in the county's general
16.29 services allocation to a soil and water

48.49 $4,102,000 the first year and
48.50 $4,102,000 the second year are for
48.51 natural resources block grants to local
48.52 governments.

48.53 The board may reduce the amount of the
48.54 natural resources block grant to a
48.55 county by an amount equal to any
48.56 reduction in the county's general
49.1 services allocation to a soil and water

adopted RURBG

HOUSE LANGUAGE (H0902-5)

conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate.

Grants must be matched with a combination of local cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount that would be raised by a levy under Minnesota Statutes, section 103B.3369.

$3,566,000 the first year and $3,566,000 the second year are for grants to soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota conservation reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts.

$3,285,000 the first year and $3,285,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. For base grant allocations made prior to January 1, 2007, up to 100 percent of this appropriation may be used for technical assistance. Of this amount, at least $1,500,000 the first year and $1,500,000 the second year are for grants for cost-sharing contracts for water quality management on feedlots.

Any unencumbered balance in the board's program of grants does not cancel at the end of the first year and is available for the second year for the same grant program. This appropriation is available until expended. If the appropriation in either year is insufficient, the appropriation in the other year is available for it.

adopted

where dist. + the board or SCD's can tailor grant conservation actions, where better conservation outcomes can be achieved,

SENATE LANGUAGE (S1879-1)

conservation district from the county's previous year allocation when the board determines that the reduction was disproportionate.

Grants must be matched with a combination of local cash or in-kind contributions. The base grant portion related to water planning must be matched by an amount that would be raised by a levy under Minnesota Statutes, section 103B.3369.

$3,566,000 the first year and $3,566,000 the second year are for grants to soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota conservation reserve program. Upon approval of the board, expenditures may be made from these appropriations for supplies and services benefiting soil and water conservation districts.

$3,285,000 the first year and $3,285,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management. Of this amount, at least $1,500,000 the first year and $1,500,000 the second year are for grants for cost-sharing contracts for water quality management on feedlots.

The appropriations for grants in this section are available until expended. If an appropriation for grants in either year is insufficient, the appropriation in the other year is available for it.

adopted

11:00 1st Conference Mtg. 1

HOUSE LANGUAGE (H0902-5)

17.16 Any balance in the board's cost share
17.17 program that remains from the fiscal
17.18 year 2005 appropriation is available in
17.19 an amount of up to $15,000 for a grant
17.20 to the Mower County Soil and Water
17.21 Conservation District to create a small
17.22 pond demonstration project in the Cedar
17.23 River Watershed for purposes of water
17.24 retention and flood control. The Mower
17.25 County Soil and Water Conservation
17.26 District must seek other sources of
17.27 funding, including federal and private
17.28 sources, to ensure that the
17.29 demonstration project is educational
17.30 and complete.

HOUSE LANGUAGE (H0902-5)

17.31 $100,000 the first year and $100,000
17.32 the second year are for a grant to the
17.33 Red River Basin Commission to develop a
17.34 Red River basin plan and to coordinate
17.35 water management activities in the
17.36 states and provinces bordering the Red
17.37 River. The unencumbered balance in the
17.38 first year does not cancel but is
17.39 available for the second year.

adopted

17.40 $105,000 the first year and $105,000
17.41 the second year are for a grant to Area
17.42 II, Minnesota River Basin Projects,
17.43 Inc., for floodplain management,
17.44 including administration of programs.
17.45 If the appropriation in either year is
17.46 insufficient, the appropriation in the
17.47 other year is available for it.

Adopted

HOUSE LANGUAGE (H0902-5)

17.48 The board has authority to receive and
17.49 expend money to acquire conservation
17.50 easements, as defined in Minnesota
17.51 Statutes, chapter 84C, on behalf of the
17.52 state and federal government.

SENATE LANGUAGE (S2276-2)

11.20 The appropriations for grants in this
11.21 section are available until expended.
11.22 If an appropriation for grants in
11.23 either year is insufficient, the
11.24 appropriation in the other year is
11.25 available for it.

special appropriation for Mower - Its small, but could impact SWCD incentive program for cost-share.

SENATE LANGUAGE (S1879-1)

49.41 $100,000 the first year and $100,000
49.42 the second year are for a grant to the
49.43 Red River Basin Commission to develop a
49.44 Red River basin plan and to coordinate
49.45 water management activities in the
49.46 states and provinces bordering the Red
49.47 River.

49.35 $105,000 the first year and $105,000
49.36 the second year are for grants to
49.37 watershed districts and other local
49.38 units of government in the southern
49.39 Minnesota River basin study area 2 for
49.40 floodplain management.

SENATE LANGUAGE (S2276-2)

10.48 $35,000 the first year and $35,000 the
10.49 second year are for grants to the
10.50 Minnesota River basin study area 2 for
10.51 administration and flood reduction
10.52 programs.

already covered in 49.35-49.40 from 2 separate SW bills.

HOUSE LANGUAGE (H0902-5)

consistent with the Camp Ripley's Army Compatible Use Buffer Project.

The board shall conduct an implementation assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. The board shall report the results to the senate and house of representatives committees with jurisdiction over drainage systems by January 15, 2006.

language the same HS = $0's SD = $109K

Senate only language $ $1's also see R107.

HOUSE LANGUAGE (H0902-5)

Sec. 6. ZOOLOGICAL BOARD		6,189,000	6,191,000
Summary by Fund			
General		6,057,000	6,057,000
Natural Resources		132,000	134,000

HOUSE LANGUAGE (H0902-5)

HOUSE LANGUAGE (H0902-5)

$132,000 the first year and $134,000 the second year are from the natural resources fund from the revenue deposited under Minnesota Statutes, section 297A.94, paragraph (e), clause (5). This is a onetime appropriation.

HOUSE LANGUAGE (H0902-5)

SENATE LANGUAGE (S2276-2)

$109,000 the first year is for an implementation assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. The board shall report the results to the senate and house of representatives committees with jurisdiction over drainage systems by January 15, 2006.

$50,000 the first year and $50,000 the second year are for beaver damage control grants under new Minnesota Statutes, section 103F.950.

If funded with Opt A language consider using this in the option. If funded w/ A as option.

SENATE LANGUAGE (S1879-1)

Sec. 4. ZOOLOGICAL BOARD		6,681,000	6,681,000
Summary by Fund			
General		6,557,000	6,557,000
Natural Resources		124,000	124,000

SENATE LANGUAGE (S2276-2)

Sec. 4. ZOOLOGICAL BOARD		8,000	10,000
Summary by Fund			
Natural Resources	8,000	10,000	

SENATE LANGUAGE (S1879-1)

$124,000 the first year and $124,000 the second year are from the natural resources fund. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

SENATE LANGUAGE (S2276-2)

$8,000 the first year and $10,000 the second year are from the natural resources fund. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (5).

HOUSE LANGUAGE (H0902-5)

government, or exchanges of Class A, Class B, and ~~Class~~ C riparian nonagricultural land with local units of government under sections 94.342, 94.343, and 94.344~~, and 94.349~~;

(5) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10; and

(6) land not needed for trail purposes that is sold to adjacent property owners and lease holders under section 85.015, subdivision 1, paragraph (b).

(c) This section does not apply to transfers of land by the commissioner of administration or transportation or by the Minnesota Housing Finance Agency, or to transfers of tax-forfeited land under chapter 282 if:

(1) the land is in platted subdivisions; or

(2) the conveyance is a transfer to correct errors in legal descriptions.

(d) This section does not apply to transfers of land by the commissioner of administration or by the Minnesota Housing Finance Agency for:

(1) land that is currently in nonagricultural commercial use if a restrictive covenant would interfere with the commercial use; or

(2) land transferred to political subdivisions for public purposes under sections 84.027, subdivision 10, and 94.10.

SENATE LANGUAGE (S2276-2)

Sec. 110. [103F.950] [BEAVER DAMAGE CONTROL GRANTS.]

Subdivision 1. [ESTABLISHMENT.] The Board of Water and Soil Resources shall establish a beaver damage control grant program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches and adjacent private property. The grants may be made to:

(1) a joint powers board established under section 471.59 by two or more governmental units;

(2) soil and water conservation districts; and

(3) Indian tribal governments.

Subd. 2. [GRANT AMOUNT.] The board may provide up to 50 percent of the costs of implementing a beaver damage control program by a joint powers board.

Subd. 3. [AWARDING OF GRANTS.] Applications for grants must be made to the board on forms prescribed by the ~~commissioner.~~ The board shall consult with town supervisors and ~~county commissioners~~ representing different areas of the state in developing the application form. A joint powers board seeking a grant may be required to supply information on the beaver control program it has adopted, the extent of the problem in the geographic area covered by the joint powers agreement, and the ability of the joint powers board to match the state grant. The board may prioritize the grant applications based upon the information requested as part of the grant application.

Subd. 4. [REPORT.] (a) Within one year after receiving a grant under this section, a joint powers board must report to the Board of Water and Soil Resources on the joint powers board's efforts to control beaver in the area.

(b) By December 15 of each even-numbered year, the board shall report to the senate and house environment and natural resources policy and finance committees on the efforts under this section to control beaver.

board

HOUSE LANGUAGE (H0902-5)

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game-and-fish-fund water recreation account.

Sec. 118. Minnesota Statutes 2004, section 103I.681, subdivision 11, is amended to read:

Subd. 11. [PERMIT FEE SCHEDULE.] (a) The commissioner of natural resources shall adopt a permit fee schedule under chapter 14. The schedule may provide minimum fees for various classes of permits, and additional fees, which may be imposed subsequent to the application, based on the cost of receiving, processing, analyzing, and issuing the permit, and the actual inspecting and monitoring of the activities authorized by the permit, including costs of consulting services.

(b) A fee may not be imposed on a state or federal governmental agency applying for a permit.

(c) The fee schedule may provide for the refund of a fee, in whole or in part, under circumstances prescribed by the commissioner of natural resources. Permit Fees received must be deposited in the state treasury and credited to the general fund. ~~The amount of money necessary to pay the refunds is~~ Permit fees received are appropriated annually from the general fund to the commissioner of natural resources for the costs of inspecting and monitoring the activities authorized by the permit, including costs of consulting services.

SENATE LANGUAGE (S2276-2)

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game-and-fish-fund water recreation account.

Sec. 114. Minnesota Statutes 2004, section 103I.681, subdivision 11, is amended to read:

Subd. 11. [PERMIT FEE SCHEDULE.] (a) The commissioner of natural resources shall adopt a permit fee schedule under chapter 14. The schedule may provide minimum fees for various classes of permits, and additional fees, which may be imposed subsequent to the application, based on the cost of receiving, processing, analyzing, and issuing the permit, and the actual inspecting and monitoring of the activities authorized by the permit, including costs of consulting services.

(b) A fee may not be imposed on a state or federal governmental agency applying for a permit.

(c) The fee schedule may provide for the refund of a fee, in whole or in part, under circumstances prescribed by the commissioner of natural resources. Permit Fees received must be deposited in the state treasury and credited to the general fund. ~~The amount of money necessary to pay the refunds is~~ Permit fees received are appropriated annually from the general fund to the commissioner of natural resources for the costs of inspecting and monitoring the activities authorized by the permit, including costs of consulting services.

Sec. 115. Minnesota Statutes 2004, section 115.03, subdivision 4a, is amended to read:

Subd. 4a. [SECTION 401 CERTIFICATIONS.] (a) The following definitions apply to this subdivision:

(1) "section 401 certification" means a water quality certification required under section 401 of the federal Clean Water Act, United States Code, title 33, section 1341; and

(2) "~~nationwide~~ federal general permit" means a ~~nationwide~~ general permit issued by the United States Army Corps of Engineers ~~and listed in Code of Federal Regulations, title 40, part 330, appendix A~~ under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344; and

(3) "professional review" means review of federal permits or licenses that require section 401 certification before issuance by professional or technical agency staff experienced with section 401 water quality certification.

(b) The ~~agency~~ commissioner is responsible for providing section 401 certifications for ~~nationwide~~ federal permits or licenses that require section 401 certification before issuance of the federal permit or license.

(c) Before making a final decision on a section 401 certification for regional conditions on a ~~nationwide~~ federal general permit, the ~~agency~~ commissioner shall hold at least one public meeting outside the seven-county metropolitan area.

(d) In addition to other notice required by law, the agency shall provide written notice of a meeting at which the agency will be considering a section 401 certification for regional conditions on a ~~nationwide~~ federal general permit at least 21 days before the date of the meeting to the members of the senate and house ~~of representatives environment and natural resources~~

HOUSE LANGUAGE (H0902-5)

SENATE LANGUAGE (S2276-2)

committees;-the-senate-Agriculture-and-Rural-Development Committee;-and-the-house-of-representatives-Agriculture Committee policy committees with jurisdiction over environment and agriculture.

(e) Beginning July 1, 2005, the commissioner shall collect a fee on individual section 401 certifications that are not subject to a federal general permit or a letter of permission in the amount of $350 per certification and an additional $200 for each acre of wetland or surface water that is subject to the section 401 certification. All fees collected by the commissioner under this section shall be deposited in the environmental fund and are appropriated to the agency for the purpose of providing professional review and notification.

(f) A decision by the commissioner to waive review of section 401 certification must include a written notice to project applicants that they remain responsible for complying with all water quality standards and other applicable statutes and rules and that the commissioner retains the authority to enforce violations of applicable standards, statutes, and rules, including assessment of penalties.

(g) The commissioner shall provide access to all public notices of applications for section 401 certification, their status, and the decision to certify, deny, or waive any application on the agency's Internet Web site, and may publish these documents in any other appropriate public medium. All public comments must be attached to the official public record waiver decision and be available for review upon request. All publications shall include the project's location, including county, township, range and section, street address, or directions.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 119. Minnesota Statutes 2004, section 115.06, subdivision 4, is amended to read:

Subd. 4. [CITIZEN MONITORING OF WATER QUALITY.] (a) The agency may encourage citizen monitoring of ambient water quality for public waters by:

(1) providing technical assistance to citizen and local group water quality monitoring efforts;

(2) integrating citizen monitoring data into water quality assessments and agency programs, provided that the data adheres to agency quality assurance and quality control protocols; and

(3) seeking public and private funds to:

(i) collaboratively develop clear guidelines for water quality monitoring procedures and data management practices for specific data and information uses;

(ii) distribute the guidelines to citizens, local governments, and other interested parties;

(iii) improve and expand water quality monitoring activities carried out by the agency; and

(iv) continue to improve electronic and Web access to water quality data and information about public waters that have been either fully or partially assessed.

(b) This subdivision does not authorize a citizen to enter onto private property for any purpose.

(c) By January 15 of each odd-numbered year, the commissioner shall report to the senate and house of

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line		Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
4	**POLLUTION CONTROL AGENCY**															
5	**TOTALS**															
6	General	GEN	dir	11,764	11,764	23,528	(5,902)	12,311	12,311	24,622	(4,808)	1,094	10,664	10,664	21,328	3,294
7	State Government Special Revenue	SGSR	dir	48	48	96	-	48	48	96	-	-	48	48	96	-
8	Special Revenue	SR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
9	Environmental	ENV	dir	58,800	59,107	117,907	64,283	35,644	35,951	71,595	17,971	(46,312)	56,663	56,970	113,633	(42,038)
10	Env & Nat Res Trust Fund	TF	dir	300	300	600	600	-	-	-	-	(600)	-	-	-	-
11	Remediation	REM	dir	11,403	11,403	22,806	(2)	11,404	11,404	22,808	-	2	11,403	11,403	22,806	2
12		**PCA - total direct**		**82,315**	**82,622**	**164,937**	**58,979**	**59,407**	**59,714**	**119,121**	13,163	(45,816)	**78,778**	**79,085**	**157,863**	(38,742)
13										-					-	-
14		Fund	Type													-
15	Public Facilities Authority	PFA	stat	2,263	2,263	4,526	-	2,263	2,263	4,526	-	-	2,263	2,263	4,526	-
16	State Govt Special Revenue	SGSR	stat	1	1	2	-	1	1	2	-	-	1	1	2	-
17	Special Revenue	SR	stat	12,342	12,342	24,684	256	12,214	12,214	24,428	-	(256)	12,342	12,342	24,684	(256)
18	Federal	FED	stat	22,227	19,858	42,085	-	22,227	19,858	42,085	-	-	22,227	19,858	42,085	-
19	Environmental	ENV	stat	2,390	2,393	4,783	4,125	469	469	938	280	(3,845)	2,390	2,393	4,783	(3,845)
20	Remediation	REM	stat	13,859	14,553	28,412	(23,400)	17,654	18,348	36,002	(15,810)	7,590	15,996	16,690	32,686	3,316
21	Gift	GIFT	stat	11	11	22	22	-	-	-	-	(22)	11	11	22	(22)
22		**PCA - total statutory and open**		**53,093**	**51,421**	**104,514**	**(18,997)**	**54,828**	**53,153**	**107,981**	(15,530)	3,467	**55,230**	**53,558**	**108,788**	(807)
23		**POLLUTION CONTROL AGENCY; AGENCY TOTAL**		**135,408**	**134,043**	**269,451**	**39,982**	**114,235**	**112,867**	**227,102**	(2,367)	(42,349)	**134,008**	**132,643**	**266,651**	(39,549)
24										-						
25	**PCA - Water**															
26	BASE	GEN	dir	10,467	10,467	20,934	-	10,467	10,467	20,934	-	-	10,467	10,467	20,934	-
27		SGSR	dir	48	48	96	-	48	48	96	-	-	48	48	96	-
28		ENV	dir	8,941	8,941	17,882	-	8,941	8,941	17,882	-	-	8,941	8,941	17,882	-
29		PFA	stat	2,263	2,263	4,526	-	2,263	2,263	4,526	-	-	2,263	2,263	4,526	-
30		SR	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
31		FED	stat	10,796	8,787	19,583	-	10,796	8,787	19,583	-	-	10,796	8,787	19,583	-
32			**Water - base**	32,515	30,506	63,021	-	32,515	30,506	63,021	-	-	32,515	30,506	63,021	-
33	change items:															
34	*General Fund Reduction (Gov Rec)*	*GEN*	*dir*	*(2,550)*	*(2,550)*	*(5,100)*		*(2,004)*	*(2,004)*	*(4,008)*		1,092	*(2,850)*	*(2,850)*	*(5,700)*	1,692
35	*Transfer from Remediation Fund (Land)*	*ENV*	*dir*	*11,703*	*11,703*	*23,406*		*8,300*	*8,300*	*16,600*		(6,806)	*9,566*	*9,566*	*19,132*	(2,532)
36	*Clean Water Sec 401 Waivers (SF1123-Hottinger)*	*ENV*	*stat*					*140*	*140*	*280*		280	-	-	-	280
37	*Met Council Grant Reduction (House)*	*GEN*	*dir*										*(300)*	*(300)*	*(600)*	600
38																
39																
40																
41	ADJUSTED	GEN	dir	7,917	7,917	15,834	(5,100)	8,463	8,463	16,926	(4,008)	1,092	7,317	7,317	14,634	2,292
42		SGSR	dir	48	48	96	-	48	48	96	-	-	48	48	96	-
43		SR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
44		ENV	dir	20,644	20,644	41,288	23,406	17,241	17,241	34,482	16,600	(6,806)	18,507	18,507	37,014	(2,532)
45			**Water - total direct**	28,609	28,609	57,218	18,306	25,752	25,752	51,504	12,592	(5,714)	25,872	25,872	51,744	(240)
46											-					-
47		PFA	stat	2,263	2,263	4,526	-	2,263	2,263	4,526	-	-	2,263	2,263	4,526	-
48		SR	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
49		ENV	stat	-	-	-	-	140	140	280	280	280	-	-	-	280
50		FED	stat	10,796	8,787	19,583	-	10,796	8,787	19,583	-	-	10,796	8,787	19,583	-
51			**Water- total statutory**	13,059	11,050	24,109	-	13,199	11,190	24,389	280	280	13,059	11,050	24,109	280
52			**Water; PROGRAM TOTAL**	41,668	39,659	81,327	18,306	38,951	36,942	75,893	12,872	(5,434)	38,931	36,922	75,853	40

Senate Environment and Natural Resources FY06-07 BUDGET
(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line			Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
53																	
54	**PCA - Air**																
55	BASE		GEN	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
56			ENV	dir	8,765	8,765	17,530	-	8,765	8,765	17,530	-	-	8,765	8,765	17,530	-
57			SR	stat	141	141	282	-	141	141	282	-	-	141	141	282	-
58			FED	stat	366	366	732	-	366	366	732	-	-	366	366	732	-
59			ENV	stat	243	243	486	-	243	243	486	-	-	243	243	486	-
60				**Air- base**	9,515	9,515	19,030	-	9,515	9,515	19,030	-	-	9,515	9,515	19,030	-
61	change items:																
62	*Air Fee Increase (Gov Rec)*		*ENV*	*dir*	*532*	*839*	*1,371*		*532*	*839*	*1,371*		-	*532*	*839*	*1,371*	-
63																	
64																	
65	ADJUSTED		GEN	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
66			ENV	dir	9,297	9,604	18,901	1,371	9,297	9,604	18,901	1,371	-	9,297	9,604	18,901	-
67				**Air- total direct**	9,297	9,604	18,901	1,371	9,297	9,604	18,901	1,371	-	9,297	9,604	18,901	-
68													-				-
69			SR	stat	141	141	282	-	141	141	282	-	-	141	141	282	-
70			ENV	stat	243	243	486	-	243	243	486	-	-	243	243	486	-
71			FED	stat	366	366	732	-	366	366	732	-	-	366	366	732	-
72				**Air- total statutory**	750	750	1,500	-	750	750	1,500	-	-	750	750	1,500	-
73				**Air; PROGRAM TOTAL**	10,047	10,354	20,401	1,371	10,047	10,354	20,401	1,371	-	10,047	10,354	20,401	-
74																	
75	**PCA - Land**																
76	BASE		GEN	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
77			ENV	dir	7,065	7,065	14,130	-	7,065	7,065	14,130	-	-	7,065	7,065	14,130	-
78			REM	dir	11,404	11,404	22,808	-	11,404	11,404	22,808	-	-	11,404	11,404	22,808	-
79			SR	stat	540	540	1,080	-	540	540	1,080	-	-	540	540	1,080	-
80			FED	stat	3,218	3,130	6,348	-	3,218	3,130	6,348	-	-	3,218	3,130	6,348	-
81			ENV	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
82			REM	stat	25,442	26,136	51,578	-	25,442	26,136	51,578	-	-	25,442	26,136	51,578	-
83				**Land- base**	47,669	48,275	95,944	-	47,669	48,275	95,944	-	-	47,669	48,275	95,944	-
84	change items:																
85	*Transfer to ENV Fund*		*REM*	*stat*	*(11,700)*	*(11,700)*	*(23,400)*		*(11,700)*	*(11,700)*	*(23,400)*		-	*(11,700)*	*(11,700)*	*(23,400)*	-
86	*Remain in Land Program for Superfund Sites*		*REM*	*stat*	-	-	-		*3,400*	*3,400*	*6,800*		6,800	*2,137*	*2,137*	*4,274*	2,526
87	*Dry Cleaner Fees Adjustment (SF1424-Sams)*		*REM*	*stat*	-	-	-		*395*	*395*	*790*		790	-	-	-	790
88	*Adjustment*		*ENV*	*dir*	*(1)*	*(1)*	*(2)*				-		2	*(1)*	*(1)*	*(2)*	2
89	*Adjustment*		*REM*	*dir*	*(1)*	*(1)*	*(2)*				-		2	*(1)*	*(1)*	*(2)*	2
90																	
91	ADJUSTED		GEN	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
92			ENV	dir	7,064	7,064	14,128	(2)	7,065	7,065	14,130	-	2	7,064	7,064	14,128	2
93			REM	dir	11,403	11,403	22,806	(2)	11,404	11,404	22,808	-	2	11,403	11,403	22,806	2
94				**Land- total direct**	18,467	18,467	36,934	(4)	18,469	18,469	36,938	-	4	18,467	18,467	36,934	4
95																	-
96			SR	stat	540	540	1,080	-	540	540	1,080	-	-	540	540	1,080	-
97			FED	stat	3,218	3,130	6,348	-	3,218	3,130	6,348	-	-	3,218	3,130	6,348	-
98			ENV	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
99			REM	stat	13,742	14,436	28,178	(23,400)	17,537	18,231	35,768	(15,810)	7,590	15,879	16,573	32,452	3,316
100				**Land- total statutory & open**	17,500	18,106	35,606	(23,400)	21,295	21,901	43,196	(15,810)	7,590	19,637	20,243	39,880	3,316
101				**Land; PROGRAM TOTAL**	35,967	36,573	72,540	(23,404)	39,764	40,370	80,134	(15,810)	7,594	38,104	38,710	76,814	3,320
102																	

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line			Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
103	**PCA - Multimedia**																
104	BASE		GEN	dir	2,265	2,265	4,530	-	2,265	2,265	4,530	-	-	2,265	2,265	4,530	-
105			TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
106			ENV	dir	2,041	2,041	4,082	-	2,041	2,041	4,082	-	-	2,041	2,041	4,082	-
107			SR	stat	862	862	1,724	-	862	862	1,724	-	-	862	862	1,724	-
108			ENV	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
109			GIFT	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
110			FED	stat	7,847	7,575	15,422	-	7,847	7,575	15,422	-	-	7,847	7,575	15,422	-
111			**Multimedia- base**		13,015	12,743	25,758	-	13,015	12,743	25,758	-	-	13,015	12,743	25,758	-
112																	
113	change items:																
114	*Merge OEA into PCA*		*ENV*	*dir*	*19,754*	*19,754*	*39,508*		-	-	-		(39,508)	*19,754*	*19,754*	*39,508*	(39,508)
115	*Merge OEA into PCA*		*ENV*	*stat*	*2,061*	*2,064*	*4,125*		-	-	-		(4,125)	*2,061*	*2,064*	*4,125*	(4,125)
116	*Merge OEA into PCA*		*SR*	*stat*	*128*	*128*	*256*		-	-	-		(256)	*128*	*128*	*256*	(256)
117	*Merge OEA into PCA*		*GIFT*	*stat*	*11*	*11*	*22*		-	-	-		(22)	*11*	*11*	*22*	(22)
118	*LCMR-Water Monitoring*		*TF*	*dir*	*300*	*300*	*600*		-	-	-		(600)	-	-	-	-
119	*Adjustment*		*GEN*	*dir*	*(1)*	*(1)*	*(2)*		-	-	-		2	*(1)*	*(1)*	*(2)*	2
120																	
121																	
122																	
123																	
124	ADJUSTED		GEN	dir	2,264	2,264	4,528	(2)	2,265	2,265	4,530	-	2	2,264	2,264	4,528	2
125			TF	dir	300	300	600	600	-	-	-	-	(600)	-	-	-	-
126			ENV	dir	21,795	21,795	43,590	39,508	2,041	2,041	4,082	-	(39,508)	21,795	21,795	43,590	(39,508)
127			**Multimedia- total direct**		24,359	24,359	48,718	40,106	4,306	4,306	8,612	-	(40,106)	24,059	24,059	48,118	(39,506)
128																-	-
129			SR	stat	990	990	1,980	256	862	862	1,724	-	(256)	990	990	1,980	(256)
130			ENV	stat	2,061	2,064	4,125	4,125	-	-	-	-	(4,125)	2,061	2,064	4,125	(4,125)
131			GIFT	stat	11	11	22	22	-	-	-	-	(22)	11	11	22	(22)
132			FED	stat	7,847	7,575	15,422	-	7,847	7,575	15,422	-	-	7,847	7,575	15,422	-
133			**Multimedia- total statutory**		10,909	10,640	21,549	4,403	8,709	8,437	17,146	-	(4,403)	10,909	10,640	21,549	(4,403)
134			**Multimedia; PROGRAM TOTAL**		35,268	34,999	70,267	44,509	13,015	12,743	25,758	-	(44,509)	34,968	34,699	69,667	(43,909)
135																	
136	**PCA - Administrative Support**																
137	BASE		GEN	dir	1,983	1,983	3,966	-	1,983	1,983	3,966	-	-	1,983	1,983	3,966	-
138			SGSR	stat	1	1	2	-	1	1	2	-	-	1	1	2	-
139			SR	stat	10,671	10,671	21,342	-	10,671	10,671	21,342	-	-	10,671	10,671	21,342	-
140			ENV	stat	86	86	172	-	86	86	172	-	-	86	86	172	-
141			REM	stat	117	117	234	-	117	117	234	-	-	117	117	234	-
142			**Administrative Support- base**		12,858	12,858	25,716	-	12,858	12,858	25,716	-	-	12,858	12,858	25,716	-
143	change items:																
144	*General Fund Reduction (Gov Rec)*		*GEN*	*dir*	*(400)*	*(400)*	*(800)*		*(400)*	*(400)*	*(800)*		-	*(400)*	*(400)*	*(800)*	-
145	*General Fund Reduction Under Option A (House)*		*GEN*	*dir*					-	-	-		-	*(500)*	*(500)*	*(1,000)*	1,000
146																	
147																	
148	ADJUSTED		GEN	dir	1,583	1,583	3,166	(800)	1,583	1,583	3,166	(800)	-	1,083	1,083	2,166	1,000
149			ENV	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
150			SW	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
151			**Admin Support- total direct**		1,583	1,583	3,166	(800)	1,583	1,583	3,166	(800)	-	1,083	1,083	2,166	1,000
152																	-

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DETAILS				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
line		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
153		SGSR	stat	1	1	2	-	1	1	2	-	-	1	1	2	-
154		SR	stat	10,671	10,671	21,342	-	10,671	10,671	21,342	-	-	10,671	10,671	21,342	-
155		ENV	stat	86	86	172	-	86	86	172	-	-	86	86	172	-
156		REM	stat	117	117	234	-	117	117	234	-	-	117	117	234	-
157		SW	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
158	**Admin Support- total statutory**			10,875	10,875	21,750	-	10,875	10,875	21,750	-	-	10,875	10,875	21,750	-
159	**Administrative Support; PROGRAM TOTAL**			12,458	12,458	24,916	(800)	12,458	12,458	24,916	(800)	-	11,958	11,958	23,916	1,000
160																
161	**OFFICE OF ENVIRONMENTAL ASSISTANCE**															
162																
163	BASE	GEN	dir	11,760	11,760	23,520	-	11,760	11,760	23,520	-	-	11,760	11,760	23,520	-
164		ENV	dir	7,994	7,994	15,988	-	7,994	7,994	15,988	-	-	7,994	7,994	15,988	-
165		SW	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
166		SR	stat	128	128	256	-	128	128	256	-	-	128	128	256	-
167		FED	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
168		ENV	stat	2,061	2,064	4,125	-	2,061	2,064	4,125	-	-	2,061	2,064	4,125	-
169		GIFT	stat	11	11	22	-	11	11	22	-	-	11	11	22	-
170	**OEA- base**			21,954	21,957	43,911	-	21,954	21,957	43,911	-	-	21,954	21,957	43,911	-
171	change items:															
172	*Move GF approp to ENV*	*GEN*	*dir*	(11,760)	(11,760)	(23,520)		-	-	-		23,520	(11,760)	(11,760)	(23,520)	23,520
173	*Move from GF to ENV*	*ENV*	*dir*	11,760	11,760	23,520		-	-	-		(23,520)	11,760	11,760	23,520	(23,520)
174	*Merge OEA into PCA*	*ENV*	*dir*	(11,760)	(11,760)	(23,520)		-	-	-		23,520	(11,760)	(11,760)	(23,520)	23,520
175	*Merge OEA into PCA*	*ENV*	*dir*	(7,994)	(7,994)	(15,988)		-	-	-		15,988	(7,994)	(7,994)	(15,988)	15,988
176	*Merge OEA into PCA*	*SR*	*stat*	(128)	(128)	(256)		-	-	-		256	(128)	(128)	(256)	256
177	*Merge OEA into PCA*	*ENV*	*stat*	(2,061)	(2,064)	(4,125)		-	-	-		4,125	(2,061)	(2,064)	(4,125)	4,125
178	*Merge OEA into PCA*	*GIFT*	*stat*	(11)	(11)	(22)		-	-	-		22	(11)	(11)	(22)	22
179	*Waste Electronic Recycling (SF1298-Higgins)*	*ENV*	*stat*	-	-	-		-	-	-		-				
180																
181																
182	**TOTALS**															
183	ADJUSTED	GEN	dir	-	-	-	(23,520)	11,760	11,760	23,520	-	23,520	-	-	-	23,520
184		ENV	dir	-	-	-	(15,988)	7,994	7,994	15,988	-	15,988	-	-	-	15,988
185		SW	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
186		**OEA- total direct**		-	-	-	(39,508)	**19,754**	**19,754**	**39,508**	-	39,508	-	-	-	39,508
187																-
188		SR	stat	-	-	-	(256)	128	128	256	-	256	-	-	-	256
189		FED	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
190		ENV	stat	-	-	-	(4,125)	2,061	2,064	4,125	-	4,125	-	-	-	4,125
191		GIFT	stat	-	-	-	(22)	11	11	22	-	22	-	-	-	22
192		**OEA- total statutory**		-	-	-	(4,403)	**2,200**	**2,203**	**4,403**	-	4,403	-	-	-	4,403
193		**OEA; AGENCY TOTAL**		-	-	-	(43,911)	**21,954**	**21,957**	**43,911**	-	43,911	-	-	-	43,911
194																
195	**MINNESOTA ZOO**															
196																
197	BASE	GEN	dir	6,557	6,557	13,114	-	6,557	6,557	13,114	-	-	6,557	6,557	13,114	-
198		NRF	dir	-	-	-		-	-	-	-	-	-	-	-	-
199		SR	stat	9,242	9,543	18,785	-	9,242	9,543	18,785	-	-	9,242	9,543	18,785	-
200		FED	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
201		GIFT	stat	986	1,128	2,114	-	986	1,128	2,114	-	-	986	1,128	2,114	-

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(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line			Fund	Type	GOVERNOR'S BUDGET FY 2006	FY 2007	2006-07	Diff Base	SENATE-ALL FY 2006	FY 2007	2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	FY 2007	2006-07	Sen - House
202			**MN Zoo - base**		16,785	17,228	34,013	-	16,785	17,228	34,013	-	-	16,785	17,228	34,013	-
203	change items:																
204	*Lottery in Lieu - MN Zoo (SF1879)*		*NRF*	*dir*	*132*	*134*	*266*		*124*	*124*	*248*		(18)	*132*	*134*	*266*	(18)
205	*Lottery in Lieu - MN Zoo Forecast Adjustment*		*NRF*	*dir*					8	10	*18*		18	-	-	-	18
206	*General Fund Reduction (House)*		*GEN*	*dir*										*(500)*	*(500)*	*(1,000)*	1,000
207																	
208	**TOTALS**																
209	ADJUSTED		GEN	dir	6,557	6,557	13,114	-	6,557	6,557	13,114	-	-	6,057	6,057	12,114	1,000
210			NRF	dir	132	134	266	266	132	134	266	266	-	132	134	266	-
211			**MN Zoo - total direct**		**6,689**	**6,691**	**13,380**	**266**	**6,689**	**6,691**	**13,380**	266	-	**6,189**	**6,191**	**12,380**	1,000
212																	
213			SR	stat	9,242	9,543	18,785	-	9,242	9,543	18,785	-	-	9,242	9,543	18,785	-
214			FED	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
215			GIFT	stat	986	1,128	2,114	-	986	1,128	2,114	-	-	986	1,128	2,114	-
216			**MN Zoo - total statutory**		**10,228**	**10,671**	**20,899**	-	**10,228**	**10,671**	**20,899**	-	-	**10,228**	**10,671**	**20,899**	-
217			**MINNESOTA ZOO; AGENCY TOTAL**		**16,917**	**17,362**	**34,279**	**266**	**16,917**	**17,362**	**34,279**	266	-	**16,417**	**16,862**	**33,279**	1,000
218																	
219	**NATURAL RESOURCES DEPT**																
220	**TOTALS**																
221	General		GEN	dir	74,761	74,761	149,522	(15,754)	76,080	75,105	151,185	(14,091)	1,663	70,092	70,093	140,185	11,000
222	Natural Resources		NRF	dir	50,958	49,402	100,360	118	59,905	59,931	119,836	19,594	19,476	64,373	64,636	129,009	(9,173)
223	Game and Fish		G&F	dir	79,911	82,058	161,969	(2,131)	85,312	85,161	170,473	6,373	8,504	84,857	86,629	171,486	(1,013)
224	Env & Nat Res Trust Fund		TF	dir	14,981	14,982	29,963	29,963	-	-	-	-	(29,963)	-	-	-	-
225	Minnesota Future Resources		MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
226	Permanent School		PS	dir	350	350	700	700	50	50	100	100	(600)	350	350	700	(600)
227	Remediation		REM	dir	100	100	200	-	100	100	200	-	-	100	100	200	-
228			**DNR- total direct**		**221,061**	**221,653**	**442,714**	12,896	**221,447**	**220,347**	**441,794**	11,976	(920)	**219,772**	**221,808**	**441,580**	214
229																	
230	General		GEN	stat	22	-	22	-	22	-	22	-	-	22	-	22	-
231	General		GEN	open	30,129	29,419	59,548	(5,292)	30,129	32,419	62,548	(2,292)	3,000	30,129	29,419	59,548	3,000
232	Natural Resources		NRF	stat	12,655	12,648	25,303	19,422	3,144	2,937	6,081	200	(19,222)	3,184	3,177	6,361	(280)
233	Natural Resources		NRF	open	434	333	767	-	434	333	767	-	-	434	333	767	-
234	Special Revenue		SR	stat	19,284	19,184	38,468	500	19,284	19,184	38,468	500	-	19,034	18,934	37,968	500
235	Game and Fish		G&F	stat	10,735	10,585	21,320	16,076	3,009	3,009	6,018	774	(15,302)	6,022	6,022	12,044	(6,026)
236	Game and Fish		G&F	open	812	807	1,619	-	812	807	1,619	-	-	812	807	1,619	-
237	Federal		FED	stat	18,222	17,169	35,391	-	18,222	17,169	35,391	-	-	18,222	17,169	35,391	-
238	Remediation		REM	stat	2,000	1,169	3,169	-	2,000	1,169	3,169	-	-	2,000	1,169	3,169	-
239	Reinvest in Minnesota		RIM	stat	2,441	2,441	4,882	222	2,360	2,405	4,765	105	(117)	2,360	2,405	4,765	-
240	Misc Agency		AGY	stat	45	45	90	-	45	45	90	-	-	45	45	90	-
241	Gift		GIFT	stat	1,463	1,462	2,925	-	1,463	1,462	2,925	-	-	1,463	1,462	2,925	-
242	Permanent School		PS	stat	19	19	38	-	19	19	38	-	-	19	19	38	-
243			**DNR- total open and statutory**		**98,261**	**95,281**	**193,542**	30,928	**80,943**	**80,958**	**161,901**	(713)	(31,641)	**83,746**	**80,961**	**164,707**	(2,806)
244			**DNR; AGENCY TOTAL**		**319,322**	**316,934**	**636,256**	43,824	**302,390**	**301,305**	**603,695**	11,263	(32,561)	**303,518**	**302,769**	**606,287**	(2,592)
245																	
246	**DNR - Lands and Minerals**																
247	BASE		GEN	dir	6,451	6,451	12,902	-	6,451	6,451	12,902	-	-	6,451	6,451	12,902	-
248			NRF	dir	156	156	312	-	156	156	312	-	-	156	156	312	-
249			G&F	dir	887	887	1,774	-	887	887	1,774	-	-	887	887	1,774	-
250			TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
251	*(PILT and mining grants)*		GEN	open	13,514	16,514	30,028	-	13,514	16,514	30,028	-	-	13,514	16,514	30,028	-

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DETAILS line		Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
252		SR	stat	793	692	1,485	-	793	692	1,485	-	-	793	692	1,485	-
253		AGY	stat	45	45	90	-	45	45	90	-	-	45	45	90	-
254		PS	stat	19	19	38	-	19	19	38	-	-	19	19	38	-
255	**Lands and Minerals - base**			21,865	24,764	46,629	-	21,865	24,764	46,629	-	-	21,865	24,764	46,629	-
256	change items:															
257	*Freeze Payment in Lieu of Taxes (PILT)*	*GEN*	*open*	*-*	*(3,000)*	*(3,000)*		*-*	*-*	*-*		3,000	*-*	*(3,000)*	*(3,000)*	3,000
258	*Operations Support Reallocation*	*GEN*	*dir*	*343*	*343*	*686*		*343*	*343*	*686*		-	*343*	*343*	*686*	-
259	*Road Easement Application Fee*	*GEN*	*dir*	*(20)*	*(20)*	*(40)*		*-*	*-*	*-*		40	*(20)*	*(20)*	*(40)*	40
260	*Minerals Management Fee (SF1879)*	*GEN*	*dir*	*(1,526)*	*(1,526)*	*(3,052)*		*(1,526)*	*(1,526)*	*(3,052)*		-	*(1,526)*	*(1,526)*	*(3,052)*	-
261	*Tower-Soudan Mine Drilling (SF1642-Bakk)*	*GEN*	*dir*	*-*	*-*	*-*		*250*	*-*	*250*		250	*-*	*-*	*-*	250
262	*Operations Support Reallocation*	*NRF*	*dir*	*20*	*20*	*40*		*20*	*20*	*40*		-	*20*	*20*	*40*	-
263	*Road Easement Application Fee*	*NRF*	*stat*	*20*	*20*	*40*		*-*	*-*	*-*		(40)	*20*	*20*	*40*	(40)
264	*Minerals Management Fee (SF1879)*	*NRF*	*dir*	*1,946*	*1,946*	*3,892*		*1,946*	*1,946*	*3,892*		-	*1,946*	*1,946*	*3,892*	-
265	*Sale of Tax-forfeited Riparian Lands*	*NRF*	*stat*	*500*	*500*	*1,000*		*-*	*-*	*-*		(1,000)	*-*	*-*	*-*	-
266	*Maintenance of Service; salaries & benefits*	*G&F*	*dir*	*35*	*71*	*106*		*-*	*-*	*-*		(106)	*35*	*71*	*106*	(106)
267	*Operations Support Reallocation*	*G&F*	*dir*	*74*	*74*	*148*		*74*	*74*	*148*		-	*74*	*74*	*148*	-
268	*Aggregate Inventory on School Trust Land (Gov Rec)*	*PS*	*dir*	*50*	*50*	*100*		*50*	*50*	*100*		-	*50*	*50*	*100*	-
269	*Revenue Enhancements on School Lands*	*PS*	*dir*	*300*	*300*	*600*		*-*	*-*	*-*		(600)	*300*	*300*	*600*	(600)
270																
271																
272	ADJUSTED	GEN	dir	5,248	5,248	10,496	(2,406)	5,518	5,268	10,786	(2,116)	290	5,248	5,248	10,496	290
273		NRF	dir	2,122	2,122	4,244	3,932	2,122	2,122	4,244	3,932	-	2,122	2,122	4,244	-
274		G&F	dir	996	1,032	2,028	254	961	961	1,922	148	(106)	996	1,032	2,028	(106)
275		PS	dir	350	350	700	700	50	50	100	100	(600)	350	350	700	(600)
276		TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
277	**Lands and Minerals - total direct**			8,716	8,752	17,468	2,480	8,651	8,401	17,052	2,064	(416)	8,716	8,752	17,468	(416)
278												-				-
279		GEN	open	13,514	13,514	27,028	(3,000)	13,514	16,514	30,028	-	3,000	13,514	13,514	27,028	3,000
280		SR	stat	793	692	1,485	-	793	692	1,485	-	-	793	692	1,485	-
281		NRF	stat	520	520	1,040	1,040	-	-	-	-	(1,040)	20	20	40	(40)
282		AGY	stat	45	45	90	-	45	45	90	-	-	45	45	90	-
283		GIFT	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
284		PS	stat	19	19	38	-	19	19	38	-	-	19	19	38	-
285	**Land and Minerals - total open and statutory**			14,891	14,790	29,681	(1,960)	14,371	17,270	31,641	-	1,960	14,391	14,290	28,681	2,960
286	**Land and Minerals; PROGRAM TOTAL**			23,607	23,542	47,149	520	23,022	25,671	48,693	2,064	1,544	23,107	23,042	46,149	2,544
287																
288	**DNR - Water Resources**															
289	BASE	GEN	dir	10,456	10,456	20,912	-	10,456	10,456	20,912	-	-	10,456	10,456	20,912	-
290		TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
291		NRF	dir	280	280	560	-	280	280	560	-	-	280	280	560	-
292		SR	stat	124	124	248	-	124	124	248	-	-	124	124	248	-
293		FED	stat	2,626	1,477	4,103	-	2,626	1,477	4,103	-	-	2,626	1,477	4,103	-
294		GIFT	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
295	**Water Resources- base**			13,486	12,337	25,823	-	13,486	12,337	25,823	-	-	13,486	12,337	25,823	-
296	change items:															
297	*General Fund Reduction Plan (SF1879)*	*GEN*	*dir*	*(52)*	*(52)*	*(104)*		*(52)*	*(52)*	*(104)*		-	*(52)*	*(52)*	*(104)*	-
298	*Operations Support Reallocation*	*GEN*	*dir*	*398*	*398*	*796*		*398*	*398*	*796*		-	*398*	*398*	*796*	-
299	*Water Permit Fee Increase (Gov Rec)*	*GEN*	*dir*	*10*	*10*	*20*		*10*	*10*	*20*		-	*10*	*10*	*20*	-
300	*Surcharge on Summer Water Use*	*GEN*	*dir*	*330*	*330*	*660*		*-*	*-*	*-*		(660)	*30*	*30*	*60*	(60)
301												-				

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line		Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
302																
303																
304																
305																
306	ADJUSTED	GEN	dir	11,142	11,142	22,284	1,372	10,812	10,812	21,624	712	(660)	10,842	10,842	21,684	(60)
307		TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
308		NRF	dir	280	280	560	-	280	280	560	-	-	280	280	560	-
309	**Water Resources- total direct**			11,422	11,422	22,844	1,372	11,092	11,092	22,184	712	(660)	11,122	11,122	22,244	(60)
310																-
311		SR	stat	124	124	248	-	124	124	248	-	-	124	124	248	-
312		FED	stat	2,626	1,477	4,103	-	2,626	1,477	4,103	-	-	2,626	1,477	4,103	-
313		GIFT	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
314	**Water Resources- total statutory**			2,750	1,601	4,351	-	2,750	1,601	4,351	-	-	2,750	1,601	4,351	-
315	**Water Resources; PROGRAM TOTAL**			14,172	13,023	27,195	1,372	13,842	12,693	26,535	712	(660)	13,872	12,723	26,595	(60)
316																
317	**DNR - Forest Management**															
318	BASE															
319	Activity															
320	Forest Mangement	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
321	Forest Mangement	GEN	dir	18,829	18,829	37,658	-	18,829	18,829	37,658	-	-	18,829	18,829	37,658	-
322	Forest Mangement	NRF	dir	6,215	6,215	12,430	-	6,215	6,215	12,430	-	-	6,215	6,215	12,430	-
323	Forest Mangement	G&F	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
324	Forest Mangement	NRF	stat	34	34	68	-	34	34	68	-	-	34	34	68	-
325	Forest Mangement	SR	stat	7,611	7,739	15,350	-	7,611	7,739	15,350	-	-	7,611	7,739	15,350	-
326	Forest Mangement	FED	stat	5,620	5,838	11,458	-	5,620	5,838	11,458	-	-	5,620	5,838	11,458	-
327	Forest Mangement	GIFT	stat	84	83	167	-	84	83	167	-	-	84	83	167	-
328	**Forest Management; Activity - base subtotal**			38,393	38,738	77,131	-	38,393	38,738	77,131	-	-	38,393	38,738	77,131	-
329																
330																-
331	Firefighting	GEN	dir	7,650	7,650	15,300	-	7,650	7,650	15,300	-	-	7,650	7,650	15,300	-
332	Firefighting	GEN	open	9,500	9,500	19,000	-	9,500	9,500	19,000	-	-	9,500	9,500	19,000	-
333	Firefighting	SR	stat	4,267	4,267	8,534	-	4,267	4,267	8,534	-	-	4,267	4,267	8,534	-
334	Firefighting	FED	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
335	**Firefighting; Activity - base subtotal**			21,417	21,417	42,834	-	21,417	21,417	42,834	-	-	21,417	21,417	42,834	-
336																-
337	Sustainable Rsources Act	GEN	dir	730	730	1,460	-	730	730	1,460	-	-	730	730	1,460	-
338	Sustainable Rsources Act	SR	stat	1	1	2	-	1	1	2	-	-	1	1	2	-
339	**Sustainable Resources Act; Activity - base subtotal**			731	731	1,462	-	731	731	1,462	-	-	731	731	1,462	-
340																
341	change items:															
342	*LCMR Projects*	*TF*	*dir*	*872*	*872*	*1,744*		*-*	*-*	*-*		*(1,744)*				-
343	*General Fund Reduction Plan; Forest (SF1879)*	*GEN*	*dir*	*(754)*	*(754)*	*(1,508)*		*(754)*	*(754)*	*(1,508)*		*-*	*(754)*	*(754)*	*(1,508)*	-
344	*General Fund Reduction Plan; Firefighting (SF1879)*	*GEN*	*dir*	*(433)*	*(433)*	*(866)*		*(433)*	*(433)*	*(866)*		*-*	*(433)*	*(433)*	*(866)*	-
345	*Debt Service Payments, air tankers (SF1879)*	*GEN*	*open*	*(763)*	*(1,529)*	*(2,292)*		*(763)*	*(1,529)*	*(2,292)*		*-*	*(763)*	*(1,529)*	*(2,292)*	-
346	*Operations Support Reallocation*	*GEN*	*dir*	*1,789*	*1,789*	*3,578*		*1,789*	*1,789*	*3,578*		*-*	*1,789*	*1,789*	*3,578*	-
347	*Trust Land Management Costs (Gov Rec & SF790 Saxhaug)*	*GEN*	*dir*	*(3,500)*	*(3,500)*	*(7,000)*		*(3,500)*	*(3,500)*	*(7,000)*		*-*	*(3,500)*	*(3,500)*	*(7,000)*	-
348	*Forest Resource Council (House)*	*GEN*	*dir*	*-*	*-*	*-*		*-*	*-*	*-*			*(213)*	*(213)*	*(426)*	426
349	*Trust Land Management Costs (Gov Rec & SF790 Saxhaug)*	*NRF*	*dir*	*3,500*	*3,500*	*7,000*		*3,500*	*3,500*	*7,000*		*-*	*3,500*	*3,500*	*7,000*	-
350	*Electronic Open Burning Permits*	*NRF*	*stat*	*80*	*80*	*160*		*-*	*-*	*-*		*(160)*	*80*	*80*	*160*	*(160)*
351	*State Forestry Nursery Stock Surcharge (Gov Rec & SF710 Bakk)*	*SR*	*stat*	*250*	*250*	*500*		*250*	*250*	*500*		*-*	*-*	*-*	*-*	500

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
line		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
352	*Heritage Enhancement (Gov Rec)*	*G&F*	*dir*	*250*	*250*	*500*		*250*	*250*	*500*		-	*250*	*250*	*500*	-
353	*Reallocation from Enforcement (Senate)*	*GEN*	*dir*					*250*	*250*	*500*		500				500
354	*Siliviculture-Timber Fiber Quality (SF875-Solon)*	*GEN*	*dir*					*200*	*200*	*400*		400				400
355	*Appropriation from Forestry Mgmnt Investment Acct (Senate)*	*NRF*	*dir*					*300*	*300*	*600*		600				600
356																
357																
358	ADJUSTED															
359	(total by fund)	TF	dir	872	872	1,744	1,744	-	-	-	-	(1,744)	-	-	-	-
360		GEN	dir	24,311	24,311	48,622	(5,796)	24,761	24,761	49,522	(4,896)	900	24,098	24,098	48,196	1,326
361		NRF	dir	9,715	9,715	19,430	7,000	10,015	10,015	20,030	7,600	600	9,715	9,715	19,430	600
362		G&F	dir	250	250	500	500	250	250	500	500	-	250	250	500	-
363	**Forest Management - total direct**			35,148	35,148	70,296	3,448	35,026	35,026	70,052	3,204	(244)	34,063	34,063	68,126	1,926
364																-
365		GEN	open	8,737	7,971	16,708	(2,292)	8,737	7,971	16,708	(2,292)	-	8,737	7,971	16,708	-
366		NRF	stat	114	114	228	160	34	34	68	-	(160)	114	114	228	(160)
367		SR	stat	12,129	12,257	24,386	500	12,129	12,257	24,386	500	-	11,879	12,007	23,886	500
368		FED	stat	5,620	5,838	11,458	-	5,620	5,838	11,458	-	-	5,620	5,838	11,458	-
369		GIFT	stat	84	83	167	-	84	83	167	-	-	84	83	167	-
370	**Forest Management - total open and statutory**			26,684	26,263	52,947	(1,632)	26,604	26,183	52,787	(1,792)	(160)	26,434	26,013	52,447	340
371	**Forest Management; PROGRAM TOTAL**			61,832	61,411	123,243	1,816	61,630	61,209	122,839	1,412	(404)	60,497	60,076	120,573	2,266
372																
373	**DNR - Parks and Recreation**															
374	BASE	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
375		GEN	dir	16,211	16,211	32,422	-	16,211	16,211	32,422	-	-	16,211	16,211	32,422	-
376		MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
377		NRF	dir	13,073	13,073	26,146	-	13,073	13,073	26,146	-	-	13,073	13,073	26,146	-
378		NRF	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
379		SR	stat	4,661	4,661	9,322	-	4,661	4,661	9,322	-	-	4,661	4,661	9,322	-
380		FED	stat	50	50	100	-	50	50	100	-	-	50	50	100	-
381		RIM	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
382		GIFT	stat	242	242	484	-	242	242	484	-	-	242	242	484	-
383	**Parks and Recreation - base**			34,237	34,237	68,474	-	34,237	34,237	68,474	-	-	34,237	34,237	68,474	-
384																
385	change items:															
386	*LCMR Projects*	*TF*	*dir*	*1,100*	*1,100*	*2,200*						(2,200)				-
387	*Operations Support Reallocation*	*GEN*	*dir*	*3,068*	*3,068*	*6,136*		*3,068*	*3,068*	*6,136*		-	*3,068*	*3,068*	*6,136*	-
388	*Gen Fund Reallocation from Ecological Services (Senate)*	*GEN*	*dir*	-	-	-		*250*	*250*	*500*		500				500
389	*Increase State Parks Funding (Senate)*	*GEN*	*dir*	-	-	-		*200*	*200*	*400*		400				400
390	*Lottery in-Lieu Sales Tax (SF1879)*	*NRF*	*dir*	*263*	*351*	*614*		*263*	*351*	*614*		-	*263*	*351*	*614*	-
391	*Lottery in-Lieu Sales Tax adjustment*	*NRF*	*dir*					*(17)*	*(33)*	*(50)*						(50)
392	*Statutory Appropriation for Parks*	*NRF*	*dir*	*(8,971)*	*(8,971)*	*(17,942)*						17,942				-
393	*Statutory Appropriation for Parks*	*NRF*	*stat*	*8,971*	*8,971*	*17,942*						(17,942)				-
394																
395																
396	ADJUSTED	TF	dir	1,100	1,100	2,200	2,200	-	-	-	-	(2,200)	-	-	-	-
397		GEN	dir	19,279	19,279	38,558	6,136	19,729	19,729	39,458	7,036	900	19,279	19,279	38,558	900
398		MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
399		NRF	dir	4,365	4,453	8,818	(17,328)	13,319	13,391	26,710	564	17,892	13,336	13,424	26,760	(50)
400	**Parks and Recreation - total direct**			24,744	24,832	49,576	(8,992)	33,048	33,120	66,168	7,600	16,592	32,615	32,703	65,318	850
401																-

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
402		NRF	stat	8,971	8,971	17,942	17,942	-	-	-	-	(17,942)	-	-	-	-
403		SR	stat	4,661	4,661	9,322	-	4,661	4,661	9,322	-	-	4,661	4,661	9,322	-
404		FED	stat	50	50	100	-	50	50	100	-	-	50	50	100	-
405		RIM	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
406		GIFT	stat	242	242	484	-	242	242	484	-	-	242	242	484	-
407	**Parks and Recreation - total statutory**			13,924	13,924	27,848	17,942	4,953	4,953	9,906	-	(17,942)	4,953	4,953	9,906	-
408	**Parks and Recreation; PROGRAM TOTAL**			38,668	38,756	77,424	8,950	38,001	38,073	76,074	7,600	(1,350)	37,568	37,656	75,224	850
409																
410	**DNR - Trails and Waterways**															
411	BASE															
412	Activity															
413	Non-Motorized Recreation	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
414	Non-Motorized Recreation	GEN	dir	1,234	1,234	2,468	-	1,234	1,234	2,468	-	-	1,234	1,234	2,468	-
415	Non-Motorized Recreation	MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
416	Non-Motorized Recreation	NRF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
417	Non-Motorized Recreation	NRF	stat	216	216	432	-	216	216	432	-	-	216	216	432	-
418	Non-Motorized Recreation	SR	stat	76	76	152	-	76	76	152	-	-	76	76	152	-
419	Non-Motorized Recreation	FED	stat	2,500	2,500	5,000	-	2,500	2,500	5,000	-	-	2,500	2,500	5,000	-
420	Non-Motorized Recreation	GIFT	stat	53	53	106	-	53	53	106	-	-	53	53	106	-
421	**Non-Motorized Recreation; Activity - base subtotal**			4,079	4,079	8,158	-	4,079	4,079	8,158	-	-	4,079	4,079	8,158	-
422																
423	Water Recreation	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
424	Water Recreation	NRF	dir	5,026	5,026	10,052	-	5,026	5,026	10,052	-	-	5,026	5,026	10,052	-
425	Water Recreation	G&F	dir	1,684	1,684	3,368	-	1,684	1,684	3,368	-	-	1,684	1,684	3,368	-
426	Water Recreation	NRF	open	114	114	228	-	114	114	228	-	-	114	114	228	-
427	Water Recreation	NRF	stat	36	36	72	-	36	36	72	-	-	36	36	72	-
428	Water Recreation	SR	stat	55	5	60	-	55	5	60	-	-	55	5	60	-
429	Water Recreation	FED	stat	1,040	1,040	2,080	-	1,040	1,040	2,080	-	-	1,040	1,040	2,080	-
430	Water Recreation	GIFT	stat	26	26	52	-	26	26	52	-	-	26	26	52	-
431	**Water Recreation; Activity - base subtotal**			7,981	7,931	15,912	-	7,981	7,931	15,912	-	-	7,981	7,931	15,912	-
432																
433	Motorized Recreation	NRF	dir	11,986	11,986	23,972	-	11,986	11,986	23,972	-	-	11,986	11,986	23,972	-
434	Motorized Recreation	NRF	open	315	214	529	-	315	214	529	-	-	315	214	529	-
435	Motorized Recreation	NRF	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
436	Motorized Recreation	SR	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
437	**Motorized Recreation; Activity - base subtotal**			12,301	12,200	24,501	-	12,301	12,200	24,501	-	-	12,301	12,200	24,501	-
438				-	-											
439	change items:															
440	*LCMR Projects*	*TF*	*dir*	*1,400*	*1,400*	*2,800*		-	-	-		(2,800)			-	-
441	*Operations Support Reallocation*	*GEN*	*dir*	*50*	*50*	*100*		*50*	*50*	*100*		-	*50*	*50*	*100*	-
442	*Duluth Port Authority (SF33-Solon)*	*GEN*	*dir*	-	-	-		*100*	-	*100*					-	100
443	*Mesabi Trail Facilities (Tomassoni)*	*GEN*	*dir*	-	-	-		*300*	-	*300*					-	300
444	*Lottery in-Lieu Sales Tax (SF1879)*	*NRF*	*dir*	*1,374*	*1,405*	*2,779*		*1,374*	*1,405*	*2,779*		-	*1,374*	*1,405*	*2,779*	-
445	*Lottery in-Lieu Sales Tax adjustment*	*NRF*	*dir*	-	-	-		*(42)*	*(48)*	*(90)*					-	(90)
446	*Cross-Country Ski Pass Increase*	*NRF*	*stat*	*140*	*140*	*280*		-	-	-		(280)	*140*	*140*	*280*	(280)
447	*Extend OHV Damage Account (Dibble Amendement)*	*NRF*	*stat*	-	-			*200*	-	*200*		200			-	200
448	*Operations Support Reallocation*	*NRF*	*dir*	*866*	*866*	*1,732*		*866*	*866*	*1,732*		-	*866*	*866*	*1,732*	-
449	*Water Recreation Funding (Gov Rec)*	*NRF*	*dir*	*650*	*650*	*1,300*		*650*	*650*	*1,300*		-	*650*	*650*	*1,300*	-
450	*Fishing Pier Adjustments (Gov Rec)*	*NRF*	*dir*	*(154)*	*(154)*	*(308)*		*(154)*	*(154)*	*(308)*		-	*(154)*	*(154)*	*(308)*	-
451	*Fishing Pier Adjustments (Gov Rec)*	*G&F*	*dir*	*154*	*154*	*308*		*154*	*154*	*308*		-	*154*	*154*	*308*	-

Senate Environment and Natural Resources FY06-07 BUDGET
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DETAILS				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
line		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
452	*Wallop-Breaux Water Access Funding (Gov Rec)*	*G&F*	*dir*	*253*	*249*	*502*		*253*	*249*	*502*		-	*253*	*249*	*502*	-
453	*Off-Highway Vehicle (Gov Rec)*	*NRF*	*dir*	*(100)*	*(100)*	*(200)*		*(100)*	*(100)*	*(200)*		-	*(100)*	*(100)*	*(200)*	-
454	*Off-Highway Vehicle Grant Increase (House)*	*NRF*	*dir*	-	-	-		-	-	-			*250*	*100*	*350*	(350)
455	*ATV Gas Tax Study (Gov Rec)*	*NRF*	*dir*	*75*	-	*75*		*75*	-	*75*		-	*75*	-	*75*	-
456	*Water Acess Acquisition (House)*	*NRF*	*dir*	-	-	-		-	-	-		-	*2,250*	*2,600*	*4,850*	(4,850)
457	*Expansion Snowmobile Trail Acct (SF610-Bakk)*	*NRF*	*dir*	-	-	-		*57*	*57*	*114*		114			-	114
458	*Increased Snowmobile Grants-in-aid (SF1534-Bakk)*	*NRF*	*dir*	-	-	-		*500*	*500*	*1,000*		1,000	3,000	3,000	*6,000*	(5,000)
459	*Snowmobile Sticker/Easement & New Position (SF1534-Bakk)*	*NRF*	*dir*	-	-	-		*500*	*500*	*1,000*		1,000			-	1,000
460	*Snowmobile Easements (House)*	*NRF*	*stat*	-	-	-		-	-	-		-	-	-	-	-
461																
462																
463	ADJUSTED															
464	(total by fund)	TF	dir	1,400	1,400	2,800	2,800	-	-	-	-	(2,800)	-	-	-	-
465		GEN	dir	1,284	1,284	2,568	100	1,684	1,284	2,968	500	400	1,284	1,284	2,568	400
466		MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
467		NRF	dir	19,723	19,679	39,402	5,378	20,738	20,688	41,426	7,402	2,024	25,223	25,379	50,602	(9,176)
468		G&F	dir	2,091	2,087	4,178	810	2,091	2,087	4,178	810	-	2,091	2,087	4,178	-
469	**Trails and Waterways - total direct**			24,498	24,450	48,948	9,088	24,513	24,059	48,572	8,712	(376)	28,598	28,750	57,348	(8,776)
470																-
471		NRF	open	429	328	757	-	429	328	757	-	-	429	328	757	-
472		NRF	stat	392	392	784	280	452	252	704	200	(80)	392	392	784	(80)
473		SR	stat	131	81	212	-	131	81	212	-	-	131	81	212	-
474		FED	stat	3,540	3,540	7,080	-	3,540	3,540	7,080	-	-	3,540	3,540	7,080	-
475		GIFT	stat	79	79	158	-	79	79	158	-	-	79	79	158	-
476	**Trails and Waterways - total open & statutory**			4,571	4,420	8,991	280	4,631	4,280	8,911	200	(80)	4,571	4,420	8,991	(80)
477	**Trails and Waterways; PROGRAM TOTAL**			29,069	28,870	57,939	9,368	29,144	28,339	57,483	8,912	(456)	33,169	33,170	66,339	(8,856)
478																
479	**DNR - Fish and Wildlife**															
480	BASE															
481	Activity															
482	Fish Management	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
483	Fish Management	GEN	dir	509	509	1,018	-	509	509	1,018	-	-	509	509	1,018	-
484	Fish Management	MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
485	Fish Management	NRF	dir	213	213	426	-	213	213	426	-	-	213	213	426	-
486	Fish Management	G&F	dir	28,516	28,516	57,032	-	28,516	28,516	57,032	-	-	28,516	28,516	57,032	-
487	Fish Management (treaty payments)	GEN	open	7,878	7,934	15,812	-	7,878	7,934	15,812	-	-	7,878	7,934	15,812	-
488	Fish Management	G&F	open	812	807	1,619	-	812	807	1,619	-	-	812	807	1,619	-
489	Fish Management	NRF	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
490	Fish Management	SR	stat	175	175	350	-	175	175	350	-	-	175	175	350	-
491	Fish Management	FED	stat	25	25	50	-	25	25	50	-	-	25	25	50	-
492	Fish Management	GIFT	stat	92	92	184	-	92	92	184	-	-	92	92	184	-
493	**Fish Management; Acivity - base subtotal**			38,220	38,271	76,491	-	38,220	38,271	76,491	-	-	38,220	38,271	76,491	-
494																-
495	Wildlife Management	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
496	Wildlife Management	GEN	dir	1,416	1,416	2,832	-	1,416	1,416	2,832	-	-	1,416	1,416	2,832	-
497	Wildlife Management	MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
498	Wildlife Management	G&F	dir	22,895	22,895	45,790	-	22,895	22,895	45,790	-	-	22,895	22,895	45,790	-
499	Wildlife Management	GEN	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
500	Wildlife Management	NRF	stat	18	18	36	-	18	18	36	-	-	18	18	36	-
501	Wildlife Management	SR	stat	510	510	1,020	-	510	510	1,020	-	-	510	510	1,020	-

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line		Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
502	Wildlife Management	G&F	stat	362	362	724	-	362	362	724	-	-	362	362	724	-
503	Wildlife Management	FED	stat	613	613	1,226	-	613	613	1,226	-	-	613	613	1,226	-
504	Wildlife Management	RIM	stat	2,175	2,175	4,350	-	2,175	2,175	4,350	-	-	2,175	2,175	4,350	-
505	Wildlife Management	GIFT	stat	152	152	304	-	152	152	304	-	-	152	152	304	-
506	**Wildlife Management; Acivity - base subtotal**			28,141	28,141	56,282	-	28,141	28,141	56,282	-	-	28,141	28,141	56,282	-
507							-									-
508	Licensing	GEN	dir	150	150	300	-	150	150	300	-	-	150	150	300	-
509	Licensing	NRF	dir	1,179	1,179	2,358	-	1,179	1,179	2,358	-	-	1,179	1,179	2,358	-
510	Licensing	G&F	dir	1,168	1,168	2,336	-	1,168	1,168	2,336	-	-	1,168	1,168	2,336	-
511	Licensing	NRF	stat	946	993	1,939	-	946	993	1,939	-	-	946	993	1,939	-
512	Licensing	SR	stat	15	15	30	-	15	15	30	-	-	15	15	30	-
513	Licensing	G&F	stat	2,105	2,105	4,210	-	2,105	2,105	4,210	-	-	2,105	2,105	4,210	-
514	Licensing	FED	stat	75	75	150	-	75	75	150	-	-	75	75	150	-
515	**Licensing; Acivity - base subtotal**			5,638	5,685	11,323	-	5,638	5,685	11,323	-	-	5,638	5,685	11,323	-
516																
517	change items:															
518	*LCMR Projects*	*TF*	*dir*	*410*	*410*	*820*		-	-	-		(820)				-
519	*Water Recreation Funding (Gov Rec)*	*NRF*	*dir*	*150*	*150*	*300*		*348*	*348*	*696*		396	*150*	*150*	*300*	396
520	*Maintenance of Service; salaries & benefits*	*G&F*	*dir*	*1,329*	*2,710*	*4,039*		-	-	-		(4,039)	*1,329*	*2,710*	*4,039*	(4,039)
521	*Operations Support Reallocation*	*G&F*	*dir*	*2,719*	*2,719*	*5,438*		*2,719*	*2,719*	*5,438*		-	*2,719*	*2,719*	*5,438*	-
522	*Water Recreation Funding (Gov Rec)*	*G&F*	*dir*	*(150)*	*(150)*	*(300)*		*(348)*	*(348)*	*(696)*		(396)	*(150)*	*(150)*	*(300)*	(396)
523	*Red Lake Fish Management (Gov Rec)*	*G&F*	*dir*	*100*	*100*	*200*		*100*	*100*	*200*		-	*100*	*100*	*200*	-
524	*Comprehensive Lakes Management (Gov Rec)*	*G&F*	*dir*	*85*	*85*	*170*		*85*	*85*	*170*		-	*85*	*85*	*170*	-
525	*Shoreland Habitat Management Program (Gov Rec0*	*G&F*	*dir*	*200*	*200*	*400*		*200*	*200*	*400*		-	*200*	*200*	*400*	-
526	*Sturgeon Tagging (Gov Rec)*	*G&F*	*dir*	*25*	*28*	*53*		*25*	*28*	*53*		-	*25*	*28*	*53*	-
527	*Increase Stamp Accounts (Senate)*	*G&F*	*dir*	*(6,135)*	*(6,135)*	*(12,270)*		*1,591*	*1,441*	*3,032*		15,302	*(1,414)*	*(1,564)*	*(2,978)*	6,010
528	*Change dedicated accounts to statutory*	*G&F*	*stat*	*7,726*	*7,576*	*15,302*		-	-	-		(15,302)	*3,013*	*3,013*	*6,026*	(6,026)
529	*Heritage Enhancement-Wolf Delisting (Gov Rec)*	*G&F*	*dir*	*75*	*75*	*150*		*75*	*75*	*150*		-	*75*	*75*	*150*	-
530	*Heritage: Prairie Wetland Complexes & Monitoring (Gov Rec)*	*G&F*	*dir*	*600*	*600*	*1,200*		*600*	*600*	*1,200*		-	*600*	*600*	*1,200*	-
531	*Expand Critical Habitat Plate Sales (Gov Rec)*	*RIM*	*stat*	*111*	*111*	*222*		*30*	*75*	*105*		(117)	*30*	*75*	*105*	-
532	*General Fund Reduction Plan (SF1879)*	*GEN*	*dir*	*(109)*	*(109)*	*(218)*		*(109)*	*(109)*	*(218)*		-	*(109)*	*(109)*	*(218)*	-
533	*Statewide Electronic Registration (Gov Rec)*	*G&F*	*stat*	*312*	*312*	*624*		*312*	*312*	*624*		-	*312*	*312*	*624*	-
534	*Full Funding ELS Costs (Gov Rec)*	*G&F*	*stat*	*75*	*75*	*150*		*75*	*75*	*150*		-	*75*	*75*	*150*	-
535	*Lets Go Fishing Promotion (House)*	*G&F*	*dir*					-	-	-		-	*225*	-	*225*	(225)
536	*Lets Go Fishing Promotion (SF665-Johnson)*	*GEN*	*dir*					*325*	-	*325*		325	-	-	-	325
537	*Roadside Habitat (SF1937-Chaudhary)*	*GEN*	*dir*					*100*	100	*200*		200	-	-	-	200
538	*RIM-Wildlife (House)*	*GEN*	*dir*					-	-	-			*(161)*	*(161)*	*(322)*	322
539	*RIM-Fish (House)*	*GEN*	*dir*					-	-	-			*(50)*	*(50)*	*(100)*	100
540																
541																
542	ADJUSTED															
543	(total by fund)	TF	dir	410	410	820	820	-	-	-	-	(820)	-	-	-	-
544		GEN	dir	1,966	1,966	3,932	(218)	2,391	2,066	4,457	307	525	1,755	1,755	3,510	947
545		MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
546		NRF	dir	1,542	1,542	3,084	300	1,740	1,740	3,480	696	396	1,542	1,542	3,084	396
547		G&F	dir	51,427	52,811	104,238	(920)	57,626	57,479	115,105	9,947	10,867	56,373	57,382	113,755	1,350
548	**Fish and Wildlife Managment- total direct**			55,345	56,729	112,074	(18)	61,757	61,285	123,042	10,950	10,968	59,670	60,679	120,349	2,693
549																-
550		GEN	open	7,878	7,934	15,812	-	7,878	7,934	15,812	-	-	7,878	7,934	15,812	-
551		G&F	open	812	807	1,619	-	812	807	1,619	-	-	812	807	1,619	-

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
line		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
552		GEN	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
553		NRF	stat	964	1,011	1,975	-	964	1,011	1,975	-	-	964	1,011	1,975	-
554		SR	stat	700	700	1,400	-	700	700	1,400	-	-	700	700	1,400	-
555		G&F	stat	10,580	10,430	21,010	16,076	2,854	2,854	5,708	774	(15,302)	5,867	5,867	11,734	(6,026)
556		FED	stat	713	713	1,426	-	713	713	1,426	-	-	713	713	1,426	-
557		RIM	stat	2,286	2,286	4,572	222	2,205	2,250	4,455	105	(117)	2,205	2,250	4,455	-
558		GIFT	stat	244	244	488	-	244	244	488	-	-	244	244	488	-
559	**Fish and Wildlife Management- total open and statutory**			24,177	24,125	48,302	16,298	16,370	16,513	32,883	879	(15,419)	19,383	19,526	38,909	(6,026)
560	**Fish and Wildlife; PROGRAM TOTAL**			79,522	80,854	160,376	16,280	78,127	77,798	155,925	11,829	(4,451)	79,053	80,205	159,258	(3,333)
561																
562	**DNR - Ecological Services**															
563	BASE	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
564		GEN	dir	3,135	3,135	6,270	-	3,135	3,135	6,270	-	-	3,135	3,135	6,270	-
565		NRF	dir	2,789	2,789	5,578	-	2,789	2,789	5,578	-	-	2,789	2,789	5,578	-
566		G&F	dir	3,280	3,280	6,560	-	3,280	3,280	6,560	-	-	3,280	3,280	6,560	-
567		NRF	open	5	5	10	-	5	5	10	-	-	5	5	10	-
568		NRF	stat	114	60	174	-	114	60	174	-	-	114	60	174	-
569		SR	stat	225	225	450	-	225	225	450	-	-	225	225	450	-
570		FED	stat	2,958	2,938	5,896	-	2,958	2,938	5,896	-	-	2,958	2,938	5,896	-
571		REM	stat	2,000	1,169	3,169	-	2,000	1,169	3,169	-	-	2,000	1,169	3,169	-
572		RIM	stat	155	155	310	-	155	155	310	-	-	155	155	310	-
573		GIFT	stat	50	50	100	-	50	50	100	-	-	50	50	100	-
574	**Ecological Services- base**			14,711	13,806	28,517	-	14,711	13,806	28,517	-	-	14,711	13,806	28,517	-
575	change items:															
576	*LCMR Projects*	*TF*	*dir*	*1,036*	*1,036*	*2,072*		-	-	-		(2,072)				-
577	*General Fund Reduction Plan (SF1879)*	*GEN*	*dir*	*(31)*	*(31)*	*(62)*		*(31)*	*(31)*	*(62)*		-	*(31)*	*(31)*	*(62)*	-
578	*General Fund Reallocation to Parks (Senate)*	*GEN*	*dir*	-	-	-		*(250)*	*(250)*	*(500)*		(500)				(500)
579	*Operations Support Reallocation*	*GEN*	*dir*	*171*	*171*	*342*		*171*	*171*	*342*		-	*171*	*171*	*342*	-
580	*RIM-Ecological Services (House)*	*GEN*	*dir*	-	-	-		-	-	-		-	*(135)*	*(134)*	*(269)*	269
581	*Operations Support Reallocation*	*NRF*	*dir*	*60*	*60*	*120*		*60*	*60*	*120*		-	*60*	*60*	*120*	-
582	*Operations Support Reallocation*	*G&F*	*dir*	*111*	*111*	*222*		*111*	*111*	*222*		-	*111*	*111*	*222*	-
583	*Invasive Species Prevention (SF1434-Olson)*	*GEN*	*dir*	-	-	-		*154*	*154*	*308*						308
584	*Water Recreation Funding (includes invasive species)*	*NRF*	*dir*	*204*	*204*	*408*		*266*	*266*	*532*		124	*204*	*204*	*408*	124
585	*Water Recreation Funding (Gov Rec)*	*G&F*	*dir*	*(50)*	*(50)*	*(100)*		*(112)*	*(112)*	*(224)*		(124)	*(50)*	*(50)*	*(100)*	(124)
586	*Nongame Wildlife Ed., Info. & Promo. (Gov Rec)*	*NRF*	*dir*	*100*	*100*	*200*		*100*	*100*	*200*		-	*100*	*100*	*200*	-
587	*Heritage: Prairie Wetland Complexes & Monitoring (Gov Rec)*	*G&F*	*dir*	*325*	*325*	*650*		*325*	*325*	*650*		-	*325*	*325*	*650*	-
588	*Maintenance of Service; salaries & benefits*	*G&F*	*dir*	*61*	*125*	*186*		-	-	-		(186)	*61*	*125*	*186*	(186)
589	*Stream Restoration (Gov Rec)*	*G&F*	*dir*	*64*	*64*	*128*		*64*	*64*	*128*		-	*64*	*64*	*128*	-
590																
591																
592																
593																
594	ADJUSTED	TF	dir	1,036	1,036	2,072	2,072	-	-	-	-	(2,072)	-	-	-	-
595		GEN	dir	3,275	3,275	6,550	280	3,179	3,179	6,358	88	(192)	3,140	3,141	6,281	77
596		NRF	dir	3,153	3,153	6,306	728	3,215	3,215	6,430	852	124	3,153	3,153	6,306	124
597		G&F	dir	3,791	3,855	7,646	1,086	3,668	3,668	7,336	776	(310)	3,791	3,855	7,646	(310)
598	**Ecological Services- total direct**			11,255	11,319	22,574	4,166	10,062	10,062	20,124	1,716	(2,450)	10,084	10,149	20,233	(109)
599																-
600		NRF	open	5	5	10	-	5	5	10	-	-	5	5	10	-
601		NRF	stat	114	60	174	-	114	60	174	-	-	114	60	174	-

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line		Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
602		SR	stat	225	225	450	-	225	225	450	-	-	225	225	450	-
603		FED	stat	2,958	2,938	5,896	-	2,958	2,938	5,896	-	-	2,958	2,938	5,896	-
604		REM	stat	2,000	1,169	3,169	-	2,000	1,169	3,169	-	-	2,000	1,169	3,169	-
605		RIM	stat	155	155	310	-	155	155	310	-	-	155	155	310	-
606		GIFT	stat	50	50	100	-	50	50	100	-	-	50	50	100	-
607	**Ecological Services- total open and statutory**			5,507	4,602	10,109	-	5,507	4,602	10,109	-	-	5,507	4,602	10,109	-
608	**Ecological Services; PROGRAM TOTAL**			16,762	15,921	32,683	4,166	15,569	14,664	30,233	1,716	(2,450)	15,591	14,751	30,342	(109)
609																
610	**DNR - Enforcement**															
611	BASE	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
612		GEN	dir	3,987	3,987	7,974	-	3,987	3,987	7,974	-	-	3,987	3,987	7,974	-
613		NRF	dir	6,786	6,786	13,572	-	6,786	6,786	13,572	-	-	6,786	6,786	13,572	-
614		G&F	dir	17,353	17,353	34,706	-	17,353	17,353	34,706	-	-	17,353	17,353	34,706	-
615		REM	dir	100	100	200	-	100	100	200	-	-	100	100	200	-
616		NRF	stat	80	80	160	-	80	80	160	-	-	80	80	160	-
617		SR	stat	3	3	6	-	3	3	6	-	-	3	3	6	-
618		G&F	stat	155	155	310	-	155	155	310	-	-	155	155	310	-
619		FED	stat	670	622	1,292	-	670	622	1,292	-	-	670	622	1,292	-
620		GIFT	stat	5	5	10	-	5	5	10	-	-	5	5	10	-
621	**Enforcement- base**			29,139	29,091	58,230	-	29,139	29,091	58,230	-	-	29,139	29,091	58,230	-
622																
623	change items:															
624	*LCMR Projects*	*TF*	*dir*	*150*	*150*	*300*		-	-	-		(300)				-
625	*General Fund Reduction Plan (SF1879)*	*GEN*	*dir*	*(641)*	*(641)*	*(1,282)*		*(641)*	*(641)*	*(1,282)*		-	*(641)*	*(641)*	*(1,282)*	-
626	*Operations Support Reallocation*	*GEN*	*dir*	*10*	*10*	*20*		*10*	*10*	*20*		-	*10*	*10*	*20*	-
627	*Operations Support Reallocation*	*NRF*	*dir*	*147*	*147*	*294*		*147*	*147*	*294*		-	*147*	*147*	*294*	-
628	*Operations Support Reallocation*	*G&F*	*dir*	*628*	*628*	*1,256*		*628*	*628*	*1,256*		-	*628*	*628*	*1,256*	-
629	*OHV Grants (Gov Rec)*	*NRF*	*dir*	*200*	*200*	*400*		-	-	-		(400)	*200*	*200*	*400*	(400)
630	*OHV Enforcement (Senate)*	*NRF*	*dir*	-	-	-		*200*	*200*	*400*		400	-	-	-	400
631	*OHV CD-ROM Training (House)*	*NRF*	*dir*	-	-	-		-	-	-		-	*15*	-	*15*	(15)
632	*OHV Environment & Safety Education (House)*	*NRF*	*dir*	-	-	-		-	-	-		-	*15*	*5*	*20*	(20)
633	*Water Rec Account Increase (House)*	*NRF*	*dir*					-	-	-		-	*250*	*290*	*540*	(540)
634	*Maintenance of Service; salaries & benefits*	*G&F*	*dir*	*547*	*1,117*	*1,664*		-	-	-		(1,664)	*547*	*1,117*	*1,664*	(1,664)
635	*Gen Fund Reallocation to Forest Div (Senate)*	*GEN*	*dir*					*(250)*	*(250)*	*(500)*		(500)				(500)
636																
637																
638																
639																
640	ADJUSTED	TF	dir	150	150	300	300	-	-	-	-	(300)	-	-	-	-
641		GEN	dir	3,356	3,356	6,712	(1,262)	3,106	3,106	6,212	(1,762)	(500)	3,356	3,356	6,712	(500)
642		NRF	dir	7,133	7,133	14,266	694	7,133	7,133	14,266	694	-	7,413	7,428	14,841	(575)
643		G&F	dir	18,528	19,098	37,626	2,920	17,981	17,981	35,962	1,256	(1,664)	18,528	19,098	37,626	(1,664)
644		REM	dir	100	100	200	-	100	100	200	-	-	100	100	200	-
645	**Enforcement- total direct**			29,267	29,837	59,104	2,652	28,320	28,320	56,640	188	(2,464)	29,397	29,982	59,379	(2,739)
646																-
647		NRF	stat	80	80	160	-	80	80	160	-	-	80	80	160	-
648		SR	stat	3	3	6	-	3	3	6	-	-	3	3	6	-
649		G&F	stat	155	155	310	-	155	155	310	-	-	155	155	310	-
650		FED	stat	670	622	1,292	-	670	622	1,292	-	-	670	622	1,292	-
651		GIFT	stat	5	5	10	-	5	5	10	-	-	5	5	10	-

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
line		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
652	**Enforcement- total statutory**			913	865	1,778	-	913	865	1,778	-	-	913	865	1,778	-
653	**Enforcement; PROGRAM TOTAL**			30,180	30,702	60,882	2,652	29,233	29,185	58,418	188	(2,464)	30,310	30,847	61,157	(2,739)
654																
655	DNR - Operations Support															
656	BASE	TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
657		GEN	dir	11,880	11,880	23,760	-	11,880	11,880	23,760	-	-	11,880	11,880	23,760	-
658		NRF	dir	2,418	2,418	4,836	-	2,418	2,418	4,836	-	-	2,418	2,418	4,836	-
659		G&F	dir	6,267	6,267	12,534	-	6,267	6,267	12,534	-	-	6,267	6,267	12,534	-
660		GEN	stat	22	-	22	-	22	-	22	-	-	22	-	22	-
661		NRF	stat	1,500	1,500	3,000	-	1,500	1,500	3,000	-	-	1,500	1,500	3,000	-
662		SR	stat	518	441	959	-	518	441	959	-	-	518	441	959	-
663		G&F	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
664		FED	stat	2,045	1,991	4,036	-	2,045	1,991	4,036	-	-	2,045	1,991	4,036	-
665		AGY	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
666		GIFT	stat	759	759	1,518	-	759	759	1,518	-	-	759	759	1,518	-
667	**Operations Support- base**			25,409	25,256	50,665	-	25,409	25,256	50,665	-	-	25,409	25,256	50,665	-
668																
669	change items:															
670	*LCMR Projects*	*TF*	*dir*	*10,013*	*10,014*	*20,027*		-	-	-		(20,027)				-
671	*LCMR Projects*	*NRF*	*dir*	*1,600*	-	*1,600*		-	-	-		(1,600)				-
672	*General Fund Reduction Plan (SF1879)*	*GEN*	*dir*	*(1,151)*	*(1,151)*	*(2,302)*		*(1,151)*	*(1,151)*	*(2,302)*		-	*(1,151)*	*(1,151)*	*(2,302)*	-
673	*Operations Support Reallocation*	*GEN*	*dir*	*(5,829)*	*(5,829)*	*(11,658)*		*(5,829)*	*(5,829)*	*(11,658)*		-	*(5,829)*	*(5,829)*	*(11,658)*	-
674	*Operations Support Reallocation*	*NRF*	*dir*	*(1,093)*	*(1,093)*	*(2,186)*		*(1,093)*	*(1,093)*	*(2,186)*		-	*(1,093)*	*(1,093)*	*(2,186)*	-
675	*Operations Support Reallocation*	*G&F*	*dir*	*(3,532)*	*(3,532)*	*(7,064)*		*(3,532)*	*(3,532)*	*(7,064)*		-	*(3,532)*	*(3,532)*	*(7,064)*	-
676	*Operations Reduction for Zoo Payments (SF1879)*	*NRF*	*dir*					*(246)*	*(246)*	*(492)*		(492)	-	-	-	(492)
677	*Lottery in-Lieu: Como & Duluth Zoos (SF1879)*	*NRF*	*dir*					*246*	*246*	*492*		492	*264*	*268*	*532*	(40)
678	*Lottery in-Lieu Sales Tax adjustment, zoos*	*NRF*	*dir*					*18*	*22*	*40*		40	-	-	-	40
679	*Maintenance of Service; salaries & benefits*	*G&F*	*dir*	*93*	*190*	*283*		-	-	-		(283)	*93*	*190*	*283*	(283)
680	*General Fund Reduction Under Option A (House)*	*GEN*	*dir*					-	-	-		-	*(3,810)*	*(3,810)*	*(7,620)*	7,620
681																
682																
683																
684																
685																
686	ADJUSTED	TF	dir	10,013	10,014	20,027	20,027	-	-	-	-	(20,027)	-	-	-	-
687		GEN	dir	4,900	4,900	9,800	(13,960)	4,900	4,900	9,800	(13,960)	-	1,090	1,090	2,180	7,620
688		MFR	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
689		NRF	dir	2,925	1,325	4,250	(586)	1,343	1,347	2,690	(2,146)	(1,560)	1,589	1,593	3,182	(492)
690		G&F	dir	2,828	2,925	5,753	(6,781)	2,735	2,735	5,470	(7,064)	(283)	2,828	2,925	5,753	(283)
691	**Operations Support- total direct**			20,666	19,164	39,830	(1,300)	8,978	8,982	17,960	(23,170)	(21,870)	5,507	5,608	11,115	6,845
692												-				-
693		GEN	stat	22	-	22	-	22	-	22	-	-	22	-	22	-
694		NRF	stat	1,500	1,500	3,000	-	1,500	1,500	3,000	-	-	1,500	1,500	3,000	-
695		SR	stat	518	441	959	-	518	441	959	-	-	518	441	959	-
696		G&F	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
697		FED	stat	2,045	1,991	4,036	-	2,045	1,991	4,036	-	-	2,045	1,991	4,036	-
698		AGY	stat	-	-	-	-	-	-	-	-	-	-	-	-	-
699		GIFT	stat	759	759	1,518	-	759	759	1,518	-	-	759	759	1,518	-
700	**Operations Support- total statutory**			4,844	4,691	9,535	-	4,844	4,691	9,535	-	-	4,844	4,691	9,535	-
701	**Operations Support; PROGRAM TOTAL**			25,510	23,855	49,365	(1,300)	13,822	13,673	27,495	(23,170)	(21,870)	10,351	10,299	20,650	6,845

Senate Environment and Natural Resources FY06-07 BUDGET

(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS line			Fund	Type	GOVERNOR'S BUDGET FY 2006	GOVERNOR'S BUDGET FY 2007	GOVERNOR'S BUDGET 2006-07	Diff Base	SENATE-ALL FY 2006	SENATE-ALL FY 2007	SENATE-ALL 2006-07	Diff Base	Sen - Gov	HOUSE FY 2006	HOUSE FY 2007	HOUSE 2006-07	Sen - House
702																	
703	**METROPOLITAN COUNCIL - REGIONAL PARKS**																
704																	
705	BASE		GEN	dir	3,300	3,300	6,600	-	3,300	3,300	6,600	-	-	3,300	3,300	6,600	-
706	(transfer from DNR)		NRF	dir	4,152	4,152	8,304	-	4,152	4,152	8,304	-	-	4,152	4,152	8,304	-
707		**Met Council-Regional Parks - base**			7,452	7,452	14,904	-	7,452	7,452	14,904	-	-	7,452	7,452	14,904	-
708																	
709	change items:																
710	*Increase Metro Parks Funding (Senate)*		*GEN*	*dir*					*200*	*200*	*400*						400
711	*Forecast Adjustment*		*NRF*	*dir*					*295*	*381*	*676*						676
712	*General Fund Reduction Under Option A (House)*		*GEN*	*dir*										*(300)*	*(300)*	*(600)*	600
713																	
714	**TOTALS**																
715	ADJUSTED		GEN	dir	3,300	3,300	6,600	-	3,500	3,500	7,000	400	400	3,000	3,000	6,000	1,000
716			NRF	dir	4,152	4,152	8,304	-	4,447	4,533	8,980	676	676	4,152	4,152	8,304	676
717		**Met Council-Regional Parks - total direct**			**7,452**	**7,452**	**14,904**	-	**7,947**	**8,033**	**15,980**	1,076	1,076	**7,152**	**7,152**	**14,304**	1,676
718		**MET COUNCIL-REGIONAL PARKS; AGENCY TOTAL**			**7,452**	**7,452**	**14,904**	-	**7,947**	**8,033**	**15,980**	1,076	1,076	**7,152**	**7,152**	**14,304**	1,676
719																	
720	**MN CONSERVATION CORPS**																
721																	
722	BASE		GEN	dir	350	350	700	-	350	350	700	-	-	350	350	700	-
723			NRF	dir	490	490	980	-	490	490	980	-	-	490	490	980	-
724		**MN Conservation Corps- base**			840	840	1,680	-	840	840	1,680	-	-	840	840	1,680	-
725																	
726	change items:																
727	*Phased privatization/Eliminate Gen Fund*		*GEN*	*dir*	*(350)*	*(350)*	*(700)*		-	-	-		700	-	-	-	-
728	*General Fund Reduction Under Option A (House)*		*GEN*	*dir*										*(350)*	*(350)*	*(700)*	700
729									-	-	-		-				
730																	
731																	
732	**TOTALS**																
733	ADJUSTED		GEN	dir	-	-	-	(700)	350	350	700	-	700	-	-	-	700
734			WF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
735			NRF	dir	490	490	980	-	490	490	980	-	-	490	490	980	-
736		**MN Conservation Corps - total direct**			**490**	**490**	**980**	(700)	**840**	**840**	**1,680**	-	700	**490**	**490**	**980**	700
737		**MN CONSERVATION CORPS; AGENCY TOTAL**			**490**	**490**	**980**	(700)	**840**	**840**	**1,680**	-	700	**490**	**490**	**980**	700
738																	
739	**BOARD OF WATER AND SOIL RESOURCES**																
740																	
741	BASE		TF	dir	-	-	-	-	-	-	-	-	-	-	-	-	-
742			GEN	dir	15,431	15,431	30,862	-	15,431	15,431	30,862	-	-	15,431	15,431	30,862	-
743			SR	stat	635	280	915	-	635	280	915	-	-	635	280	915	-
744			FED	stat	208	-	208	-	208	-	208	-	-	208	-	208	-
745		**BWSR- base**			16,274	15,711	31,985	-	16,274	15,711	31,985	-	-	16,274	15,711	31,985	-
746																	
747	change items:																
748	*LCMR Projects*		*TF*	*dir*	*900*	*900*	*1,800*						(1,800)				-
749	*Administrative Reallocations (SF1879)*		*GEN*	*dir*	*(300)*	*(300)*	*(600)*		*(300)*	*(300)*	*(600)*		-	*(300)*	*(300)*	*(600)*	-
750	*Additional Floodplain Management (SF405-Vickerman)*		*GEN*	*dir*	-	-	-		*35*	*35*	*70*		70				70

Senate Environment and Natural Resources FY06-07 BUDGET
(all dollars in thousands) all funds shown

status: (Passed Senate)

DETAILS				GOVERNOR'S BUDGET			Diff	SENATE-ALL			Diff	Sen -	HOUSE			Sen -
line		Fund	Type	FY 2006	FY 2007	2006-07	Base	FY 2006	FY 2007	2006-07	Base	Gov	FY 2006	FY 2007	2006-07	House
751	*Beaver Damage Control Grants (SF1418-Skoe)*	*GEN*	*dir*	-	-	-		*50*	*50*	*100*		100				100
752	*Public Drainage System Buffer Study (SF876-Hottinger)*	*GEN*	*dir*	-	-	-		*109*	-	*109*		109				109
753	*Area II Joint Powers Board*	*GEN*	*dir*	*(105)*	*(105)*	*(210)*						210				-
754	*General Fund Reduction Under Option A (House)*	*GEN*	*dir*										*(705)*	*(705)*	*(1,410)*	1,410
755																
756	**TOTALS**															
757	ADJUSTED	TF	dir	900	900	1,800	1,800	-	-	-	-	(1,800)	-	-	-	-
758		GEN	dir	15,026	15,026	30,052	(810)	15,325	15,216	30,541	(321)	489	14,426	14,426	28,852	1,689
759		**BWSR- total direct**		**15,926**	**15,926**	**31,852**	990	**15,325**	**15,216**	**30,541**	(321)	(1,311)	**14,426**	**14,426**	**28,852**	1,689
760																-
761		SR	stat	635	280	915	-	635	280	915	-	-	635	280	915	-
762		RIM	stat								-	-				-
763		FED	stat	208	-	208	-	208	-	208	-	-	208	-	208	-
764		**BWSR- total statutory**		**843**	**280**	**1,123**	-	**843**	**280**	**1,123**	-	-	**843**	**280**	**1,123**	-
765		**BWSR; AGENCY TOTAL**		**16,769**	**16,206**	**32,975**	990	**16,168**	**15,496**	**31,664**	(321)	(1,311)	**15,269**	**14,706**	**29,975**	1,689
766																
767	**SCIENCE MUSEUM**															
768																
769	BASE	GEN	dir	750	750	1,500	-	750	750	1,500	-	-	750	750	1,500	-
770		**Science Museum- base**		750	750	1,500	-	750	750	1,500	-	-	750	750	1,500	-
771																
772	change items:															
773	*General Fund Reduction Under Option A (House)*	*GEN*	*dir*										*(35)*	*(35)*	*(70)*	70
774																
775																
776	**TOTALS**															
777	ADJUSTED	GEN	dir	750	750	1,500	-	750	750	1,500	-	-	715	715	1,430	70
778		**Science Museum- total direct**		**750**	**750**	**1,500**	-	**750**	**750**	**1,500**	-	-	**715**	**715**	**1,430**	70
779		**SCIENCE MUSEUM; AGENCY TOTAL**		**750**	**750**	**1,500**	-	**750**	**750**	**1,500**	-	-	**715**	**715**	**1,430**	70

TOTAL DIRECT			GOVERNOR'S BUDGET			SENATE			Sen -	HOUSE			Sen -
ENVIRONMENT & NATURAL RESOURCES			FY 2006	FY 2007	2006-07	FY 2006	FY 2007	2006-07	Gov	FY 2006	FY 2007	2006-07	House
General	GEN	dir	112,158	112,158	224,316	126,633	125,549	252,182	27,866	104,954	104,955	209,909	42,273
State Government Special Revenue	SGSR	dir	48	48	96	48	48	96	-	48	48	96	-
Special Revenue	SR	dir	-	-	-	-	-	-	-	-	-	-	-
Environmental	ENV	dir	58,800	59,107	117,907	43,638	43,945	87,583	(30,324)	56,663	56,970	113,633	(26,050)
Env & Nat Res Trust Fund	TF	dir	368	368	736	18,829	18,829	37,658	36,922	18,829	18,829	37,658	-
Natural Resources	NRF	dir	55,732	54,178	109,910	64,974	65,088	130,062	20,152	69,147	69,412	138,559	(8,497)
Game and Fish	G&F	dir	79,911	82,058	161,969	85,312	85,161	170,473	8,504	84,857	86,629	171,486	(1,013)
Permanent School	PS	dir	350	350	700	50	50	100	(600)	350	350	700	(600)
Great Lakes Protection Acct	GLP	dir	-	-	-	28	-	28	28	28	-	28	-
LAWCON Acct	LAW	dir	-	-	-	1,600	-	1,600	1,600	1,600	-	1,600	-
Remediation	REM	dir	11,503	11,503	23,006	11,504	11,504	23,008	2	11,503	11,503	23,006	2
Environment & Natural Resources - total direct			**318,870**	**319,770**	**638,640**	**352,616**	**350,174**	**702,790**	**64,150**	**347,979**	**348,696**	**696,675**	**6,115**

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 22, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Randy Kramer, Perry Aasness, Department of Agriculture; Jim Anderson, Minnesota Extension Service; Paul Brutlag, Kay Cook, Randy Kramer, Gene Merriam, Department of Natural Resources; Quentin Fairbanks, Karen Harder, Clair Nelson, Victor Ormsby, Louise Smallidge, Lisa Thorvig, Pollution Control Agency; LuAnn Tolliver

BOARD MEMBERS ABSENT:
Paul Krabbenhoft

STAFF PRESENT:
Ron Harnack, Doug Thomas, Ron Shelito, Jim Haertel, Kevin Lines, Jeff Nielsen, Tim Fredbo, Tabor Hoek, Doug Norris, Dave Weirens, Al Kean, Mary Jo Anderson

OTHERS PRESENT:
Sandy Hooker, Minnesota Association of Townships
Rick Reimer, Minnesota Association of Conservation District Employees
Wayne Edgerton, Department of Natural Resources
Mary Mueller, Mueller's Habitat Restoration
George Erickson, wetland banker

Chair Deal called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 05-43 **ADOPT AGENDA** – Chair Deal stated that two new items were added to the agenda: 1) Koochiching County Water Plan Extension, and 2) FY 2006 Farm Bill Assistance Project – CREP II Implementation. Moved by Randy Kramer, seconded by Victor Ormsby, to adopt the agenda as amended. Motion passed on a voice vote.

** 05-44 **MINUTES OF MAY 25, 2005 –** Moved by Louise Smallidge, seconded by Karen Harder, to approve the minutes of May 25, 2005, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Chair Deal reported that he was unable to attend the EQB meeting last week.

Executive Director's Report – Ron Harnack reported that he attended the EQB meeting on Chair Deal's behalf. Discussions included: power line extensions in southwestern Minnesota; timber harvesting; and ATV rules.

Ron attended the Zumbro Watershed Partnership Celebration (NRCS, BWSR, SWCD, and Congressman Gutknecht) on June 13 in Elgin. The watershed partnership implements conservation practices on the ground. This celebrated the receipt of $200,000 of matching funds for development of a Zumbro River Watershed conservation plan.

Ron stated that BWSR is planning for a potential shutdown of BWSR offices if the budget stalemate continues. The Administrative Advisory Committee met this morning to discuss budget recommendations and adjustments relating to the grants decisions later on the agenda.

Wetlands Committee – Clair Nelson reported that the Wetlands Committee will meet today immediately following the Board meeting.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee have met via conference calls and also met this morning. Items discussed will be addressed today later on the agenda.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Houston County Priority Concerns Scoping Document (PCSD) – Victor Ormsby reported that the Southern Water Planning Committee met on June 2, 2005, to review and consider the Houston County Priority Concerns Scoping Document. The Committee recommends approval of the Houston County PCSD.

** 05-45 Moved by Victor Ormsby, seconded by Kay Cook, to approve the Houston County Priority Concerns Scoping Document. Motion passed on a voice vote.

Martin County Priority Concerns Scoping Document (PCSD) – Victor Ormsby reported that the Southern Water Planning Committee met on June 2, 2005, to review and consider the Martin County Priority Concerns Scoping Document. The Committee recommends approval of the Martin County PCSD. Moved by

** 05-46 Victor Ormsby, seconded by Dan Wilson, to approve the Martin County Priority Concerns Scoping Document. Motion passed on a voice vote.

Northern Water Planning Committee

Norman County Priority Concerns Scoping Document (PCSD) – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 8, 2005, to review and consider the Norman County Priority Concerns Scoping Document. The Committee recommends approval of the Norman County PCSD.

** 05-47 Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Norman County Priority Concerns Scoping Document. Motion passed on a voice vote.

Polk County Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee met on June 8, 2005, to review and consider the Polk County Local Water Management Plan. The Committee recommends approval of the update of the Polk County Local Water

** 05-48 Management Plan. Moved by Quentin Fairbanks, seconded by Perry Aasness, to approve the Polk County Local Water Management Plan. Motion passed on a voice vote.

Todd County Priority Concerns Scoping Document (PCSD) –Paul Brutlag reported that the Northern Water Planning Committee met on June 8, 2005, to review and consider the Todd County Priority Concerns Scoping Document. Paul stated that Todd County did an excellent job of coordination. The

** 05-49 Committee recommends approval of the Todd County PCSD. Moved by Paul Brutlag, seconded by Quentin Fairbanks, to approve the Todd County Priority Concerns Scoping Document. Paul suggested that periodically we have a County Water Management Plan come before the full Board to show the entire

structure of their document, the process and the action plan. Wayne Edgerton stated that Todd County did an outstanding job of showing the new process. Motion passed on a voice vote.

NEW BUSINESS

Koochiching County Water Plan Extension – Ron Harnack reported that this item is an addition to the agenda today. Koochiching County is requesting a time extension for their local water management plan update until July 26, 2007. Reasons for the extension request is due to administrative oversights, changes in staff responsibilities for the update, and to allow adequate time to conform to the new CLWMP update process. There has been no previous extension approved for this update. The Koochiching County Water Management Plan will expire on July 26, 2005. Review of this request by the BWSR Northern Water Planning Committee was not required. Staff recommends approval of the two-year extension. Moved by Clair Nelson, seconded by Kay Cook, to approve the two–year extension for the Koochiching County Water Plan. Motion passed on a voice vote.

** 05-50

Ron Harnack reported that since BWSR does not have a budget yet, the approval of the Board grants presented today will be contingent upon Option B, subject to final appropriations by the legislature and signed by the Governor.

FY06 SWCD Grants - Wayne Zellmer reported that the Cost-Share Committee recommends approval of the annual allocations to SWCDs as proposed. FY06 SWCD Grants: Regular Statewide Cost-Share Base Grants $1,985,243; General Services Grant $2,156,776; Easement Services Grant $344,997; Feedlot Water Quality Management Grants $1,350,000. Moved by Randy Kramer, seconded by Victor Ormsby, to approve the FY06 SWCD Grants as presented. Motion passed on a voice vote.

** 05-51

State Cost-Share Base Grants for Increased Technical Assistance – Wayne Zellmer reported that BWSR is proposing legislative appropriation language for the FY06 - 07 biennium that would allow SWCDs to use all or part of their base grant for technical assistance. The Cost-Share Committee recommends approval of the allocation and is requesting approval of the administrative policy to implement this proposal. Moved by Victor Ormsby, seconded by Louise Smallidge, to approve the State Cost-Share Base Grants for Increased Technical Assistance and approval of the administrative policy to implement this proposal. Ron Harnack reported that legislative conference committee has approved the language for this allocation. Motion passed by a voice vote.

** 05-52

FY06 Natural Resources Block Grants (NRBG) – Wayne Zellmer reported that the Natural Resources Block Grant provides assistance to local governments to implement state natural resource programs. The programs and proposed amounts are: Comprehensive Local Water Management: $1,500,000; the Wetland Conservation Act: $2,172,000; DNR Shoreland Management: $430,000; the MPCA County Feedlot Program: $1,992,941; and the MPCA County Individual Sewage Treatment Systems (ISTS) Program: $130,500. The actual numbers will be generated when 2005 numbers are received.

Ron Harnack reported that the Administrative Advisory Committee recommends that the NRBG authorization of the proposed individual grant amounts to counties with the condition that 15% of each grant for Comprehensive Local Water Management, DNR Shoreland Mangement, and the Wetland Conservation Act be held back pending final legislative appropriations. This gives BWSR flexibility to address the final budget issues without withholding the entire allocation at the local level. Moved by Lisa Thorvig, seconded by Kay Cook, to authorize staff to allocate initially up to 85% of the individual grant amounts to counties for Comprehensive Local Water Management, DNR Shoreland Management, and the Wetland Conservation Act, with the remaining 15% reserved pending final legislative appropriations; and MPCA approved amounts for the County Feedlot, and Individual Sewage Treatment Systems Programs. Motion passed on a voice vote.

** 05-53

Stormwater Planning Assistant Grant – Doug Thomas presented information and stated that staff are seeking approval from the Board to provide a grant in the amount of $25,000 to the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to use to meet the requirements of NPDES stormwater permits. This project will support the work of the State Stormwater Steering Committee, of which BWSR is a member, and one of its objectives which is to address developing links or merging stormwater management requirements with other state or local water resource programs and the Impaired Waters Program.

** 05-54

Discussion followed. Moved by LuAnn Tolliver, seconded by Jim Anderson, to authorize BWSR staff to enter into a grant agreement with the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state

(PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to use to meet the requirements of NPDES stormwater permits, with research brought back before the full Board. Motion passed on a voice vote.

FY 2006 Farm Bill Assistance Project – CREP II Implementation – Kevin Lines explained that the Farm Bill Assistance Project was initiated in 2002 by BWSR, DNR and Pheasants Forever to continue staffing for conservation efforts started with the Minnesota River CREP. Implementing provisions of the Federal Farm Bill that result in grass and wetland cover remain the focus of the project. During the development of CREP II, it was decided to continue to utilize the structure of the FBA Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCD's to implement the program. Presently we have 28.55 FTE's in 36 counties and are looking to maintain and expand this effort to 36.55 FTE's in 52 counties. The net result will be 11.3 FTE's covering 15 counties in the non-CREP area, and 25.25 FTE's in 37 CREP II counties. Funding for non-CREP and partial CREP counties would remain at a state/local split of 70/30. Due to increased workload demands on SWCD's to implement CREP II, a reduced local contribution would be required with a state/local split of 95/5. The total budget for each FTE would be calculated from a total budget $40,000/FTE with the appropriate split being applied. Staff recommends approval of this process. Ron Harnack stated that this does not create a long-term state employment obligation as these employees are hired by the SWCD. BWSR appreciates DNR's partnership with this project. Moved by
** 05-55 Victor Ormsby, seconded by Louise Smallidge, to approve the FY 2006 Farm Bill Assistance Project CREP II Implementation Grant. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:45 a.m. The meeting reconvened at 11:00 a.m.

Area II Minnesota River Basins Project Inc. FY 2006 Annual Work Plan – Tabor Hoek, BWSR, introduced Kerry Netzke, coordinator for Area II; Gary Sorenson, Cottonwood County Commissioner; and Joseph Schouvieller, Chair of Area II Board and Redwood County Commissioner. Tabor explained that the work plan is for BWSR oversight of project and administrative funding related to the flood control efforts of the Area II project. Project funding for FY 2006 has been established at $500,000 in bonding which BWSR will administer and $500,000 in an LCMR grant administered by DNR. These sources of funding along with other sources of federal and state cost-share matched with local

funding will facilitate the implementation of 10 flood control projects totaling $2,292,195. A minimum 25% match is required of all funding sources. State administrative funding for Area II is anticipated to be at $140,000 (Senate version) or $105,000 (House version) requiring a 25% match as well. This plan is proposed at the higher level and will be adjusted down as necessary during the year. Staff recommends approval of the plan. Kerry Netzke presented the Area II work plan. Kerry invited board members to attend the Lazarus Creek floodwater control project dedication on July 7 at the project site. Moved by Victor Ormsby, seconded by Quentin Fairbanks, to approve the work plan and up to $140,000 for the Area II Minnesota River Basins Project, subject to legislative action. Motion passed on a voice vote.

** 05-56

Ron Harnack reported that new board member appointments have not yet been made by the Governor's Appointments Office. BWSR recognizes the efforts of Karen Harder and Victor Ormsby for their service on the Board; their terms expire on June 30, 2005. Ron Harnack, on behalf of the Board, presented a print to Karen Harder and Victor Ormsby, acknowledging their time and efforts on the Board. Chair Deal thanked Karen and Vic for their time on the various committees they have been involved in and appreciated their service.

Bernt Hall RIM Easement Alteration – Tim Fredbo presented information of the request for RIM easement alteration of two perpetual RIM Reserve conservation easements. BWSR staff, Kandiyohi SWCD, and DNR, recommend approval of the exchange on the easement be conditional upon the following items being accomplished by Mr. Hall:

- Provide a legal survey to BWSR of the new access road alignment and building site boundary to be used as part of BWSR's new legal description for the amended easement.
- Provide a letter from the local zoning administrator stating that the site is buildable, new access will be allowed onto 150th St., and 10 foot width is adequate, and all necessary permits for both building and driveway can be secured.
- Provide a letter from the USDA Farm Service Agency that they will amend the CRP contract in the area of the proposed new access road.

** 05-57

Moved by Clair Nelson, seconded by Perry Aasness, to approve the alteration easement as presented, contingent upon Mr. Hall's accomplishment of the three aforementioned items. Motion passed on a voice vote. Ron Harnack suggested establishing a subcommittee to review the current criteria for easement alterations, to review alteration decision history, to make recommendations to the Board on evaluation of future alterations and finally to review and make

recommendations on a current request for alteration. Chair Deal appointed an easement alteration committee: Gene Merriam, Perry Aasness, Randy Kramer, Louise Smallidge, and Paul Brutlag-chair of the committee.

Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites – Dave Weirens explained that the Board last updated the policy to establish payment rates for conservation easements acquired for public road wetland replacement bank sites in 2001. Passage of the bonding bill and planning for the development of additional road replacement wetland bank sites has identified the need for the Board to update this policy. The Wetland Committee has reviewed the proposed policy and recommends Board approval.

** 05-58 Moved by Quentin Fairbanks, seconded by Clair Nelson, to approve the policy establishing payment rates for conservation easements acquired for public road wetland replacement bank sites. Paul Brutlag voted no, feeling that this is more of a legislative decision issue. Paul also thought that there should be a greater opportunity to promote the private banking process. Dave stated that there are certain limitations for BWSR in buying private bank credits due to our source of revenue, bonding funds.

Citizen question: When did BWSR last purchase private credits? Ron Harnack did not have the date; however, recent discussions with the Attorney General's Office advises that we do not have the authority to purchase "partial" credits from a private bank using bonding dollars. We need to purchase acquire the entire bank through a permanent easement. Motion passed on a voice vote.

Revised Policy – Sale of Wetland Credits to Public Transportation Authorities – Dave Weirens presented the proposed new policy. The Board established the current policy on the pricing of credits for sale to public transportation authorities in December 2003. To ensure the intent of the legislation is met, to cover the cost of the Board to establish credits, this policy needs to be revised to reflect current and expected costs to develop wetland credits. The Wetland Committee has reviewed the proposed policy and

** 05-59 recommends Board approval. Discussion followed. Moved by LuAnn Tolliver, seconded by Randy Kramer, to approve the revised policy. Ron Harnack stated that this will be back in July 2006 with recommendations for next year. Motion passed on a voice vote.

Chair Deal called for a lunch break at 12:10 p.m. The meeting reconvened at 12:35 p.m.

Comprehensive Wetland Monitoring and Assessment Program – Doug Norris, DNR/BWSR explained that the Comprehensive Wetland Monitoring Program is an interagency effort that is still under development. The program is aimed at developing and implementing a scientifically sound strategy for ongoing monitoring and assessment of the statewide status and trends in wetland quantity and quality. There are several components to the program, including: 1) periodic acquisition and interpretation of aerial photography on fixed, randomly located plots statewide; 2) periodic updates of National Wetland Inventory Maps; and 3) a comprehensive, geographically based programmatic database for tracking wetland gains and losses. Doug introduced Mark Guerness, MPCA, part of the project team. Doug stated that they hope to have the strategy project completed by December 2005. $250k/year in DNR Budget (Heritage Enhancement) and $200k/year from USEPA for 3 years. Ron Harnack thanked Doug for his informative presentation.

OLD BUSINESS

Budget and Legislative Issues Update – Ron Harnack commented on a letter from Governor Pawlenty sent to all state employees, regarding the potential for government shutdown. Ron sent an e-mail to all BWSR employees regarding the possible shutdown due to the legislature failing to appropriate funds to BWSR and other state agencies. Ron will be sending a letter out on Friday to BWSR clientele, letting them know of the potential government shut-down. BWSR does not fall under the term of critical, thus BWSR will be closed July 1, 2005, if the shutdown occurs.

AGENCY REPORTS

Minnesota Department of Natural Resources – Commissioner Gene Merriam reported that there is a tremendous amount of effort going on regarding the potential government shutdown. The DNR Enforcement Division will stay in force. One hazardous material person will stay in force, the rest of DNR will be closed.

Minnesota Department of Health – Dan Wilson reported that Environmental Health will be shutdown; however, they have authority to call back staff if an emergency should occur.

Minnesota Extension Service – Jim Anderson reported that the University of Minnesota is reorganizing into a new college, yet to be determined. Traditionally, a water resources conference has been held; MES has received many

comments to incorporate this into a fall conference, Oct. 25-26. The PCA, College of Engineering/University of Wisconsin/Madison, and MES, will have two week-long assessment workshops to be held, September 19-22, at Earle Brown Continuing Education; the other session will be held in Appleton, Wisconsin.

Pollution Control Agency – Lisa Thorvig reported that the PCA emergency response and methane gas monitoring will remain open during the shutdown; others will be closed. Lisa stated that draft TMDLs are now on PCA's website, public notice July 17-August 18. Lisa reported that the Minnesota River Basin Permit for trading mechanisms for wastewater treatment plants, an innovate trading option - public notice June 27. Lisa reported that stormwater construction permits can now be applied for on-line. Septic system rules are being revised.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees (MACDE) - Rick Reimer reported that MACDE has their summer session next week in Bemidji. MACDE is involved in training with DNR and NRCS; the wetland certification process; leadership training; a group of 30 going to Washington in September.

Chair Deal reported that the MAWD summer meeting and tour, will be held June 23-25 in Brainerd.

Chair Deal reported that the regulatory part of the U.S. Fish and Wildlife Service would like to be a part of the Red River Valley Memorandum of Agreement between BWSR and DNR.

Ron Harnack asked board members to submit their expense claims, as the fiscal year ends June 30, 2005.

The Wetlands Committee will meet immediately following adjournment of the Board meeting.

The Board will not meet in July; the next BWSR meeting will be held August 24th in St. Paul.

** 05-60 Moved by Dan Wilson, seconded by Clair Nelson, to adjourn the meeting at 1:40 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Board Resolution # 05-51

FISCAL YEAR 06 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 06 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Special Session Laws of Minnesota for 2005 are anticipated to appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to SWCDs upon legislative appropriation for these respective grant programs.

Jerome A Deal

Date: 6/22/05

Jerome Deal, Chair
Board of Water and Soil Resources

H:06SWCDBR

Board Resolution # 05-52

FY 06 – 07 STATE COST SHARE BASE GRANTS TECHNICAL ASSISTANCE ALTERNATIVE

WHEREAS, funding for SWCD technical assistance has remained constant or declined in all state programs while federal funding for conservation projects has drastically increased, creating a shortage of available technical assistance in relation to practice funding; and,

WHEREAS, proposed legislative appropriation language for the fiscal year 06 – 07 biennium (July1, 2005 to June 30, 2007) would allow SWCDs to use all or part of their base grants for technical assistance with the desired outcome of an increase of local technical assistance and conservation practice application; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements; and,

NOW THEREFORE, the BWSR hereby authorizes SWCDs to utilize State Cost Share Based Grants to increase technical assistance where an increase in conservation practice application will result, according to the following policies:

General

A) A SWCD may use any or all of their base grant for technical assistance costs.
B) SWCD board action and documentation in the minutes will be required for any District using their base grant funds for technical assistance instead of practices. On a form provided by BWSR, the request must include a **narrative** indicating how the funds will be used, a **budget,** and **signature** of the chair. The request must then be sent to the board conservationist for prior approval.
C) The Performance Standards allocation policy will remain in place. Base grant funds used for technical assistance are regarded as **"used on practices"** for future productivity calculations.
D) The option remains for a SWCD to use up to 20% of their base grant for technical and **administrative** costs. (To further define technical and administrative costs associated with the program see Part III, Grant Administration, B.2, "Technical and administrative costs and lower priority problems" on page 9, in the new cost share manual.)
E) State Cost Share Base grant funds dedicated to technical assistance instead of practices,
    1) Must be used for an ***increase*** in technical assistance, not maintenance.
    2) Must be used for SWCD or JPB staff costs, not private consultants.
    3) Must be spent by the end of the grant agreement period (June 30, 2007).
    4) Cannot be used as the 25% match for NPEA base grants.
    5) Cannot be used for administrative costs.
F) Technical assistance costs include technical staff salaries, wages, benefits, training, and travel expenses. Technical assistance costs do not include leasing or capital equipment purchases.
G) SWCDs may pool their funds to provide technical assistance via a pooling agreement or JPA.

Specific

A) SWCDs have until the end of the first FY (June 30, 2006) to request to use their base grant for technical assistance.
B) In accordance with BWSR administrative policy all base grant funds used for technical assistance must be reported in eLINK.

Jerome K Deal Date: 6/22/05

Jerome Deal, Chair
Board of Water and Soil Resources

H:SCSBGTAR

Board Resolution # 05-53

FY 06 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS); and,

WHEREAS, the Laws of Minnesota for 2005, are expected to appropriate FY 06 Natural Resources Block Grant funds to BWSR, and funds to MPCA for MPCA's County Feedlot and ISTS allocations; and

WHEREAS, final appropriation amounts for BWSR programs may be less than proposed amounts.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate initially up to 85% of proposed individual grant amounts to counties for Local Water Management, DNR Shoreland Management, and the Wetland Conservation Act, with the remaining 15% reserved pending final legislative appropriations; and MPCA approved amounts for the County Feedlot, and Individual Sewage Treatment Systems Programs.

Jerome Deal

Date: 6/22/05

Jerome Deal, Chair
Board of Water and Soil Resources

H:06NRBGR

BOARD RESOLUTION #05-54

Stormwater Planning Assistance Grant

WHEREAS, BWSR has determined that it would be beneficial to the management of the state's waters to have conducted an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits, and

WHEREAS, BWSR is authorized by MS 103B.101 Subd. 9, to coordinate the water and soil resources planning activities of counties, watershed districts and watershed management organizations through its authorities for administration of state grants, and

WHEREAS, MS 103B.3369 Subd. 2, establishes the authority of the Board to provide financial assistance to local units of government for activities that protect or manage water and related land quality, and

WHEREAS, pursuant to MS103B.3369, Subd. 6, the Ramsey Washington Metro Watershed District has a current state approved and locally adopted comprehensive watershed management plan.

THEREFORE BE IT RESOLVED, that BWSR staff are authorized to enter into a grant agreement with the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits.

Jerome Deal

Jerome Deal, Chair
Board of Water and Soil Resources

Date: 6/22/05

Resolution # 05-58

Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites
DRAFT, 6-10-05

WHEREAS, in 2001, the Board of Water and Soil Resources (Board) adopted a policy establishing payment rates for conservation easements acquired for public road wetland replacement bank sites (Resolution # 01-17); and

WHEREAS, the Attorney General's Office has recently clarified state constitutional constraints on the use of state bonding funds for public road wetland replacement bank sites, and BWSR authority to acquire associated conservation easements.

NOW, THEREFORE, the Board hereby adopts the following updated policy establishing payment rates for conservation easements acquired by the Board for public road wetland replacement bank sites:

1. The Public Road Wetland Replacement program shall use the established Board authority and administrative process of the RIM Reserve program, together with the authority and responsibilities of the Board in Minnesota Statutes, Section 103G.222, and in the associated state funding appropriations, to acquire conservation easements for public road wetland replacement bank sites.

2. The Board establishes the appraised land value a payment rate not to exceed 125% of the applicable RIM Reserve payment rate(s), or ~~another method approved by the Board on a project-specific basis to determine fair market value~~, for a conservation easement on lands that are expected to produce wetland credits under the Minnesota Wetland Conservation Act.

3. The Board establishes a payment rate of the applicable RIM Reserve payment rate(s) for a conservation easement on lands necessary to "square up" the easement area.

4. The Board establishes a payment rate of 100% of the costs for restoration of wetlands and establishment of vegetation on conservation easements acquired for public road wetland replacement bank sites, based on construction and vegetation establishment plans developed and/or approved by Board staff and receipts for construction and/or establishment of vegetation approved by Board staff as being fair and reasonable.

Jerome Deal
Jerome Deal, Chair

6/22/05
Date

ANNUAL PLAN – FISCAL 2006

JULY 1, 2005 – JUNE 30, 2006



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



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FISCAL 2006 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



2005 BOARD OF DIRECTORS

BROWN COUNTY
ANDREW LOCHNER – 1ST VICE CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY
GARY SORENSON
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
PHILIP NELSON - SECRETARY/TREASURER
CLARENCE BUYSSE

MURRAY COUNTY
ROBERT MOLINE
KEVIN VICKERMAN

PIPESTONE COUNTY
LUKE JOHNSON
MARVIN TINKLENBERG

REDWOOD COUNTY
JOSEPH SCHOUVIELLER - CHAIR
JOHN SCHUELLER

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



ANNUAL PLAN – FISCAL 2006
ADMINISTRATIVE WORK PLAN

AREA II STAFF: Kerry Netzke, Coordinator Joe DeSchepper, Engineering Technician Duane Hansel, P.E. ~ Consultant Engineer
Bolton & Menk, Inc.

NARRATIVE:

Area II's goal from the Fiscal 2004 and 2005 Annual Plans was "to seek more efficient ways of *'doing more with less'* while maintaining the high level of service to the member counties and the State of Minnesota". We feel strongly that we have successfully met this challenge by the projects completed and by splitting the State appropriation 64% for administration and 36% for project construction in Fiscal 2005.

Looking onward to Fiscal 2006 is especially exciting as our financial famine have turned into a potential feast. Through the 2005 Legislative Session, and Special Session, Area II was awarded $500,000 from the Bonding Bill, a $500,000 appropriation from LCMR, and continued funding of administrative efforts in the amount of $140,000 per year. With that stated, it is easy to see that our technical efforts are going to be solely directed to making sure this $1,000,000 in funding gets put on the ground. Our lists of projects that are designed and ready to go will require a final review as well as permitting and acquisition of easements. Some projects may be constructed in 2005, although the majority of the projects are intended for 2006 construction. We will continue to investigate new projects whenever time allows as well as design small dam repairs and other projects that are eligible for federal dollars through the EQIP and WHIP programs. It will be important to update and replenish our list of waiting projects so that future project funding can continue to be sought and acquired.

With much anticipation, the Lazarus Creek Floodwater Control Project is finally complete and will soon be dedicated into service. Area II, in cooperation with the Lac qui Parle-Yellow Bank Watershed District, will be hosting a Dedication Ceremony on Thursday, July 7, 2005. The invitation list will be large and we hope to attract several legislators to showcase this unique, and long-awaited floodwater control project. Recent photos of the project can be found on page 7 of this document. We hope that the BWSR Board members and many staff members will be able to attend the ceremony.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We hope to continue our good work and make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!



FISCAL 2005 COMPLETED PROJECTS

χ **Monroe 25 Small Dam Repair - Lyon County** ($20,388.44)
Funding was secured through the Redwood-Cottonwood River Control Area (RCRCA) providing 75% for construction activities. The remaining local match of 25% was provided by the landowner and Area II.

χ **Monroe 20 Small Dam Repair - Lyon County ($**16,060.08)
Survey, design and construction inspection were provided by Area II. 75% cost-share from RCRCA was matched by the landowner.

χ **Germantown 4 Road Retention – Phase I - Cottonwood County** ($272,881)
This project, designed by Area II, is being completed in two phases: Phase I – replace the deteriorated culverts and raise the roadway part-way; Phase II – install the riser section and low flow pipe to create the retention capabilities and finish raising the road grade to the design elevation. Phase I is to be funded largely by MNDOT Town Bridge funds with Cottonwood County and Germantown Township providing additional funds. Construction of Phase I was completed Summer 2004. Phase II is to be funded through the LCMR appropriation to Area II.

χ **Rock Lake 32 Small Dam Repair - Lyon County** ($28,074)
Area II provided survey, design and construction inspection services while 75% funding was secured through RCRCA cost-share funding. The landowner provided the local match.

χ **Minneota Recreational Trail - City of Minneota, Lyon County**
Area II assisted in the survey, engineering design and construction staking associated with a bituminous recreational trail around the City of Minneota. The project was complicated by two crossings of the Yellow Medicine River and trail location upon an existing flood dike built by the Army Corps of Engineers. Area II was able to establish bridge deck elevations corresponding to historic flood levels and address concerns of the DNR and Corps within the permit applications. Bids were let March 2004 with construction completed by June 30, 2004. Area II provided construction staking, inspection duties and final inspection. All engineering related fees were reimbursed by the Yellow Medicine River Watershed District through a DNR grant for trail development.

COMPLETED PROJECTS TOTAL
$ 337,403.52



ANNUAL PLAN – FISCAL 2005
PLANNED PROJECTS – OTHER FUNDING

χ **Lake Marshall 32 Small Dam - Lyon County** ($128,809.35)
This project was investigated and designed by Area II, however the previous lack of cost-share funding postponed its construction. In 2004, the landowner entered into agreement with Marshall Municipal Utilities (MMU) to construct two wind generators on his property. The wind generator contractor requires an adequate crossing of this ravine and MMU has committed $12,000 to jointly construct a dam to serve as their access to the wind generator sites. Construction was intended for October 2004 until wetland mitigation complications with the Corps of Engineers were encountered. All permits have been acquired. Environmental Quality Incentive Program (EQIP) funding is approved which will fund 36% of the project. The remaining amount is being cooperatively pooled from State of MN cost-share funds, MMU, Lyon County, Area II, and the landowner. We anticipate June and July 2005 construction for this project.

χ **Custer 13 Small Dam Construction - Lyon County** ($103,354.88)
This is another project previously investigated and designed by Area II, but was placed on hold due to lack of construction funding. The federal EQIP program awarded 50% funding to this project. The remaining funds have been secured from various sources: State of MN cost-share, Area II, and the Wild Turkey Federation. Wetland mitigation complications were also encountered on this project which delayed construction from October 2004. All permits have been acquired. We anticipate July 2005 construction for this project.

PENDING PROJECTS TOTAL
$ 232,164.23



FISCAL 2006
PLANNED PROJECTS – BONDING

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County** ($ 685,000 Estimate)
This project has a long history as the landowner has been unwilling to compromise his pasture for dairy cattle for risk of contaminants getting into the milk supply. The bridge has reached a condition where it may not withstand another year of minor repair. The Yellow Medicine River Watershed District is working closely with both counties and Area II to see the project to completion. The project was awarded $250,000 in May 2005 from MNDOT's Local Road Improvement Program. Easements and permits are currently being sought with construction planned for 2005. The planned design will reduce peak flood flows up to 64% with a 774 cfs reduction of the 100-year storm. 613 acre-feet of storage will create a temporary flood pool of 47 acres.

χ **North Hero 34E Road Retention - Redwood County** ($ 238,000 Estimate)
This project is joint venture between Area II, Redwood County, Redwood County Water Plan, and North Hero Township. Peak flow reductions will be 24.7% amounting to 393 cfs on a 100-year storm event. 390 acre-feet of flood storage will temporarily pond on 56 acres.

χ **Springdale 21 Road Retention - Redwood County** ($ 230,000 Estimate)
This project is cooperative venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 47.5% amounting to 260 cfs on a 100-year storm event. 147 acre-feet of flood storage will temporarily pond on 25.3 acres.

χ **Springdale 30 Road Retention - Redwood County** ($ 289,000 Estimate)
This project is another joint venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 68% amounting to 508 cfs on a 100-year storm event. 214 acre-feet of flood storage will temporarily pond on 22 acres.

PLANNED BONDING TOTAL
$1,442,000



FISCAL 2006
PLANNED PROJECTS – LCMR

χ **Holly 9 Dam - Murray County** ($180,000 Estimate)
This proposed 36' high dam will reduce the 100-year storm peak flow by 65% (402 cfs). 121 acre-feet of storage will be temporarily held on 10.7 acres of pasture land, which will also include a shallow pond for habitat. This dam will also incorporate a bentonite slurry cutoff trench which is not normally used, however the glacial soil composites are more varied and likely to seep if the trench is not included. A former ACP livestock dam upon the property that has previously been designed for repair at a cost of $10,600. This repair will also be completed as part of the overall project.

χ **Florida 9 Road Retention – Yellow Medicine County** ($90,031)
Bids were let on this project April 26, 2005. For the floodwater retention portion of the road regarding project, costs not covered by MNDOT amounted to $90,031. Peak flow reductions will be 24% amounting to 229 cfs on a 100-year storm event. 98.7 acre-feet of flood storage will temporarily pond on 14 acres. Construction is scheduled to being the end of June 2005.

χ **Germantown 4 Road Retention (Phase II) - Cottonwood County** ($180,000 Estimate)
Phase I of this project was completed in 2004 and consisted of replacing the deficient metal arch pipe culverts with a 12' x 12' concrete box culvert and raising the roadway 12 feet. Phase II of the project includes adding a 10'x 14' riser structure and 78" round culvert as the low flow pipe. The roadway will be raised an additional 6 feet. Once completed, the project will provide 1,200 acre-feet of floodwater storage upon 126 acres. The 100-year storm peak flow will be reduced by 746 cfs (29%).

χ **Lyons 12 Dam - Lyon County** ($168,000 Estimate)
This project was previously designed by SCS several years ago, however the contractor fell into financial problems before construction began.Peak flow reductions will be 72% amounting to 293 cfs on a 100-year storm event. 104 acre-feet of flood storage will temporarily pond on 17.5 acres.

PLANNED LCMR TOTAL
$ 618,031

LAZARUS CREEK
FLOODWATER CONTROL PROJECT ~ UPDATE

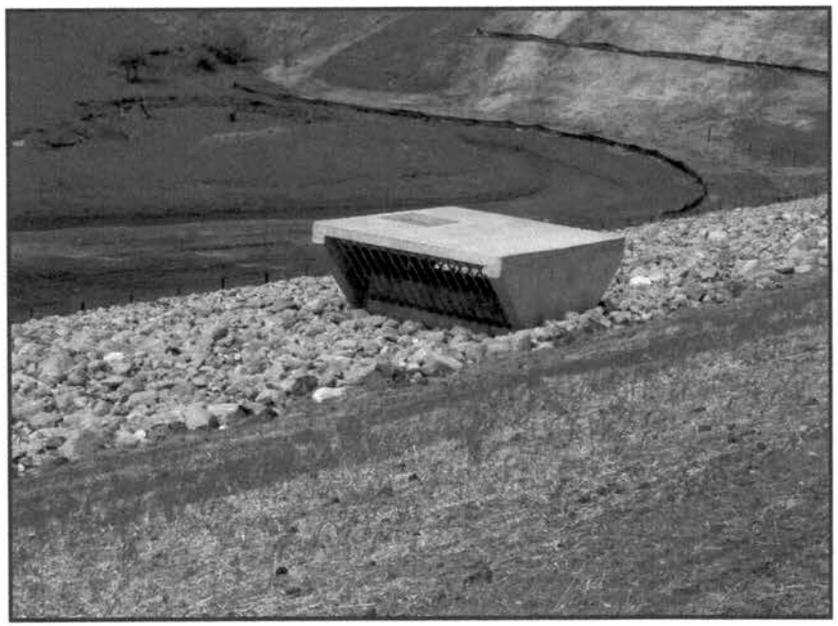
Project Description

- Earthen embankment, 62' in height and 1350' in length - Section 9, Fortier Township, Yellow Medicine Co.
- Designed as "dry dam", only to impound water during significant rainfall/runoff events. The 86-acre flood pool will lie within undisturbed pasture land; maximum depth of 50.2'.
- 100-yr storm flow of 1,207 cfs will be reduced to 385 cfs (68%). Floodwaters will be stored 12 days.

Project Status

- Construction began May 5, 2004. All major work items are complete and the contractor will be submitting the final pay estimate in the coming month.
- Excess funds will be used for Operation & Maintenance until the end of grant period (2007).

May 23, 2005





Dedication Ceremony - ***The celebration is planned for Thursday, July 7, 2005 at 1:00 pm at the project site.***



ATTACHMENTS

ANNUAL PLAN – FISCAL 2006

ATTACHMENT I –

FISCAL 2006 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT 1

FY'06 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *5,600.00**
*Directors' FICA	*430.00**
Employees' Salaries	75,000.00
Employees' FICA	5,740.00
Employees' Medical Insurance	12,900.00
Employees' Retirement	4,147.50
Employee' FlexPlan	300.00
Total Personal Services	**$ 104,117.50**

Supplies:	
Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

Other Services and Costs:	
*Directors' Expenses	$ *3,750.00**
Employees' Expenses	1,000.00
Continuing Education	0.00
Professional Services	30,000.00
Maintenance & Repairs	1,500.00
Telephone	800.00
Postage	1,000.00
Vehicle Expense	3,000.00
*Director's Insurance	*1,368.00**
Other Insurance	13,714.00
Rent	6,675.00
Miscellaneous & Other Expenses	2,500.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 65,307.00**

TOTAL OFFICE OPERATIONS	**$** 171,924.50
Total Ineligible for Cost-Share by the State	*11,148.00**
Total Eligible for Cost-Share by the State	$ 160,776.50
STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 120,582.38 (75%)
Local Share of Eligible Office Costs	40,194.12 (25%)

** These items not cost-shared by the State*

SUMMARY:	***Anticipated Annual Allocation from the State of Minnesota***	***$ 140,000.00***
	Less: Technical Office Grant	***-120,582.38 (86.1%)***
	Less: Project Grants	***-19,417.62 (13.9%)***
	Balance	***$ 0.00***

STATE OF MINNESOTA

Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

June 21, 2005

Dear State Employee:

Thanks for your hard work to keep Minnesota great. Your commitment and dedication make a difference and are sincerely appreciated.

As you must know, the Legislature has been unable to reach an agreement on funding for many state agencies. As a result, our state government is facing the possibility of a partial shutdown. At risk are important programs that affect many Minnesotans and the more than 24,000 state employees who serve them.

I know this is a great concern to you, your families and so many others. That is why I will continue to work with the Legislature to try to prevent a shutdown. However, because these negotiations may be unsuccessful, I am also seeking court authority to keep our most critical functions operating and to reduce the impact to 15,700 state employees.

During this time of uncertainty, it is important that you remain well informed.

That is why I have asked the Department of Employee Relations (DOER) to lead efforts to keep state agencies and employees fully informed. DOER is in daily contact with agency leaders and has created a website (www.doer.state.mn.us) with up-to-date information on shutdown preparations. Likewise, all employees are urged to contact their supervisors for more information on this topic.

While I remain hopeful that we can avoid a partial shutdown, please know that I am grateful for your patience and understanding during this difficult time.

Thank you again for your hard work and dedication to Minnesota.

Sincerely,



Tim Pawlenty
Governor

Voice: (651) 296-3391 or (800) 657-3717 Fax: (651) 296-2089 TDD: (651) 296-0075 or (800) 657-3598
Web site: http: / / wwwgovernor.state.mn.us An Equal Opportunity Employer

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From: Ron Harnack
To: # Everyone
Date: 6/21/2005 9:37:09 AM
Subject: Message to Staff Regarding Possible Shutdown

Dear BWSR staff:

As you know, the Legislature as of this date has failed to appropriate funds for our state agency to operate for the next biennium. Because the budget bill has not been agreed to and signed into law, a shutdown of our agency is possible. We know some things about what will happen to your status as a state employee, and want to let you know now what we know.

Here is what we expect to occur if a shutdown occurs on July 1:

Period from July 1 - July 14, 2005
If a shutdown occurs, the period July 1 - July 14 will not be considered a layoff. An agreement was reached between the State and the major labor unions to treat this period as a "limited interruption." You will not be paid for this time, but you may request to use accrued vacation to cover this time. Please keep in mind that you will not be paid for this time until such time as the legislature passes a budget and appropriates funds.

Period after July 14, 2005
The period beginning July 15, 2005 will be actual layoff of Classified state employees. You will receive a letter approx. July 2nd that will be a notice of layoff, with the layoff effective end of work July 14, 2005. That letter will explain more specifics that we do not have available now, but will deal with issues such as layoff lists, vacancies, and bumping rights.

For Unclassified state employees, the Department of Employee Relations has not yet told us what exactly will happen after the July 14 date. We are trying to get information on that ASAP.

Paychecks
July 8, 2005: This will be a "normal" paycheck, paying you through June 28, 2005. It will include the regular deductions that you have taken out now from your pay.

July 22, 2005: This will not be a "normal" paycheck. On this paycheck you will be paid only for June 29 and June 30. DOER says they most likely will not be taking out insurance deductions because the checks will be too small.

(The state will operate the payroll system and staff in each agency will be processing payroll. So Dianne will do our actual payroll.)

Insurance
All your insurance coverage will remain in place at least through July 31, 2005. That applies to all types of insurance. This covers all employees, whether Classified or Unclassified.

Billing for insurance: For the July 8 paycheck, normal deductions will be taken from your wages for any insurance products you have. For the July 22 paycheck, DOER has not yet decided what they will do. Since it would be a small paycheck (only two days pay), they may decide to bill the premium to us manually, or take a "double" billing on a future paycheck once the shutdown ends.

Vacation use during Shutdown
As noted above, if there is a shutdown, you may request to use accrued vacation to cover time lost during the first two weeks of the shutdown. Regardless of what you may have heard, there is no June 23 deadline to request this. We control that date within this agency. You will be in the future to ask your preference on use of vacation time.

Communications
Pete Raeker has developed a message to give to BWSR's local government customers. This message will also be posted on our website. It will also go out to our local government customers at some future point. We will share this message with you before it goes out.

If you have specific questions on the shutdown, please don't hesitate to ask your supervisor or contact Bill Eisele. Bill is our contact with the central shutdown planning operations going on in the Departments of Employee Relations, Finance, and Administration.

I realize that the potential for shutdown and related layoff announcements can be a stressful time for many of you. I will do my best to keep you fully informed as we draw close to the July 1 shutdown deadline. I have great optimism that our elected senators and representatives will get their job done before we have to face the reality of shutdown. I appreciate your patience and continual dedication in these next few weeks.

Brief detail on time extension request for the Koochiching County Local Water Management Plan

Koochiching County is requesting a time extension for their local water management plan update until July 26, 2007. Reasons for the extension request is due to administrative oversights, changes in staff responsibilities for the update, and to allow adequate time to conform to the new CLWMP update process.

There has been no previous extension approved for this update. The Koochiching County Water Management Plan will expire on July 26th, 2005.

Review of this request by the BWSR Northern Water Planning Committee was not required. Staff recommends approval.

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

In the Matter of Extending the Local Water Management Plan for **Koochiching County** (Chapter 103B.401-408 authorizing BWSR to grant extensions)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, the Koochiching County Board of Commissioners has a state approved Comprehensive Water Plan (Plan) that is effective until July 26, 2005 pursuant to M.S. 1990.301 and

Whereas, the Board has authorization to grant extensions pursuant to Minn. Statute 103B 401-408.

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

FINDINGS OF FACT

1. On April 27, 2005 the Board received a resolution from Koochiching County requesting an extension of their Plan for two years.

2. Reasons for the two- year extension request include the following:

   -The Environmental Services Department is responsible for revising and updating the Plan and, due to staff shortages has not been able to review the changes or initiate the update process.
   -The Koochiching SWCD has recently re-organized and has not had an opportunity to assist in the Plan update process.

3. According to BWSR guidance, Plan extension requests should be for two years.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Koochiching County Plan pursuant to Minn. Statute 103B 401-408.

ORDER

The Board hereby approves the extension of the Koochiching County Plan until July 26th, 2007. Dated at St. Paul, Minnesota, this 22nd day of June, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Dispute Resolution Report
June 9, 2005
by Jim Haertel

There are presently thirteen appeals pending. All of the appeals involve WCA. There have been four new appeals filed since the last report dated May 12.

File 05-13. This is a new appeal of a Restoration Order in St. Louis County. At issue is the placement of fill in wetlands. The project is in relation to construction of storage buildings. No decision has been made on the appeal.

File 05-12. This is a new appeal of a Restoration Order in the City of Montgomery, Le Sueur County. The appeal involves the placement of fill in Type 3 wetlands associated with a car wash. No decision has been made on the appeal.

File 05-11. This is a new appeal of a Replacement Plan decision in the City of Eagan, Dakota County. The appeal involves the approval of a replacement plan for a subdivision. No decision has been made on the appeal.

File 05-10. This is a new appeal of a Restoration Order in the City of Proctor, St. Louis County. At issue is filling of two and three-fourths acres of Type 6/7 wetland in the vicinity of a house. Although a little over two acres of wetland was filled, over one-half acre of wetland has been filled by the deposition of sediment caused by erosion of the fill sideslopes. Also, some of the fill is located in the floodplain of a stream. No decision has been made on the appeal.

File 05-9. This is an appeal of a Restoration Order in St. Louis County. The appeal involves the excavation of a ditch, and the placement of fill, in wetland. Also, the ditch drains into DNR protected waters designated as "Forested River" in the shoreland management ordinance. The project is associated with gravel mining. No decision has been made on the appeal.

File 05-8. This is an appeal of a Restoration Order in Roseau County. The appeal involves the excavation of ditches, and the placement of fill, in wetland. The project is associated with commercial development of the site. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and a pre-hearing conference was held. The appeal is presently is abeyance to allow additional field work to be completed.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

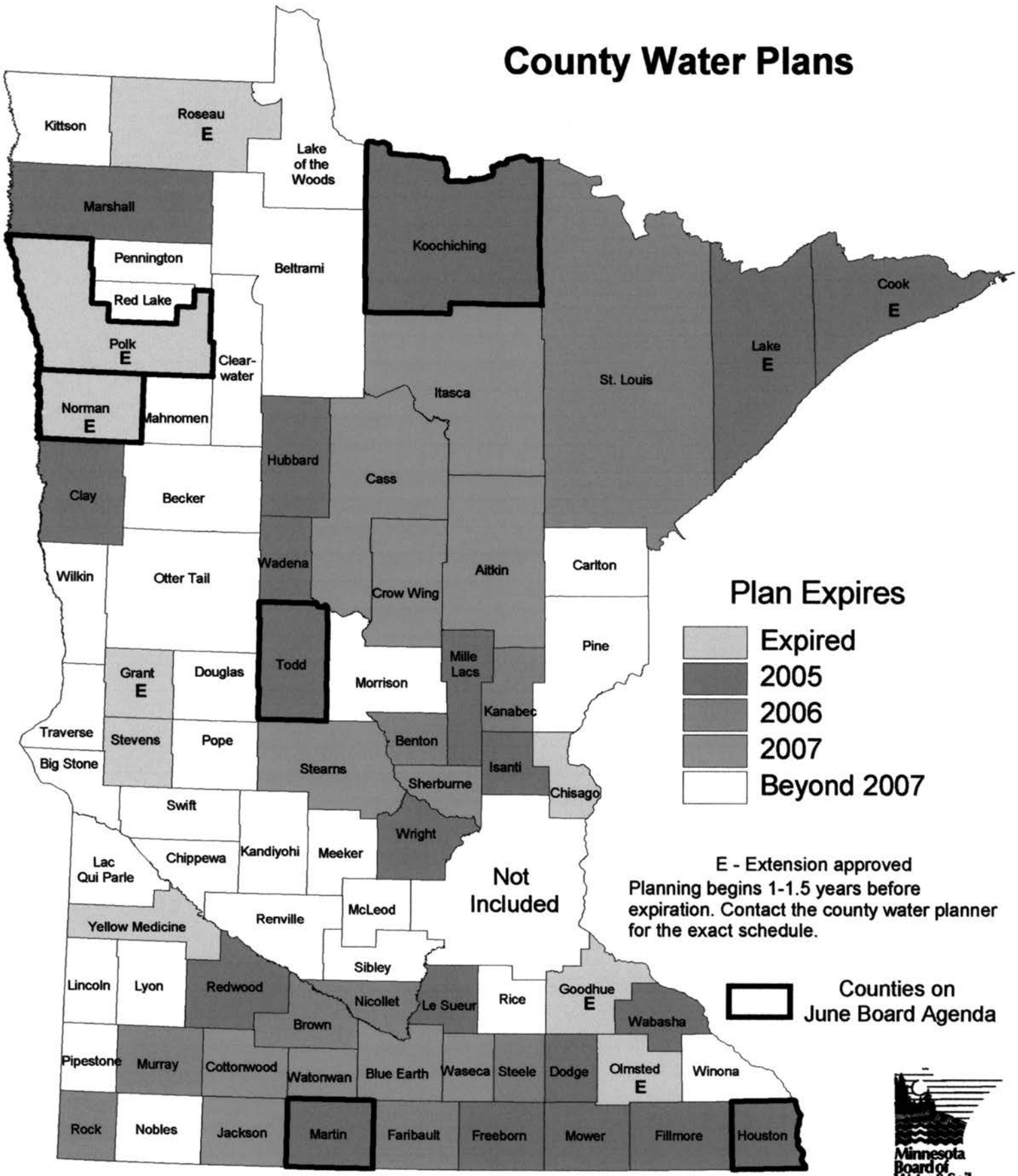
File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

County Water Plans



map updated: May, 2005

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Minnesota Board of Water & Soil Resources

DATE: April 29, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: **BWSR Staff Final Comments on Houston County's PCSD**

Houston County has submitted their Priority Concerns Scoping Document (PCSD) for the 2005 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on May 16, 2005. State agency comments were received from MPCA, MDNR and MDA. All agencies concurred with priority concerns identified. MPCA and MDNR offered comments for including more specific information in the final LWM Plan that addresses the suggestions and comments provided to the County in their Priority Concerns Input documentation.

Representing BWSR staff, I have completed my review of the Priority Concerns Scoping Document for Houston County and recommend the BWSR concur with the priority concerns identified. The BWSR priority concerns input documentation is on file with the County and it is anticipated that the County will consider these comments and provide more specifics in the final LWP Plan.

I look forward to working with the County officials, residents, and technical staff as the Plan Update moves forward. If you have questions or need additional information, please contact me at 507-280-2873.

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

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

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

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

Marshall
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Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

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

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

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

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June 29, 2005

DRAFT

Houston County Commissioners
c/o Ralph Tuck
Houston County Water Plan Coordinator
Agricultural Service Center
603 North Sprague, Suite 4
Caledonia, MN 55921

Dear Houston County Commissioners:

RE: Official Comments pertaining to the State Review of the Houston County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Houston County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Houston County Priority Concerns Scoping Document (PCSD) on March 16, 2005.

Houston County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations.
- Improve surface water quality in rivers and streams in Houston County
- Manage storm water runoff to minimize risk to human life, property, and the environment
- Optimize recreational uses of water resources
- Review of city and township ordinances for compliance

While these issues may vary in priority within the different watersheds, each is considered a priority concern within all the major watersheds.

DRAFT

The BWSR received comments from Minnesota Pollution Control Agency (MPCA), the Department of Natural Resources (DNR), and the Minnesota Department of Agriculture on the Houston County PCSD during the official review period. All agencies concurred with priority concerns identified. MPCA and DNR offered comments for including more specific information in the final LWP Plan that addresses the suggestions and comments provided to the County in their Priority Concerns Input documentation.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on June 2, 2005, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
Dave Johnson, MPCA
Dan Wilson, MDH
Victor Ormsby, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Mary Kells, Board Conservationist

May 6, 2005

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Martin County has submitted their Priority Concerns Scoping Document (PCSD) for the 2005 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on April 6, 2005. State agency comments were received from MPCA and DNR. MPCA concurred with the priority concerns identified, offered their assistance with plan development and implementation and provided suggested actions to address the priority concerns that were identified. DNR concurred with the priority concerns identified, offered their assistance and suggested additional prioritization may be necessary depending on funding. No other state agency comments were received during this review period. In addition to PCSD comments the EQB, MPCA, BWSR, DNR and other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Martin County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with Martin County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-359-6076.

Sincerely,

Chris Hughes
Board Conservationist

June 29, 2005

DRAFT

Martin County Commissioners
c/o Linda Meschke
Martin County Interim Water Plan Coordinator
426 Winnebago Avenue, Suite 100
Fairmont, Minnesota 56031-3854

Dear Martin County Commissioners:

RE: Official Comments pertaining to the State Review of the Martin County Priority Concerns Scoping Document

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Martin County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Martin County Priority Concerns Scoping Document (PCSD) on April 6, 2005.

Martin County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Impaired Waters and Total Maximum Daily Loads (TMDLS)
- Drainage System Management
- Promote the Use of Best Management Practices
- Wetland Protection and Restoration
- Water Quality in Area Lakes
- Promote Low Impact Development in Impaired Watersheds

While these issues may vary in priority within the different watersheds, each is considered a priority concern within all the major watersheds.

DRAFT

The BWSR received comments from Minnesota Pollution Control Agency (MPCA) and the Department of Natural Resources (DNR) on the Martin County PCSD during the official review period. All agencies concurred with priority concerns identified. MPCA offered their assistance with plan development and implementation and provided suggested actions to address the priority concerns that were identified. DNR offered their assistance and suggested additional prioritization may be necessary depending on funding.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on June 2, 2005, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the six priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
Dave Johnson, MPCA
Dan Wilson, MDH
Victor Ormsby, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Chris Hughes, Board Conservationist
Jerry Voyles, Martin County SWCD

May 6, 2005

Jeff Nielsen
Minnesota Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

Martin County has submitted their Priority Concerns Scoping Document (PCSD) for the 2005 Local Water Management Plan Update to BWSR and other state agencies. BWSR received this document on April 6, 2005. State agency comments were received from MPCA and DNR. MPCA concurred with the priority concerns identified, offered their assistance with plan development and implementation and provided suggested actions to address the priority concerns that were identified. DNR concurred with the priority concerns identified, offered their assistance and suggested additional prioritization may be necessary depending on funding. No other state agency comments were received during this review period. In addition to PCSD comments the EQB, MPCA, BWSR, DNR and other local stakeholders provided comments early on in the process.

On behalf of the BWSR I have completed my review of the Martin County PCSD and recommend the BWSR concur with the priority concerns identified.

I look forward to working with Martin County elected officials, staff and residents as the plan update moves forward. If you have questions or need additional information, please contact me at 507-359-6076.

Sincerely,

Chris Hughes
Board Conservationist

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Norman County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

2. Polk County Local Water Management Plan – *DECISION ITEM*

3. Todd County Priority Concerns Scoping Document (PCSD) – *DECISION ITEM*

MEMORANDUM

DATE: May 31, 2005

TO: Northern Ad Hoc Review Committee

FROM: Brian Dwight

SUBJECT: Review of the Norman County PCSD

Having reviewed the Norman County Priority Concerns Scoping Document (PCSD) and the process followed for its development, I am of the opinion that the process followed and the resulting document meets the requirements of the guidance material provided by BWSR and that of 103B.312 and 103B.313 subp.1 – subp.4.

From the comments received in regards to the PCSD, it appears that the priority concerns identified by Norman County are in line with those of the reviewing state agencies and other members of the Local Water Management Task Force. In your review of the attached PCSD you will find a very complete accounting of the process followed, comments received, and responses to these comments.

Having reviewed the Norman PCSD and the process followed for its development, I am of the opinion that the process followed and the resulting document meets the requirements of the guidance material provide by BWSR and that of 103B.312 and 103B.313 subp.1 – subp.4. I recommend the acceptance of the Priority Concerns Scoping Document for Norman County.

The Development of the document may seem to have taken longer than what would be expected, this was/is due to family health issues experienced by the lead staff person (Curtis Borchert).

Norman County

Priority Concerns Scoping document

Background

In April 2002, Norman County adopted by resolution to update the County's LWMP. The Norman Soil and Water Conservation District, who is lead for the implementation of the LWMP, led the updating process. The current plan was to expire on December 31, 2002, but with the Wild Rice Watershed District (WRRWD) in the process of updating their Long Range Plan, and the desire to coordinate the LWMP with the WRRWD long range plan the expiration date was extended to December 31, 2004, by BWSR in October 2002. During this time extension BWSR amended the LWMP updating process. Having the option to proceed following the original updating process or to "retro fit" what had been done into the new process, Norman County elected to complete the updating process following the new process. As a result of this decision the Norman SWCD, through a modified process, developed a Priority Concerns Scoping document (PCSD) for review and approval.

The process that led up to the development of the PSCD before you today allowed ample opportunity for local, state, and federal agencies to provide input, prioritize, and review the water management issues identified for Norman County.

Written input comments received:

Dept. of Health: Drinking water issues
MPCA: Impaired waters/TMDL, Sedimentation, flooding/wetland loss/ lack of floodwater storage
BWSR: Flood damage reduction, Sedimentation, Natural resource enhancement (attached)
CCWRWD: (Concerned Citizens of the Wild Rice Watershed District): Flood damage reduction, natural resource enhancement

From this input Norman County developed the following priority concerns statements:

Priority Concern 1. Unwanted Soil Movement

Norman County will focus on wind and water erosion and the associated sedimentation that occurs within Norman County.

a. Wind Erosion. *(Map 4-wind erosion map in PCSD)*

- Wind erosion has been a long-term problem across all of Norman County.
- The United States Department of Agriculture (USDA) has identified Highly Erodible Soils based on production loss. The soils in the western half of the county are so productive that they can lose many tons per year and still remain very productive.

b. Water Erosion *(Map 5-water erosion map in PCSD)*

- Water erosion is a problem in the eastern half of the county where slopes are steep and soils are prone to erosion.

c. Sedimentation. *(MAP 6 GENERAL SLOPE in PCSD)*

- Sedimentation occurs in the western half of the county where the general slope has dropped to less then one foot per mile. In the eastern half of the county the slopes are steep enough for the water to carry a heavy sediment load.

Priority Concern 2. Water quality

Norman County will focus on surface and ground water quality.

a. Ground water quality

Ground water quality within Norman County could be affected by 3 main events;

1. Contamination by failing wells,
2. Contamination by abandoned wells and,
3. Surface contamination entering aquifers from the ground sensitive area in eastern Norman County. *(Map 7-ground sensitive area in PCSD http://files.dnr.state.mn.us/waters/groundwater_section/mapping/rha/r03_srrv/pdf_files/rha3p4.pdf)*

b. Surface Water quality

Surface water quality has been affected by natural and man-made events within the county.

- There are no identified impaired waters in Norman County at this time.
- Sedimentation is a visible problem within the Wild Rice River and its tributaries.

Priority Concern 3. Correct use of Natural Resources

Norman County will focus on the correct use of natural resources within Norman County.

a. Using the correct landuse

Correct landuse opinion varies greatly, depending on if you are talking to landowners, local agencies, state agencies, federal agencies or private organizations. The coordination of the meaning of correct, and the appropriate compensation for an alternative use of natural resources, will make the difference in whether many projects are completed in the county.

- The Flood Damage Reduction (FDR) work group has identified priority areas for both FDR and Natural Resource Enhancement (NRE) activities within Norman County.
  - Priority NRE areas have been identified for wetland restoration and creation within the beach ridge area of eastern Norman County.
  - Priority NRE areas have been identified for water storage with the main focus on timing of water delivered to the river system to reduce flooding.
  - Priority NRE areas have been identified for prairie restoration and establishment along the Wild Rice River and it tributaries.
- The SWCD, the Wild Rice Watershed District, and the Norman County Highway Department all have buffer programs.

Priority Concern 4. Water controls

Norman County will focus on water movement through the county.

a. The Flood Damage Reduction work group has identified priority areas for both FDR and NRE activities within Norman County.

- Priority FDR areas have been identified for wetland restoration and creation within the beach ridge area of eastern Norman County.
- Priority FDR areas have been identified in the South Branch of the Wild Rice River and the Coon Creek sub-watersheds and along the main stem of the Red River of the North and the Wild Rice River.
- Priority FDR areas for water movement have been identified in the lake plain of western Norman County.

- The Concerned Citizens of the Wild Rice Watershed have identified storage requirements to flood proof the watershed.
- Technology has improved and many maps can be improved using this new technology.
  - Concerns have been raised by FEMA on the quality of the flood plain maps.
  - Parcel mapping would improve project planning.
  - Digital soil maps would be used in project planning.
- BMP's need to be included in all projects.

In March of 2005 the Priority Concerns Scoping Document was sent out for state agency review (as well as to the local LWMP task force). Review comments of the PCSD were received from:

DNR: PCSD addresses their concerns and should be approved.
MDA: The PCSD appears to be adequate and addresses the major concerns of the county.
MDH: MDH's issues have been adequately addresses.
MPCA: The MPCA concurs with the priority concerns recommended, however **the PCSD should be amended to reflect that impaired waters exists in the county**. They did provide a list of these identified waters.
BWSR: The issues identified by BWSR are adequately addressed in the PCSD.

Based on the review comments received, I feel that if the recommend amendment by MPCA is incorporated that the Priority Concerns Scoping Document for Norman County is acceptable to all those who reviewed the document and is an excellent document for Norman County to use as a tool for the development of the updated Local Water Management Plan (LWMP).

Minnesota Board of Water & Soil Resources

June 22, 2005

Norman County Commissioners
c/o Curtis Borchert
Norman SWCD
PO Box 60
Twin Valley, MN 56584

SUBJECT: **Official Comments pertaining to the State Review of the Norman County Priority Concerns Scoping Document.**

Dear Norman County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Norman County has chosen to address in the update of their Comprehensive Local Water Management Plan (LWMP). The Board of Water and Soil Resources, along with the state review agencies, received the Norman County Priority Concerns Scoping Document (PSCD) on March 9, 2005.

Review of the priority concerns statements in March - April 2005 generated comments from the following state review agencies: MPCA, MDH, DNR, MDA, and BWSR. Comments received concurred with the County on its identified areas of concern. The MPCA requested one amendment to the PCSD. In the PCSD it is mentioned that there are no identified impaired waters in Norman county. This is not an accurate statement. There are several identified impaired river reaches in Norman County and MPCA provided a listing on these impaired reaches with their review letter.

The Northern Water Planning Committee (hereinafter referred to as the Committee) met on June 8, 2005 in Bemidji to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the County on the selection of the identified priority concerns and the process they used to select these areas of interest. The County's interest in coordinating efforts relating to water quality, quantity (flooding), sedimentation, and preserving and enhancing the natural resources of Norman County align well with the interests of other local, state and federal agencies.

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As a result of the review and discussion the Committee requests:

1) That the PCSD be amended to reflect that there are impaired waters as identified by the MPCA in Norman County and that these impaired waters are identified and addressed in the updated Local Water Management Plan.

2) The updated LWMP specifically address how the County plans to coordinate the efforts of other local and state agencies in the areas of concern identified in the PCSD. It is strongly suggested this coordination effort be identified as the highest priority in the updated LWMP.

3) The LWMP specifically describe coordination efforts in implementing programs/plans such as CREP, the Wild Rice Watershed District long-range plan, and the TMDL process.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

cc: Roger Tietz, DNR
Art Persons, MDH
Beck Balk, MDA
Lisa Thorvig, MPCA
Ron Shelito, BWSR
Brian Dwight, BWSR

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MEMORANDUM

DATE: June 1, 2005

TO: Northern Ad Hoc Committee

FROM: Brian Dwight

SUBJECT: Final Approval of the Polk County Local Water Management Plan

In my review of the Polk County updated Local Water Management Plan (LWMP) and the process followed, I am of the opinion that the LWMP and its development process meets the guidelines provided by BWSR, as well as the requirements of 103B.313 – 103B.314. I recommend that BWSR approve the updated LWMP for Polk County.

The State agency review of the updated Polk LWMP indicated that the County did a good job of selecting, supporting, and developing action items to address the Priority Concerns of the updated LWMP.

Previously approved Priority concerns statements:

1) Polk County will focus on surface water quality, specifically as it pertains to the human-impacts on the lakes region in the eastern part of the County and in regards to the impacts on surface water as a source water supply in the western part of the county.

2) Polk County will focus on the quantity of water passing through Polk County by inventorying, assessing, and evaluating the drainage infrastructure of the County.

3) Polk County is concerned with the preservation and enhancement of Polk County's natural resources within the Glacial Lake Agassiz Beach Ridge area because of the unique geographical features, wide diversity of natural resources, and the citizens that benefit from them.

Agency Comments:

MDA: "We had no objections to this plan and recommended it be approved by BWSR."

MDH: The MDH recommends the approval of the entire plan as submitted. "The MDH would like to commend Polk County for its recognition of the importance of protecting surface waters serving as a drinking water source of the residents of their County."

DNR: "In viewing the submitted plan, it appears to be consistent with the above referenced (water quality monitoring and education, water quantity inventorying and assessments, protecting natural resources in the glacial beach ridges) DNR priorities and we suggest this plan update be approved as submitted."

MPCA: "The MPCA recommends the BWSR approve the LWM Plan as submitted."

I feel the County, through the East and West SWCDs (LWMP coordinators), has done a particularly good job of prioritizing the water related issues facing the County. These priority concern statements align themselves well with water quality concerns of the MPCA and the surface water quality concerns as a public water supply of MDH; the water quantity (flood damage reduction) concerns of the Sand Hill and Red Lake Watershed Districts; and the concern of the DNR for the need to manage land use issues threatening the very unique and fragile Lake Agassiz beach ridge area. The County, through the East and West SWCDs, has a long history of good working relationships with the above mentioned local and state agencies in addressing the identified priority concerns and now having them identified in the updated LWMP solidifies the County's interest in these water related issues.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

In the Matter of Reviewing the Local Water Management Plan Update for Polk County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Polk County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on February 17, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On September 29, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Polk County, pursuant to M.S. Section 103B.312.

2) On December 15, 2004, the Board of Water and Soil Resources approved official comments on the Polk County Priority Concerns Scoping Document, which were mailed to the county on December 15, 2004.

3) The priority concerns, in no particular order of importance, the local water management plan addresses include:

   - Polk County will focus of surface water quality; specifically as it pertains to the human-impacts on the lakes region in the eastern part of the County and in regards to the impacts on surface water as a source water supply in the western part of the County
   - Polk County will focus on the quantity of the water passing through Polk County by inventorying, assessing, and evaluating the drainage infrastructure of the County
   - Polk County is concerned with the preservation and enhancement of Polk County's natural resources within the Glacial Lake Agassiz Beach Ridge area because of the unique geographic features, wide diversity of natural resources, and the citizens that benefit from them.

4) On February 17, 2005, the BWSR received the Polk County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On June 8, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Becker County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources: regional staff recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a five-year period until December 31, 2009.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Polk County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Polk County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Polk County Local Water Management Plan – January 1, 2005 to December 31, 2009.

Dated at St Paul, Minnesota, this twenty-second day of June 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

June 22, 2005

Polk County Commissioners
Polk County Courthouse
612 North Broadway
Crookston, MN 56716

Dear Polk County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Polk County's revised Local Water Management Plan at its regular meeting held on June 22, 2005. Attached is the signed Finding of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Polk County Local Water Management Plan, once locally adopted by resolution, is effective for a five-year period until December 31, 2009.

For Polk Counties Local Water Management Plan to be in effect the County must adopt and begin implementing the plan within 120 days (M.S. 103B.315 Subd. 6, Adoption and Implementation). Upon adoption, please forward the resolution to your Board Conservationist. An example of a resolution adopting the plan can be found on BWSR's website at:
http://www.bwsr.state.mn.us/watermgmt/guidance/Adoption.doc.

The East and West Polk Soil and Water Conservation District staff and water plan advisory members are to be commended for developing a Local Water Management Plan that identifies priority concerns and related actions needed that not only effect water issues facing Polk county but the Red River Basin. With the continued implementation of your updated Local Water Management Plan the protection, and management of Polk County's water and related resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Jerome Deal
Chair

Enclosures
cc: Gary Lee, County Water Plan Coordinator
Paige Geutter,
File Copy

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DATE: May 31, 2005

TO: BWSR Northern Plan Review Subcommittee

FROM: Dan Steward, Board Conservationist

SUBJECT: Review of the Todd County Priority Concerns Scoping Document (PCSD)

The original Todd County Local Water Management Plan (LWMP) was approved in 1991. The first update to the original plan was completed in April 2000. The current or third generation LWMP will expire on December 31, 2005.

Since the inception of the LWMP in Todd County , the County has delegated implementation of the program to the Todd SWCD.

On September 13, 2004, the Todd County Board of Commissioners passed a resolution to update the Comprehensive Local Water Management Plan.

On April 28th, 2005, Todd County submitted their Priority Concerns Scoping Document (PCSD) for review. The attached Todd PCSD identifies the following priority concerns, and proposes the update be focused on these water management issues:

1. Protection of Ground Water Quality and Quantity
2. Protection of Surface Water Quality and Quantity
3. Land Uses that Lessen Impact on Water Resources

The County used the following process to develop the PCSD:

- September 29, 2004, Input survey and requests for local plans sent to state agencies, cities, townships, SRWD, and adjacent counties.
- January 11, January 25, March 23, and April 13, 2005, Task Force meetings are held.
- January 28, 2005, Request for input at Todd County Coalition of Lake Assoc. meeting.
- February 1, 2005, Request for input at SRWD meeting.
- February 4, 2005, Request for input at Lions Club meeting.
- March 2005, Full page ad in Todd County Couirer, includes survey form.
- March 2005, Request for input and survey posted on SWCD web page.
- March 15, 2005, Request for input on SWCD;s regular radio program.
- March 23, 2005, Pulic Informational Meeting held.
- March 2005, Second input survey sent to chair of each Township, also to ag and natural resource teachers in Todd County High Schools.
- April 1, 2005, Presentation made at Townships Annual Meeting.

The following priority concerns were submitted by the state review agencies:

- MDH: Protect groundwater-based drinking water sources, sealing unused, unsealed wells, and develop a local ground-water quality data base.
- PCA: Impaired waters / Total maximum daily loads, manure management, and storm water control for Long Prairie.
- BWSR: Impact of development on lake and stream water quality, conversion of ag land to rural residential, and groundwater quality.
- DNR: Development pressures / Impacts, declining water quality and clairity.
- EQB: Groundwater contamination susceptibility, TMDL / Impaired waters, and ground water availability.
- MDA: Pesticides in ground and surface water, Manure management and ISTS, Impaired waters and TMDL's, Groundwater and Irrigation.

On April 28, 2005 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by May 28. As of May 31, the following agency comments were received:

- May 18, 2005. The MDH offered comments relative to the importance of source water protection for drinking water, and commended Todd County for recognizing the value of protecting groundwater quality and quantity. The MDH specifically supported wellhead protection plans, and sealing unused wells.
- May 24, 2005. The MPCA in its comments on the PCSD concurred with the priority concerns listed. In noting the "quite broad" priority concerns, the agency suggested "at least some of the goals and action items should contain discreet components that can be used to measure the success of the LWM Plan."

After reviewing the PCSD submitted by Todd County, I conclude that the guidance requirements have been met in general. Although the county has identified a list of priority concerns, they are quite broad.. I suggest the subcommittee consider adding recommendations to its comments regarding specific goals and actions to be included in the plan to follow. I recommend the subcommittee approve the PCSD for Todd County.

Minnesota Board of Water & Soil Resources

June 22, 2005

Todd County Commissioners
C/O Kitty Tepley, Todd Soil and Water Conservation District
607 9th Street NE
Long Prairie, MN. 56347

RE: Official Comments Pertaining to the State Review of the Todd County Priority Scoping Document.

Dear Todd County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Todd County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Todd County Priority Concerns Scoping Document (PCSD) on April 28, 2005, and asked comments be sent by May 28, 2005, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Todd County Water Management Advisory Committee. Many of these concerns had similar themes which allowed the Advisory Committee to arrange them into the following priority concerns that will be addressed in the Water Plan Revision.

1. Protect and Preserve Ground Water Quality and Quantity

2. Protect and Preserve Surface Water Quality and Quantity

3. Promote and Encourage Land Uses That Lessen the Impacts on Water Resources.

The Minnesota Pollution Control Agency concurred with the priority concerns identified. The Minnesota Department of Health commended the county for recognizing the value of protection and preserving groundwater quality and quantity.

On June 8, 2005, the Northern Water Planning Committee (hereinafter referred to as the Committee) met with the Todd County/SWCD representatives to discuss Local Water Management activities within Todd County, the process used to gather public input, the content

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of the PCSD, the state review agency comments and recommendations for the content of the final plan.

Based on the Committee's recommendations, the Board of Water and Soil Resources commends Todd County for the process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. The BWSR encourages Todd County to continue to take advantage of opportunities to play the coordination role that is often key to improved local water management. The Board recommends that the County include a paragraph in the final plan that discusses the County's role in coordinating local water management activities.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

CC: Dan Steward, BWSR
Ron Shelito, BWSR
Wayne Edgerton, DNR
Lisa Thorvig, MPCA
Matt Drewitz, MDA
John Wells, EQB
Art Persons, MDA
Paul Swenson, DNR

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Board Resolution # 05-53

FY 06 Natural Resources Block Grant Authorization

WHEREAS, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS); and,

WHEREAS, the Laws of Minnesota for 2005, are expected to appropriate FY 06 Natural Resources Block Grant funds to BWSR, and funds to MPCA for MPCA's County Feedlot and ISTS allocations; and

WHEREAS, final appropriation amounts for BWSR programs may be less than proposed amounts.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate initially up to 85% of proposed individual grant amounts to counties for Local Water Management, DNR Shoreland Management, and the Wetland Conservation Act, with the remaining 15% reserved pending final legislative appropriations; and MPCA approved amounts for the County Feedlot, and Individual Sewage Treatment Systems Programs.

Jerome Deal Date: 6/22/05

Jerome Deal, Chair
Board of Water and Soil Resources

H:06NRBGR

PROPOSED 2006 NATURAL RESOURCES BLOCK GRANT

Background

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

2006 NRBG Schedule

June 22, 2005	BWSR Requested to authorize the 2006 NRBG Counties may Begin to Apply
July 2005	Grant Agreements Sent to Counties
August 2005	Grant Agreements Executed and Payments Transferred
February 1, 2006	eLINK Reports Due

Selected Program Highlights of the 2004 NRBG:

Comprehensive Local Water Management - $1,500,000 (proposed)

This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue.

Wetland Conservation Act - $2,172,000 (proposed)

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. Of this amount, SWCDs are entitled to receive at least 15% or $5,000, whichever is greater, for performing mandated WCA activities.

DNR Shoreland - $430,000 (proposed)

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 cash and/or in-kind match is required. The grant amount is derived from a base estimated amount of county Shoreland activity.

MPCA County Feedlot Program - $1,992,941 (proposed)

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local cash and/or in-kind match is required. Grant amounts are based on legislative approval of a $2,324,000 appropriation for each year of the biennium - the same as the previous biennium - and, approval of the proposed grant formula that includes the following highlights:

- Grant amounts are projections based on feedlot registration database information from October 2004 and a legislative appropriation of $2,324,000.

- Grants are based on the number of feedlots in shoreland with 10 or more AU and feedlots in non-shoreland with 50 or more AU.

- In addition to the projected grant amounts shown in the columns below, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements. 15% of the legislative appropriation is reserved for performance credit awards.

These are preliminary grant determinations, as final determinations will be based on 2005 county feedlot registration database information.

MPCA County Individual Sewage Treatment Systems Program - $130,500 (available for FY 05)
All counties are required to pass ordinances regulating ISTS countywide. All counties that have enacted countywide ordinances are eligible to receive this grant. No local match is required.

Proposed base grants for the 2006 NRBG are itemized on the enclosed spreadsheet.

Recommendation
On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to adopt the attached resolution authorizing the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

PROPOSED 2006 NATURAL RESOURCES BLOCK GRANT

Background

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Individual Sewage Treatment Systems (ISTS).

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible to apply. A county may apply for any or all of the five grant program components.

2006 NRBG Schedule

June 22, 2005	BWSR Requested to authorize the 2006 NRBG Counties may Begin to Apply
July 2005	Grant Agreements Sent to Counties
August 2005	Grant Agreements Executed and Payments Transferred
February 1, 2006	eLINK Reports Due

Selected Program Highlights of the 2004 NRBG:

Comprehensive Local Water Management - $1,500,000 (proposed)

This component is for implementing comprehensive local water plans. A statutory local levy match is required that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue.

Wetland Conservation Act - $2,172,000 (proposed)

This component is for the local administration of the WCA. A local 1:1 cash and/or in-kind match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. Of this amount, SWCDs are entitled to receive at least 15% or $5,000, whichever is greater, for performing mandated WCA activities.

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- Grant amounts are projections based on feedlot registration database information from October 2004 and a legislative appropriation of $2,324,000.

- Grants are based on the number of feedlots in shoreland with 10 or more AU and feedlots in non-shoreland with 50 or more AU.

- In addition to the projected grant amounts shown in the columns below, counties will be eligible to earn an incentive award. The incentive is based on work performed by the county during the program year that exceeds minimum program requirements. 15% of the legislative appropriation is reserved for performance credit awards.

These are preliminary grant determinations, as final determinations will be based on 2005 county feedlot registration database information.

MPCA County Individual Sewage Treatment Systems Program - $130,500 (available for FY 05)
All counties are required to pass ordinances regulating ISTS countywide. All counties that have enacted countywide ordinances are eligible to receive this grant. No local match is required.

Proposed base grants for the 2006 NRBG are itemized on the enclosed spreadsheet.

Recommendation
On behalf of the BWSR, DNR, and MPCA staffs, the Board is requested to adopt the attached resolution authorizing the BWSR staff to allocate these grants to counties meeting the NRBG Program requirements.

PROPOSED 2006 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.172 M		$.43 M	$1.993 M	$.13 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	MPCA BASE GRANT	GRANT AMOUNT
AITKIN	$18,285	$37,870	$5,681	$12,288		$1,500	**$69,943**
ANOKA	$10,657	$71,992	$10,799	$2,979		$1,500	**$87,128**
BECKER	$17,210	$27,613	$5,000	$12,234		$1,500	**$58,557**
BELTRAMI	$18,022	$69,034	$8,679	$6,272		$1,500	**$94,828**
BENTON	$17,473	$36,000	$5,400	$3,744		$1,500	**$58,717**
BIG STONE	$20,685	$10,000	$5,000	$3,065	$7,500	$1,500	**$42,750**
BLUE EARTH	$13,197	$20,710	$5,000	$3,695	$39,547	$1,500	**$78,649**
BROWN	$17,949	$10,000	$5,000	$3,048	$49,579	$1,500	**$82,076**
CARLTON	$17,575	$25,641	$5,000	$4,474		$1,500	**$49,190**
CARVER	$10,657	$36,000	$5,400	$2,979	$30,497	$1,500	**$81,633**
CASS	$13,827	$51,000	$7,650	$12,189		$1,500	**$78,516**
CHIPPEWA	$19,592	$10,000	$5,000	$2,990		$1,500	**$34,082**
CHISAGO	$14,803	$31,558	$5,000	$5,631		$1,500	**$53,492**
CLAY	$16,685	$18,737	$5,000	$3,354		$1,500	**$40,276**
CLEARWATER	$20,086	$22,682	$5,000	$3,604		$1,500	**$47,872**
COOK	$19,528	$14,793	$5,000	$4,780		$1,500	**$40,601**
COTTONWOOD	$19,544	$10,000	$5,000	$3,158	$23,989	$1,500	**$58,191**
CROW WING	$10,657	$43,392	$6,509	$21,792		$1,500	**$77,341**
DAKOTA	$10,657	$60,158	$9,024	$2,979	$26,892	$1,500	**$102,186**
DODGE	$19,070	$18,734	$5,000	$3,047	$31,738	$1,500	**$74,089**
DOUGLAS	$15,901	$24,655	$5,000	$9,734	$45,454	$1,500	**$97,244**
FARIBAULT	$19,157	$10,000	$5,000	$3,116	$38,346	$1,500	**$72,119**
FILLMORE	$18,799	$10,000	$5,000	$3,067	$86,804	$1,500	**$120,170**
FREEBORN	$17,274	$10,000	$5,000	$3,576	$36,844	$1,500	**$69,194**
GOODHUE	$12,419	$18,737	$5,000	$3,158	$81,498	$1,500	**$117,312**
GRANT	$20,411	$15,779	$5,000	$3,482		$1,500	**$41,172**
HENNEPIN	$10,657	$65,089	$9,763	$0		$1,500	**$77,246**
HOUSTON	$19,353	$14,793	$5,000	$3,105	$45,094	$1,500	**$83,845**
HUBBARD	$17,438	$28,599	$5,000	$9,609		$1,500	**$57,146**
ISANTI	$17,447	$28,599	$5,000	$4,562		$1,500	**$52,108**
ITASCA	$13,754	$50,296	$7,544	$11,514		$1,500	**$77,064**
JACKSON	$19,376	$10,000	$5,000	$3,430	$45,495	$1,500	**$79,801**
KANABEC	$19,843	$28,599	$5,000	$4,660		$1,500	**$54,602**
KANDIYOHI	$15,829	$24,655	$5,000	$7,693	$49,299	$1,500	**$98,976**
KITTSON	$20,116	$18,737	$5,000	$3,016	$7,500	$1,500	**$50,869**
KOOCHICHING	$19,782	$32,939	$5,010	$3,101		$1,500	**$57,322**
LAC QUI PARLE	$20,346	$10,000	$5,000	$2,995	$7,500	$1,500	**$42,341**
LAKE	$19,401	$18,737	$5,000	$5,257		$1,500	**$44,895**
LAKE OF THE WOODS	$20,814	$38,461	$5,769	$3,978	$7,500	$1,500	**$72,253**
LE SUEUR	$17,776	$18,737	$5,000	$5,603	$25,130	$1,500	**$68,746**
LINCOLN	$20,391	$10,000	$5,000	$3,153	$39,267	$1,500	**$74,311**
LYON	$18,023	$10,000	$5,000	$3,119		$1,500	**$32,642**
MCLEOD	$16,645	$18,737	$5,000	$3,404	$42,651	$1,500	**$82,937**
MAHNOMEN	$20,853	$14,793	$5,000	$3,828		$1,500	**$40,974**
MARSHALL	$19,740	$21,696	$5,000	$2,979	$7,500	$1,500	**$53,415**
MARTIN	$18,033	$10,000	$5,000	$3,445	$61,494	$1,500	**$94,472**
MEEKER	$18,419	$21,696	$5,000	$5,394	$22,147	$1,500	**$69,156**
MILLE LACS	$18,908	$25,641	$5,000	$5,478	$8,730	$1,500	**$60,257**

PROPOSED 2006 BWSR NATURAL RESOURCES BLOCK GRANT
BASE GRANT BREAKDOWN BY PROGRAM

	$1.5 M	$2.172 M		$.43 M	$1.993 M	$.13 M	
	LOCAL WATER MANAGEMENT	WCA CONSERVATION ACT		DNR SHORELAND	MPCA COUNTY FEEDLOT PROGRAM	MPCA COUNTY ISTS PROGRAM	
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	MINIMUM SWCD TRANSFER	SHORELAND BASE GRANT	FEEDLOT BASE GRANT	MPCA BASE GRANT	GRANT AMOUNT
MORRISON	$17,918	$34,517	$5,178	$4,494	$63,877	$1,500	$122,306
MOWER	$17,178	$14,793	$5,000	$3,719	$46,456	$1,500	$83,646
MURRAY	$19,815	$10,000	$5,000	$3,670	$28,034	$1,500	$63,019
NICOLLET	$17,321	$18,737	$5,000	$3,055	$40,869	$1,500	$81,482
NOBLES	$18,962	$10,000	$5,000	$3,032	$37,705	$1,500	$71,199
NORMAN	$20,461	$14,793	$5,000	$2,989	$7,500	$1,500	$47,243
OLMSTED	$10,657	$28,599	$5,000	$3,588		$1,500	$44,344
OTTER TAIL	$12,934	$68,047	$13,807	$20,219		$1,500	$102,700
PENNINGTON	$20,198	$18,737	$5,000	$3,228	$7,500	$1,500	$51,163
PINE	$18,241	$39,448	$5,917	$6,720		$1,500	$65,909
PIPESTONE	$20,075	$10,000	$5,000	$2,979	$46,015	$1,500	$80,569
POLK	$17,732	$24,655	$10,000	$3,939	$7,500	$1,500	$55,326
POPE	$19,874	$17,751	$5,000	$4,842	$28,955	$1,500	$72,922
RAMSEY	$10,657	$19,000	$5,000	$0		$1,500	$31,157
RED LAKE	$20,877	$14,793	$5,000	$3,273	$7,500	$1,500	$47,943
REDWOOD	$19,054	$11,834	$5,000	$2,979		$1,500	$35,367
RENVILLE	$18,495	$10,000	$5,000	$3,033	$30,697	$1,500	$63,725
RICE	$13,768	$27,613	$5,000	$4,772	$75,470	$1,500	$123,123
ROCK	$19,980	$10,000	$5,000	$2,979	$56,388	$1,500	$90,847
ROSEAU	$19,922	$27,613	$5,000	$3,073		$1,500	$52,108
ST. LOUIS	$10,657	$86,193	$20,474	$22,712		$1,500	$121,062
SCOTT	$10,657	$47,337	$7,101	$2,979	$14,898	$1,500	$77,371
SHERBURNE	$10,657	$36,000	$5,400	$5,551		$1,500	$53,708
SIBLEY	$19,242	$15,325	$5,000	$3,076	$35,142	$1,500	$74,285
STEARNS	$10,657	$52,268	$7,840	$10,257	$199,099	$1,500	$273,781
STEELE	$16,405	$13,806	$5,000	$3,266	$33,841	$1,500	$68,818
STEVENS	$20,151	$10,000	$5,000	$3,108	$16,420	$1,500	$51,179
SWIFT	$19,816	$13,806	$5,000	$3,126	$16,580	$1,500	$54,828
TODD	$19,323	$24,655	$5,000	$5,620	$73,728	$1,500	$124,826
TRAVERSE	$20,520	$10,000	$5,000	$3,195	$7,500	$1,500	$42,715
WABASHA	$18,665	$13,806	$5,000	$4,008	$49,800	$1,500	$87,779
WADENA	$20,262	$22,682	$5,000	$3,514	$15,819	$1,500	$63,777
WASECA	$18,790	$13,806	$5,000	$3,425	$26,692	$1,500	$64,213
WASHINGTON	$10,657	$47,337	$7,101	$2,979		$1,500	$62,473
WATONWAN	$19,892	$10,000	$5,000	$3,114	$21,746	$1,500	$56,252
WILKIN	$20,055	$10,000	$5,000	$2,999		$1,500	$34,554
WINONA	$15,598	$13,806	$5,000	$3,021	$61,454	$1,500	$95,379
WRIGHT	$10,657	$48,323	$7,249	$10,640	$39,167	$1,500	$110,287
YELLOW MEDICINE	$19,980	$10,000	$5,000	$2,995	$28,594	$1,500	$63,069
MARSHALL-BELTRAMI SWCD	$0	$6,004	NA	$0			$6,004
TOTALS	**$1,499,824**	**$2,171,973**		**$429,926**	**$1,992,941**	**$130,500**	**$6,225,164**

NOTE: THE LOCAL WATER PLANNING BASE GRANT REQUIRES A LOCAL LEVY MATCH. THE WETLAND CONSERVATION ACT, DNR SHORELAND, AND MPCA FEEDLOT BASE GRANTS REQUIRE A 1:1 CASH/IN-KIND MATCH. THE MPCA COUNTY ISTS PROGRAM BASE GRANT DOES NOT REQUIRE A MATCH.

Board Resolution # 05-51

FISCAL YEAR 06 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 06 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Special Session Laws of Minnesota for 2005 are anticipated to appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to SWCDs upon legislative appropriation for these respective grant programs.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:06SWCDBR

PROPOSED FY 06 SWCD GRANTS

The BWSR is requested to approve the Cost Share Committee's recommendations to approve FY 06 SWCD allocations for four BWSR grant programs. These grant programs are:

A) Regular Statewide Cost Share Base Grants
B) General Services
C) Easement Services
D) Feedlot Water Quality Management Grants

A brief summary of each of these programs follows with highlights and topics of concern for this year.

A) Regular Statewide Cost Share Base Grants - $1,985,243 These base grants are for the installation of conservation practices. The FY 06 legislative appropriation is anticipated as $1,820,000. These allocations utilize the Performance Standards allocation policy adopted by the Board in February 2001:

Beginning in FY 03, performance standards should be implemented to increase the efficiency of allocated funds. SWCDs with a "high" level of productivity will receive a $1,000 annual increase. Grants to SWCDs with a "medium" level of productivity will remain the same. SWCDs with a "low" level of productivity will receive a 5% grant decrease. Funds for increases will come from the Special Projects fund. Funds from decreases will go to the Special Projects fund. "High", "medium", and "low", will be defined by BWSR staff. Over time, these Performance Standards will "fine tune" allocations to where they are utilized most.

The Board has defined "high" as spending 80% or more; "medium", 60% - 79%; and "low", as < 60% of their grant, on projects.

Recommended Performance Adjustments

For FY 06, these definitions would indicate that the following SWCDs (49) will receive a $1,000 high level of performance increase for spending 80% or more of their base grant on projects:

Clearwater	Hubbard	Kittson	Mower	Lake of the Woods	Lake
Rice	Wright	Mahnomen	West Polk	Nicollet	North St. Louis
Benton	Kanabec	Pine	Pipestone	Redwood	Lac Qui Parle
Rock	Brown	Le Sueur	Waseca	Watonwan	Lincoln
Fillmore	Goodhue	Olmsted	Root River	Anoka	Swift
Dakota	Ramsey	Scott	Washington	Cook	Crow Wing
Koochiching	Morrison	Wadena	Becker	Clay	Grant
East Ottertail	West Ottertail	Wilkin	Hennepin	Sherburne	Steele*
Yellow Medicine					

The following SWCDs (5) will receive a 5% decrease for spending less than 60% of their base grant on projects: Beltrami Marshall McLeod Aitkin South St. Louis

* Steele's performance increase is not recommended because of State Cost Share Program Rule violations.

Cost Share Performance Range: Highest – Dakota 96%, Lowest – Aitkin 47%

Regular Statewide Cost Share Base Grant funding recommendations are listed on the composite spreadsheet.

NOTE: The difference between the amount proposed to be allocated and the legislative appropriation is $165,243. There is sufficient rollover to cover this amount.

B) General Services Grant - $2,156,776 - This base grant is for expenditures necessary to the operations of the district. It is noncompetitive. These grant amounts are unchanged from FY 05.

Recommendation
Proposed allocations are listed on the enclosed composite spreadsheet.

C) Easement Services Grant - $344,997 - This grant is allocated to SWCDs as compensation for local delivery of the RIM Reserve Program and the conveyance of easements. The grant amount is calculated by a strategy and formula approved by the Board on May 25, 2005. It reflects the relative amount of easement activity in the SWCD.

Recommendation
Proposed allocations are listed on the enclosed composite spreadsheet.

D) Feedlot Water Quality Management Grants - $1,350,000 - Eighty six applications were received requesting $2,454,815. Twelve of these are enrolled in a stewardship plan. Grant funds must be used for waste management systems for small feedlots (less than 500 animal units) to benefit water quality. Grant funds may not be used for new or expansion feedlot projects. The State Cost Share Program is used to administer and implement this Program. Funding priorities established by the Board for this Program are ranked as follows:

Priority

1. Feedlots in riparian locations enrolled in a recognized stewardship plan and high FLEVAL pollution potential.
2. Feedlots in riparian locations and high FLEVAL pollution potential.
3. Feedlot operations where a high FLEVAL indicates a greater pollution potential.
4. Practices that will be applied in 2004.
5. Feedlot operators who have received a notice of violation.
6. Feedlots in counties that are conducting or have completed a level 2 or level 3 feedlot inventory.

SWCDs may request an amount for their technical and administrative costs up to ten percent of individual project funds requested.

The proposed funding recommendation, as indicated on attached spreadsheet would fund 48 projects with partial funding available to the 49th. Total amounts proposed to be allocated to SWCDs are listed on the composite spreadsheet.

DRAFT

FISCAL YEAR 2006 FWQM GRANT APPLICATIONS

DRAFT

	LANDOWNER	Stewardship Plan	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAL SPECIES	Vol.	Partial Systems	TOTAL PROJECT COST	EQIP FUNDING	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	Cummulative	
1	Chisago SWCD	INC	Yes	B	60	7/1/2005	Yes	2	450	DAIRY			$122,500.00	Yes	$42,800	$45,500	$4,500	$50,000	$50,000	
2	Wabasha SWCD	DENNIS	Yes	B	55	7/12/2005	Yes	3	257	Dairy/Beef			$74,195.00	No	$0	$45,500	$4,500	$50,000	$100,000	
3	Rice SWCD	CHARLES	Yes	B	39	8/1/2005	Yes	3	82	BEEF			$39,355.00	No	$0	$29,516	$2,952	$32,468	$132,468	
4	Lyon SWCD	SCOTT	Yes	B	37	7/1/2005	Yes	0	190	SWINE			$118,280.00	Yes	$58,140	$29,070	$2,907	$31,977	$164,445	
5	Pine SWCD	NATHAN	Yes	C	30	8/1/2005	Yes	2	72	DAIRY			$43,980.00	Yes	$21,990	$10,995	$1,100	$12,095	$176,540	
6	Morrison SWCD	JIM		B	70	7/1/2005	Yes	3	300	DAIRY	YES		$30,000.00	No	$0	$22,500	$2,250	$24,750	$201,290	
7	Meeker SWCD	GENE		B	67	6/5/2005	Yes	1	207	DAIRY		YES	$152,300.00	Yes	$76,150	$38,075	$0	$38,075	$239,365	
8	Goodhue SWCD	DAVID		B	65	7/1/2006	No	3	252	DAIRY			$67,200.00	No	$0	$45,500	$4,500	$50,000	$289,365	
9	Fillmore SWCD	HARRY		B	63	7/1/2005	Yes	2	200	BEEF			$67,000.00	No	$0	$45,500	$4,500	$50,000	$339,365	
10	Lake of the Woods SWCD	ARLEN		B	63	7/11/2005	No	2	295	BEEF		YES	$16,000.00	No	$0	$12,000	$1,200	$13,200	$352,565	
11	Wabasha SWCD	KACKMAN		B	60	5/12/2006	Yes	3	184	Dairy/Beef			$76,319.00	No	$0	$45,500	$4,500	$50,000	$402,565	
12	Wabasha SWCD	MARVIN		B	54	7/11/2005	Yes	3	72	BEEF			$68,330.00	No	$0	$45,500	$4,500	$50,000	$452,565	
13	Mille Lacs SWCD	TOM		C	52	7/1/2005	Yes	2	323		YES		$10,300.00	No	$0	$7,725	$773	$8,498	$461,063	
14	Dakota SWCD	GARRY		B	52	8/1/2005	Yes	2	70	DAIRY			$55,557.00	No	$0	$41,668	$4,169	$45,837	$506,900	
15	Fillmore SWCD	CRAIG		B	52	9/1/2005	Yes	2	150	BEEF	YES		$30,000.00	No	$0	$22,500	$2,250	$24,750	$531,650	
16	Wabasha SWCD	GARY		B	51	8/23/2005	Yes	3	191	DAIRY			$58,947.00	No	$0	$44,210	$4,421	$48,631	$580,281	
17	Ottertail, East SWCD	JESSE		A	51	7/1/2005	No	0	51	DAIRY			$100,000.00	Yes	$24,000	$45,455	$4,545	$50,000	$630,281	
18	Dakota SWCD	ROBERT		B	49	8/1/2005	Yes	2	119	DAIRY			$57,112.00	No	$27,500	$15,334	$1,533	$16,867	$647,148	
19	Fillmore SWCD	EUGENE		B	48	9/1/2005	Yes	2	134	BEEF			$56,000.00	No	$0	$42,000	$4,200	$46,200	$693,348	
20	Fillmore SWCD	DEAN		B	48	9/1/2005	Yes	2	138	BEEF			$32,000.00	No	$0	$24,000	$2,400	$26,400	$719,748	
21	Fillmore SWCD	DAVE		B	47	9/1/2005	Yes	2	433	BEEF			$46,000.00	No	$0	$34,500	$3,450	$37,950	$757,698	
22	Goodhue SWCD	PAUL		B	45	7/1/2006	No	3	67	DAIRY			$75,000.00	No	$0	$45,500	$4,500	$50,000	$807,698	
23	Lyon SWCD	DENNIS		B	43	7/1/2005	Yes	0	250	BEEF			$50,000.00	Yes	$25,000	$12,500	$1,250	$13,750	$821,448	
24	Morrison SWCD	TOM		B	43	7/1/2005	Yes	3	120	DAIRY	YES		$70,000.00	No	$0	$45,000	$4,000	$49,000	$870,448	
25	Kanabec SWCD	GORDON		B	43	9/1/2005	No	0	200	DAIRY			$10,000.00	No	$0	$5,000	$500	$5,500	$875,948	
26	Todd SWCD	MARK		A	43	7/1/2006	Yes	3	105	DAIRY			$80,000.00	Yes	$35,000	$25,000	$2,500	$27,500	$903,448	
27	Winona SWCD	EARL		C	42	10/5/2005	Yes	3	25	BEEF			$12,000.00	No	$0	$9,000	$900	$9,900	$913,348	
28	Morrison SWCD	DAVID		B	41	7/1/2005	Yes	3	125	DAIRY	YES		$80,000.00	No	$0	$46,000	$4,000	$50,000	$963,348	
29	Mille Lacs SWCD	MIKE		B	40	7/1/2005	Yes	2	207				$10,000.00	No	$0	$7,500	$750	$8,250	$971,598	
30	Lake of the Woods SWCD	JEAN		B	40	7/11/2005	No	2	62	BEEF		YES	$5,000.00	No	$0	$3,750	$375	$4,125	$975,723	
31	Clearwater SWCD	BRYON		B	40	6/15/2006	No	3	171	DAIRY	YES	YES	$28,000.00	No	$0	$14,000	$1,400	$15,400	$991,123	
32	Watonwan SWCD	CLIFFORD		C	38	8/1/2005	No	3	180	BEEF			$36,000.00	No	$0	$27,000	$2,700	$29,700	$1,020,823	
33	Dakota SWCD	KEVIN		B	38	8/1/2005	Yes	2	204	DAIRY			$11,960.00	No	$4,540	$4,430	$443	$4,873	$1,025,696	
34	Yellow Medicine SWCD	MARTIN		C	37	8/1/2005	Yes	2	185	BEEF			$117,120.00	Yes	$68,750	$22,375	$2,240	$24,615	$1,050,311	
35	Morrison SWCD	CEL		B	35	7/1/2005	Yes	3	290	DAIRY	YES		$53,100.00	No	$0	$22,325	$2,232	$24,557	$1,074,868	
36	Wabasha SWCD	MARK		B	35	8/24/2005	Yes	3	66	DAIRY			$64,000.00	No	$0	$25,695	$2,569	$28,264	$1,103,132	
37	Root River SWCD	TOM		B	34	9/1/2005	Yes	2	98	DAIRY			$30,000.00	No	$0	$22,500	$2,250	$24,750	$1,127,882	
38	Todd SWCD	JOE		B	34	7/1/2006	Yes	3	274	DAIRY			$58,000.00	Yes	$28,000	$15,500	$1,550	$17,050	$1,144,932	
39	Root River SWCD	JIM		B	32	9/1/2005	Yes	2	180	BEEF		YES	$17,600.00	No	$0	$13,200	$1,320	$14,520	$1,159,452	
40	Watonwan SWCD	MARK		C	31	8/1/2005	No	3	200	BEEF			$30,000.00	No	$0	$6,900	$690	$7,590	$1,167,042	
41	Dakota SWCD	JACK		B	28	8/1/2005	Yes	2	303	DAIRY	YES	YES	$10,684.00	No	$0	$8,013	$801	$8,814	$1,175,856	
42	Carver SWCD	HARLAN		B	28	5/1/2006	Yes	3	165	DAIRY			$60,000.00	No	$0	$15,000	$1,500	$16,500	$1,192,356	
43	Meeker SWCD	JIM		A	24	7/1/2005	Yes	1	78	DAIRY			$146,350.00	Yes	$73,175	$36,588	$0	$36,588	$1,228,944	
44	***Meeker SWCD***	*TODD*		***A***	***24***	***7/1/2005***	***Yes***	***1***	***136***	***Beef/Hog***		***YES***	***$30,800.00***	***Yes***	***$15,400***	***$7,700***	***$0***	***$7,700***	***$1,228,944***	***District withdrews project 5/25/05***
45	Carver SWCD	RALPH		B	22	9/1/2006	Yes	3	138	DAIRY	YES		$40,000.00	No	$0	$30,000	$3,000	$33,000	$1,261,944	
46	Morrison SWCD	DALE		A	22	7/1/2005	Yes	3	84	BEEF	YES		$20,000.00	No	$0	$15,000	$1,500	$16,500	$1,278,444	
47	Clearwater SWCD	BRIAN		B	20	8/15/2005	No	3	78	BEEF		YES	$12,000.00	No	$0	$9,000	$900	$9,900	$1,288,344	
48	Ottertail, East SWCD	STEVE		A	18	7/1/2005	No	0	40	BEEF			$45,000.00	Yes	$10,000	$20,000	$2,000	$22,000	$1,310,344	
49	Rice SWCD	GERALD	Yes		55	8/1/2005	Yes	3	156	DAIRY			$185,000.00	Yes	$92,500	$45,500	$4,500	$50,000	$1,360,344	***Proposed Funding Ends***
50	Wabasha SWCD	MARK	Yes		51	7/11/2005	Yes	3	174	DAIRY			$76,808.00	No	$0	$45,500	$4,500	$50,000	$1,410,344	
51	Todd SWCD	JEFF	Yes		37	7/1/2006	Yes	3	160	DAIRY			$121,380.00	Yes	$54,445	$31,580	$3,150	$34,730	$1,445,074	

APPLICATION SUMMARY	
TOTAL PROJECT COST	$5,854,528.00
TOTAL EQIP FUNDS	$1,352,390.00
TOTAL FWQM FUND REQUESTED	$2,462,515.00
TOTAL T/A REQUESTED	$199,837.00
TOTAL APPLICATIONS RECEIVED	86
TOTAL STEWARDSHIP PLANS	12

RIPARIAN SUMMARY	
A= within 1,000 feet of a lake	5
B=within 300 feet of a stream	37
C=within 100 year floodplain	6
D=sinkhole catchment area	0
E=Drinking Water Supply Management A	0
0=Not Riparian	38

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FISCAL YEAR 2006 FWQM GRANT APPLICATIONS

DRAFT

	LANDOWNER	Stewardship Plan	RIPARIAN	FLEVAL RATING	PRACTICE STATE DATE	COMPLETE INVENTORY	LEVEL	ANIMAL UNITS	ANIMAN SPECIES	Vol.	Partial Systems	TOTAL PROJECT COST	EQIP FUNDING	EQIP AMOUNT	FWQM FUNDS REQUESTED	T/A FUNDS REQUESTED	TOTAL FUNDS REQUESTED	Cummulative
52	Todd SWCD	PAUL	Yes	35	7/1/2005	Yes	3	207	DAIRY			$108,650.00	Yes	$50,845	$10,700	$1,700	$12,400	$1,457,474
53	Nicollett SWCD	GLENN	Yes	32	10/1/2005	Yes	3	151	DAIRY			$140,000.00	Yes	$71,156	$10,000	$0	$10,000	$1,467,474
54	Todd SWCD	VINCE	Yes	26	7/1/2006	Yes	3	135	DAIRY			$70,000.00	Yes	$35,000	$17,500	$1,750	$19,250	$1,486,724
55	Todd SWCD	DALE	Yes	19	7/1/2005	Yes	3	217	DAIRY			$107,000.00	Yes	$55,500	$24,700	$2,470	$27,170	$1,513,894
56	Mower SWCD	RICHARD		79	8/1/2005	Yes	3	75	BEEF	YES		$13,000.00	No	$0	$9,750	$975	$10,725	$1,524,619
57	Nobles SWCD	TOM		77	10/1/2005	Yes	3	72	BEEF			$67,000.00	No	$0	$50,000	$0	$50,000	$1,574,619
58	Winona SWCD	JIM		73	9/5/2005	Yes	3	60	DAIRY			$98,000.00	Yes	$48,993	$24,507	$2,450	$26,957	$1,601,576
59	Clearwater SWCD	GUY		65	8/15/2005	No	3	476	BEEF		YES	$36,000.00	No	$0	$27,000	$2,700	$29,700	$1,631,276
60	Goodhue SWCD	DAVID		60	7/1/2006	No	3	250	BEEF			$100,150.00	No	$0	$45,500	$4,500	$50,000	$1,681,276
61	Fillmore SWCD	PHIL		59	10/1/2006	Yes	2	215	BEEF			$32,000.00	No	$0	$24,000	$2,400	$26,400	$1,707,676
62	Mower SWCD	RONN		56	8/1/2005	Yes	3	184	Beef/Hog		YES	$47,000.00	No	$0	$24,677	$2,467	$27,144	$1,734,820
63	Winona SWCD	JOHN		55	10/5/2005	Yes	3	79	DAIRY			$170,000.00	Yes	$84,630	$42,870	$4,287	$47,157	$1,781,977
64	Winona SWCD	DALE		54	5/5/2006	Yes	3	70	DAIRY			$100,000.00	No	$0	$45,000	$4,500	$49,500	$1,831,477
65	Fillmore SWCD	JOHN		52	10/1/2006	Yes	2	250	BEEF	YES		$66,000.00	No	$0	$45,500	$4,500	$50,000	$1,881,477
66	Nobles SWCD	KEVIN		49	7/1/2005	Yes	3	291	DAIRY			$87,728.00	No	$0	$50,000	$0	$50,000	$1,931,477
67	Olmsted SWCD	JOHN		49	8/1/2005	Yes	3	243	DAIRY			$89,089.00	No	$0	$49,000	$1,000	$50,000	$1,981,477
68	Winona SWCD	WAYNE		43	7/7/2006	Yes	3	100	DAIRY			$45,000.00	No	$0	$33,750	$3,750	$37,500	$2,018,977
69	Faribault SWCD	DUANE		40	10/1/2005	Yes	3	400	BEEF	YES		$128,661.00	No	$62,661	$31,330	$3,133	$34,463	$2,053,440
70	Rock SWCD	DAVE		39	8/15/2005	Yes	3	120	BEEF	YES		$79,117.00	Yes	$27,400	$31,900	$3,190	$35,090	$2,088,530
71	Lyon SWCD	GENE		37	7/1/2005	Yes	0	450	BEEF			$80,000.00	Yes	$45,000	$22,500	$2,250	$24,750	$2,113,280
72	Clearwater SWCD	MIKE		37	6/15/2006	No	3	230	BEEF		YES	$12,000.00	No	$0	$9,000	$900	$9,900	$2,123,180
73	Carver SWCD	DOUG		36	5/1/2006	Yes	3	114	DAIRY	YES		$20,000.00	No	$0	$15,000	$1,500	$16,500	$2,139,680
74	Steele SWCD	BRUCE		33	8/5/2005	Yes	3	110	DAIRY			$50,000.00	No	$0	$45,500	$4,500	$50,000	$2,189,680
75	Clearwater SWCD	HAROLD		33	6/15/2006	No	3	97	DAIRY		YES	$8,000.00	No	$0	$4,000	$400	$4,400	$2,194,080
76	Murray SWCD	ANTHONY		31	7/1/2005	Yes	2	400	BEEF			$100,000.00	Yes	$50,000	$25,000	$2,500	$27,500	$2,221,580
77	Carver SWCD	RALPH		31	5/1/2006	Yes	3	285	DAIRY			$60,000.00	No	$0	$15,000	$1,500	$16,500	$2,238,080
78	Nicollett SWCD	JOHN		29	8/5/2005	Yes	3	131	DAIRY			$85,000.00	Yes	$51,000	$10,000	$0	$10,000	$2,248,080
79	Murray SWCD	MARVIN		27	8/1/2005	Yes	2	295	BEEF			$75,000.00	Yes	$37,500	$18,750	$1,875	$20,625	$2,268,705
80	Clearwater SWCD	PAUL		26	8/15/2005	No	3	240	BEEF		YES	$16,000.00	No	$0	$8,000	$800	$8,800	$2,277,505
81	Todd SWCD	TONY		25	7/1/2006	Yes	3	185	DAIRY			$90,000.00	Yes	$45,000	$22,500	$2,250	$24,750	$2,302,255
82	Root River SWCD	MIKE		17	9/1/2005	Yes	2	140	DAIRY			$67,500.00	No	$0	$45,500	$4,500	$50,000	$2,352,255
83	Polk, West SWCD	MARK		15	8/1/2005	Yes	3	86	DAIRY		YES	$61,000.00	Yes	$30,315	$15,435	$0	$15,435	$2,367,690
84	Steele SWCD	JAMES		7	8/5/2005	Yes	3	100	DAIRY			$25,000.00	No	$0	$18,750	$1,875	$20,625	$2,388,315
85	Steele SWCD	TIM		0	8/5/2005	Yes	3	50	BEEF			$20,000.00	No	$0	$15,000	$1,500	$16,500	$2,404,815
86	Ottertail, East SWCD	DAN		0	9/1/2005	No	0	297	DAIRY			$593,456.00	No	$0	$45,455	$4,545	$50,000	$2,454,815

PROPOSED FY 2006 GRANTS TO SOIL AND WATER CONSERVATION DISTRICTS

COMPOSITE

	COST SHARE		SERVICE GRANTS		
SWCD	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
AITKIN	$8,145		$24,649	147	**$32,941**
ANOKA	$16,803		$25,304		**$42,107**
BECKER	$43,711		$23,245	$369	**$67,325**
BELTRAMI #	$10,945		$23,105	$737	**$34,787**
BENTON	$18,869		$23,479	$1,770	**$44,118**
BIG STONE	$12,239		$22,075	$2,433	**$36,747**
BLUE EARTH	$31,340		$23,058	$14,747	**$69,145**
BROWN	$22,624		$23,152	$11,945	**$57,721**
CARLTON	$12,000		$22,824		**$34,824**
CARVER	$29,202	$49,500	$24,041	$2,949	**$105,692**
CASS	$10,648		$22,356	$147	**$33,151**
CHIPPEWA	$16,001		$23,152	$11,797	**$50,950**
CHISAGO	$16,524	$50,000	$24,087	$369	**$90,980**
CLAY	$25,821		$23,526	$3,908	**$53,255**
CLEARWATER	$11,025	$25,300	$22,918	$516	**$59,759**
COOK	$14,000		$22,263		**$36,263**
COTTONWOOD	$26,328		$23,152	$12,461	**$61,941**
CROW WING	$13,000		$22,450		**$35,450**
DAKOTA	$38,207	$76,391	$25,866	$516	**$140,980**
DODGE	$18,513		$23,620	$147	**$42,280**
DOUGLAS	$27,712		$24,602	$6,046	**$58,360**
FARIBAULT	$23,637		$23,620	$13,567	**$60,824**
FILLMORE	$40,432	$185,300	$24,555	$737	**$251,024**
FREEBORN	$26,846		$23,386	$5,456	**$55,688**
GOODHUE	$43,358	$100,000	$24,462	$3,982	**$171,802**
GRANT	$19,173		$23,245	$1,696	**$44,114**
HENNEPIN	$22,072		$33,071	$2,359	**$57,502**
HUBBARD	$12,500		$22,216	$74	**$34,790**
ISANTI	$11,303		$24,602	$737	**$36,642**
ITASCA	$10,000		$23,011		**$33,011**
JACKSON	$20,990		$22,403	$5,530	**$48,923**
KANABEC	$14,000	$5,500	$22,871	$516	**$42,887**
KANDIYOHI	$21,759		$23,807	$9,659	**$55,225**
KITTSON	$13,000		$23,432	$516	**$36,948**
KOOCHICHING	$14,000		$22,590		**$36,590**
LAC QUI PARLE	$37,341		$22,918	$12,830	**$73,089**
LAKE	$14,000		$22,403		**$36,403**
LAKE OF THE WOODS	$14,000	$17,325	$22,075		**$53,400**
LE SUEUR	$31,447		$23,947	$7,078	**$62,472**
LINCOLN	$24,062		$24,275	$6,931	**$55,268**
LYON	$22,472	$45,727	$23,479	$10,249	**$101,927**
MAHNOMEN	$16,229		$22,169		**$38,398**
MARSHALL	$13,014		$22,497	$1,253	**$36,764**
MARSHALL-BELTRAMI	$9,025		$22,824	$295	**$32,144**
MARTIN	$33,528		$23,105	$13,051	**$69,684**

SWCD	COST SHARE		SERVICE GRANTS		
	BASE GRANTS	FEEDLOT	GENERAL SERVICES	EASEMENT SERVICES	GRANT TOTALS
MC LEOD	$22,747		$22,965	$4,055	**$49,767**
MEEKER	$27,983	$74,663	$22,684	$5,309	**$130,639**
MILLE LACS	$9,025	$16,748	$23,058	$1,180	**$50,011**
MORRISON	$37,665	$164,807	$24,696	$2,286	**$229,454**
MOWER	$18,214		$25,351	$3,613	**$47,178**
MURRAY	$20,336		$22,309	$5,456	**$48,101**
NICOLLET	$19,082		$23,479	$5,235	**$47,796**
NOBLES	$32,479		$22,637	$959	**$56,075**
NORMAN	$17,947		$23,198	$2,359	**$43,504**
OLMSTED	$55,252		$26,474	$737	**$82,463**
OTTER TAIL EAST	$26,809	$72,000	$23,198	$811	**$122,818**
OTTER TAIL WEST	$36,159		$23,198	$3,244	**$62,601**
PENNINGTON	$17,674		$22,871	$74	**$40,619**
PINE	$19,424	$12,095	$23,198	$74	**$54,791**
PIPESTONE	$25,707		$22,824	$1,475	**$50,006**
POLK EAST	$15,282		$23,011	$442	**$38,735**
POLK WEST	$24,063		$23,011	$74	**$47,148**
POPE	$32,283		$22,731	$11,503	**$66,517**
RAMSEY	$17,988		$23,620		**$41,608**
RED LAKE	$8,574		$22,122	$295	**$30,991**
REDWOOD	$20,418		$23,620	$22,194	**$66,232**
RENVILLE	$14,594		$23,807	$28,019	**$66,420**
RICE	$24,873	$72,124	$27,878	$3,318	**$128,193**
ROCK	$26,802		$23,620	$959	**$51,381**
ROOT RIVER	$34,104	$39,270	$27,363	$3,318	**$104,055**
ROSEAU	$16,716		$22,918	$74	**$39,708**
SCOTT	$29,366		$24,321	$3,465	**$57,152**
SHERBURNE	$11,000		$26,333		**$37,333**
SIBLEY	$16,825		$23,058	$7,300	**$47,183**
ST. LOUIS NORTH	$11,025		$22,965		**$33,990**
ST. LOUIS SOUTH	$9,844		$22,965		**$32,809**
STEARNS	$64,834		$26,801	$1,401	**$93,036**
STEELE #	$16,947		$24,415	$3,539	**$44,901**
STEVENS	$28,603		$23,432	$4,424	**$56,459**
SWIFT	$13,839		$22,731	$11,945	**$48,515**
TODD	$27,056	$44,550	$24,462	$295	**$96,363**
TRAVERSE	$10,044		$23,386	$1,548	**$34,978**
WABASHA	$28,775	$226,895	$23,947	$1,843	**$281,460**
WADENA	$14,000		$22,871	$811	**$37,682**
WASECA #	$16,488		$23,198	$7,521	**$47,207**
WASHINGTON	$22,081		$25,070	$147	**$47,298**
WATONWAN	$16,113	$37,290	$22,497	$7,447	**$83,347**
WILKIN	$20,139		$23,526	$1,843	**$45,508**
WINONA	$21,728	$9,900	$25,538	$1,327	**$58,493**
WRIGHT	$24,565		$26,006	$3,097	**$53,668**
YELLOW MEDICINE	$27,926	$24,615	$23,526	$12,461	**$88,528**
ALLOCATED TOTALS	**$1,985,243**	**$1,350,000**	**$2,156,776**	**$344,997**	**$5,837,016**

NOTES:

COST SHARE BASE GRANT PENALTIES FOR RULE VIOLATION.

WASECA - $1,279

STEELE - $927

BELTRAMI - $1,216

H:FY06SWCD

Board Resolution # 05-51

FISCAL YEAR 06 SOIL AND WATER CONSERVATION DISTRICT GRANT ALLOCATIONS

WHEREAS, Fiscal Year 06 Soil and Water Conservation District (SWCD) grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and service grants allocations to SWCDs through its State Cost Share Base Grants, Feedlot Water Quality Management Grants, General Services Grants, and Easement Services Grants Programs; and,

WHEREAS, the Special Session Laws of Minnesota for 2005 are anticipated to appropriate cost share and service grant funds to BWSR; and,

WHEREAS, all SWCDs have BWSR approved plans and reports to comply with statutory allocation requirements.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate these individual grant amounts to SWCDs upon legislative appropriation for these respective grant programs.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:06SWCDBR

State Cost Share Base Grants for Increased Technical Assistance

BACKGROUND
Funding for SWCD technical assistance has remained constant or declined in all state programs. Meanwhile, federal funding for conservation projects has drastically increased. This imbalance has created a shortage of available technical assistance in relation to practice funding.

ISSUE
Proposed legislative appropriation language for the fiscal year 06 – 07 biennium (July1, 2005 to June 30, 2007) would allow SWCDs to use all or part of their base grants for technical assistance. The desired outcome is an increase of local technical assistance for conservation practice application.

PROPOSED APPROPRIATION LANGUAGE
9.57 $3,285,000 the first year and
9.58 $3,285,000 the second year are for
10.1 grants to soil and water conservation
10.2 districts for cost-sharing contracts
10.3 for erosion control and water quality
10.4 management. **For base grant allocations**
10.5 made prior to January 1, 2007, up to
10.6 100% of this appropriation may be used
10.7 for technical assistance.

This expanded use necessitates additional BWSR policy to ensure compliance with legislative intent.

PROPOSED POLICY

General

A) A SWCD may use any or all of their base grant for technical assistance costs.
B) SWCD board action and documentation in the minutes will be required for any District using their base grant funds for technical assistance instead of practices. On a form provided by BWSR, the request must include a **narrative** indicating how the funds will be used, a **budget,** and **signature** of the chair. The request must then be sent to the board conservationist for prior approval.
C) The Performance Standards allocation policy will remain in place. Base grant funds used for technical assistance are regarded as **"used on practices"** for future productivity calculations.
D) The option remains for a SWCD to use up to 20% of their base grant for technical and **administrative** costs. (To further define technical and

administrative costs associated with the program see Part III, Grant Administration, B.2, "Technical and administrative costs and lower priority problems" on page 9, in the new cost share manual.)

E) State Cost Share Base grant funds dedicated to technical assistance instead of practices,
   1) Must be used for an ***increase*** in technical assistance, not maintenance.
   2) Must be used for SWCD or JPB staff costs, not private consultants.
   3) Must be spent by the end of the grant agreement period (June 30, 2007).
   4) Cannot be used as the 25% match for NPEA base grants.
   5) Cannot be used for administrative costs.

F) Technical assistance costs include technical staff salaries, wages, benefits, training, and travel expenses. Technical assistance costs do not include leasing or capital equipment purchases.

G) SWCDs may pool their funds to provide technical assistance via a pooling agreement or JPA.

Specific

A) SWCDs have until the end of the first FY (June 30, 2006) to request to use their base grant for technical assistance.

B) In accordance with BWSR administrative policy all base grant funds used for technical assistance must be reported in eLINK.

Stormwater Planning & Permitting Grant

The Stormwater Steering Committee (SSC) is a group of public and private stakeholders charged with building on the work of the MN Stormwater Design Team, to inform, advise, and coordinate stormwater management efforts across the state. An immediate goal of the SSC is to enhance the effectiveness of existing and emerging state and local stormwater regulatory management programs, in order to build an efficient and understandable regulatory and implementation framework. Long-term goals include conducting stormwater program planning and implementation on a watershed basis. The SSC will focus on, and provide subcommittee support for, activities within the current stormwater regulatory and implementation framework of the MPCA and other State agencies.

Activities that this group is intending to address over the next two years include:
- Provide technical expertise and recommendations for: education; inspection; enforcement; proposed regulatory initiatives' monitoring; training programs; program management; and watershed management.
- Establish a forum to improve cooperation/coordination between governmental units. SSC members will act as liaisons to their respective agencies/entities to achieve the committee's goals.
- Address developing links or merging stormwater management requirements with other state or local water resource programs and the Impaired Waters Program.
- Seek to establish real and perceived fairness in sharing the burden of improving water quality among all responsible groups and individuals.
- Seek to address source control as well as runoff control, to address the causes of polluted runoff instead of simply seeking to control the pollution after it has been carried by the runoff.

On May 17th the SCC approved, under the leadership of the Watershed Approach Sub-committee an effort to conduct an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits.

Product: Analysis/assessment/recommendations for watershed-based NPDES management and permitting potential in Minnesota

Timeframe: 4 to 5 months

Objective: Complete an analysis/assessment that will measure the Minnesota framework of local water management, including its associated laws and rules, against the federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES stormwater permits.

Funding: PCA/BWSR $25,000

Who: Ramsey Washington Metro Watershed District

What:

I. Analysis/Assessment Components

- Federal
  1. MS-4 Standard
  2. MS-4 Non-degradation
  3. TMDL Plans
  4. Construction site
- State
  1. metro (MS 103B.201)
  2. Watershed districts (103D)
  3. Greater MN (103B.301)

II. Analysis/Assessment Elements

1. Various federal permit types
2. Statutory / rule requirements
3. Standards & Criteria
4. Public notice & review
5. Infrastructure responsibility
6. Liability
7. Enforcement
8. MN state court decisions
9. Federal guidance related to court decisions
10. What other State's have done
11. TMDL relationship

III. Conclusions and recommendations for implementation

1. Fit analysis (side by side)– where we match and where we do not
2. Required statute/rule changes
3. Potential required federal variances
4. Implementation/administrative procedures

BOARD RESOLUTION # 05-54

Stormwater Planning Assistance Grant

WHEREAS, BWSR has determined that it would be beneficial to the management of the state's waters to have conducted an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits, and

WHEREAS, BWSR is authorized by MS 103B.101 Subd. 9, to coordinate the water and soil resources planning activities of counties, watershed districts and watershed management organizations through its authorities for administration of state grants, and

WHEREAS, MS 103B.3369 Subd. 2, establishes the authority of the Board to provide financial assistance to local units of government for activities that protect or manage water and related land quality, and

WHEREAS, pursuant to MS103B.3369, Subd. 6, the Ramsey Washington Metro Watershed District has a current state approved and locally adopted comprehensive watershed management plan.

THEREFORE BE IT RESOLVED, that BWSR staff are authorized to enter into a grant agreement with the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

BOARD RESOLUTION #05-54

Stormwater Planning Assistance Grant

WHEREAS, BWSR has determined that it would be beneficial to the management of the state's waters to have conducted an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits, and

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THEREFORE BE IT RESOLVED, that BWSR staff are authorized to enter into a grant agreement with the Ramsey Washington Metro Watershed District to support the completion of an analysis/assessment that will measure the Minnesota Framework of local water management, including its associated laws and rules, against federal and state (PCA) requirements for watershed-based NPDES management and permitting, including an evaluation of gaps and barriers to its use to meet the requirements of NPDES strormwater permits.

Jerome Deal

Jerome Deal, Chair
Board of Water and Soil Resources

Date: 6/22/05

FY 2006 Farm Bill Assistance Project-CREP II Implementation

The Farm Bill Assistance Project was initiated in 2002 by BWSR, DNR and Pheasants Forever to continue staffing for conservation efforts started with the MN River CREP. Implementing provisions of the Federal Farm Bill that result in grass and wetland cover remain the focus of the project. During the development of CREP II it was decided to continue to utilize the structure of the FBA Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCD's to implement the program. Presently we have 28.55 FTE's in 36 counties and are looking to maintain and expand this effort to 36.55 FTE's in 52 counties. The net result will be 11.3 FTE's covering 15 counties in the non-CREP area, and 25.25 FTE's in 37 CREP II counties. Funding for non-CREP and partial CREP counties would remain at a state/local split of 70/30. Due to increased workload demands on SWCD's to implement CREP II a reduced local contribution would be required with a state/local split of 95/5. The total budget for each FTE would be calculated from a total budget $40,000/FTE with the appropriate split being applied. Staff recommends this process for approval. Kevin Lines-DECISION ITEM

S:farmbill2/projectdesc605

Farm Bill Assistance Grant Formula

- **Annual Budget of $40,000/FTE**

- **Partial CREP Counties & Non-Crep Counties**
  - –Percent FTE Determined
  - –70% State
  - –25% SWCD
  - –5% Local Organization

- **CREP II Counties**
  - –Percent FTE Determined
  - –95% State
  - –5% Local Organization

s:farmbill2/phasevgrantformula

FARM BILL IMPLEMENTATION FUNDING

6/22/2005

FUNDING

PARTNERS	FY 2006
DNR	$337,500
BWSR	$607,000
Pheasants Forever	$0
NRCS	$0
Carry-Over	$100,000
Total Cash	**$1,044,500**

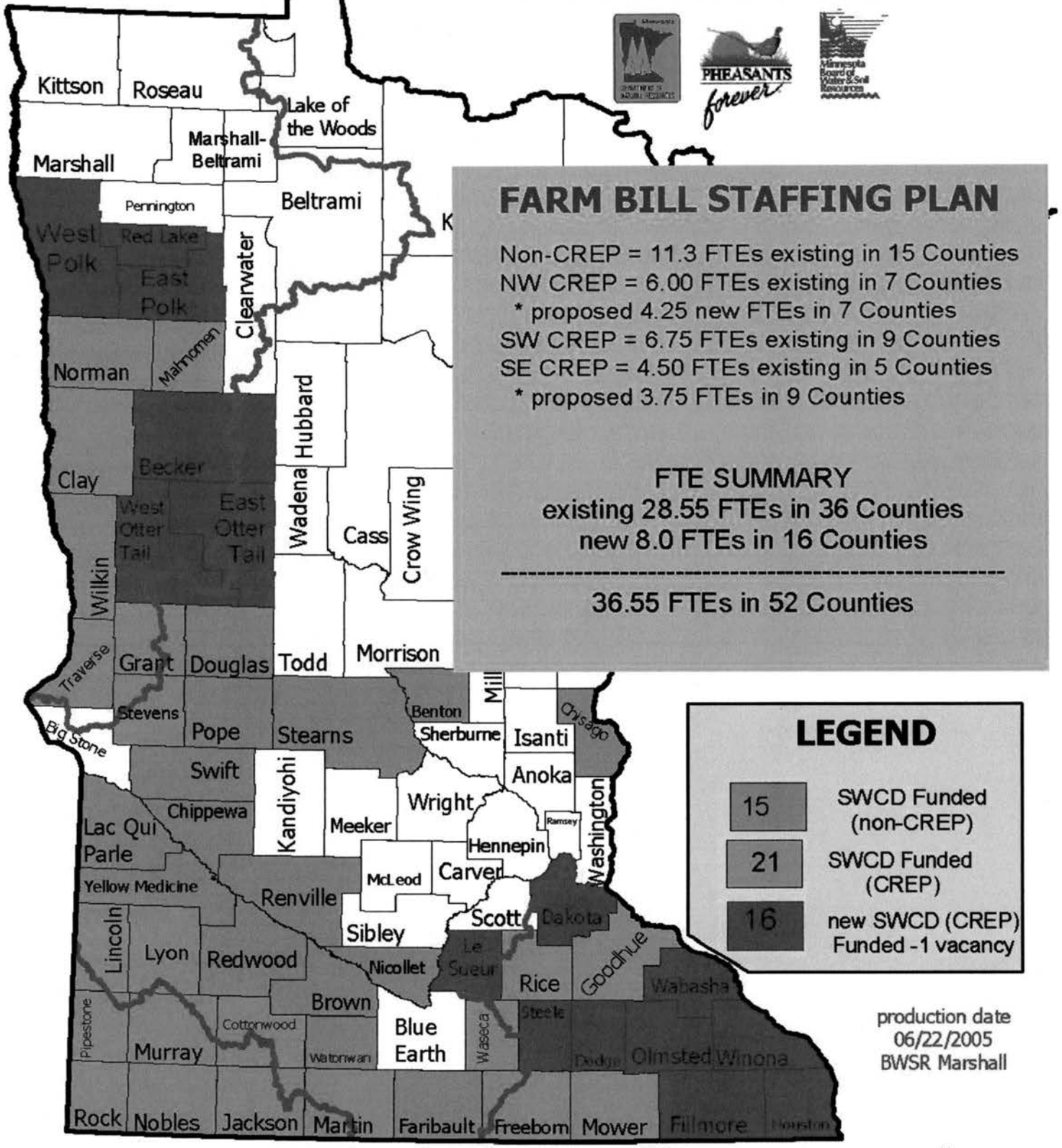
MATCH	
SWCD Match	$136,000
Local Chapter	$58,825
Other	
TOTAL FUNDING	**$1,239,325**

COSTS

NON CREP	$339,000
CREP II	$861,250
TOTAL COSTS	**$1,200,250**

BALANCE	**$39,075**

Farm Bill Assistance Positions
PHASE IV - 2005 and
CREP II Watersheds



FARM BILL STAFFING PLAN

Non-CREP = 11.3 FTEs existing in 15 Counties
NW CREP = 6.00 FTEs existing in 7 Counties
* proposed 4.25 new FTEs in 7 Counties
SW CREP = 6.75 FTEs existing in 9 Counties
SE CREP = 4.50 FTEs existing in 5 Counties
* proposed 3.75 FTEs in 9 Counties

FTE SUMMARY
existing 28.55 FTEs in 36 Counties
new 8.0 FTEs in 16 Counties

36.55 FTEs in 52 Counties

LEGEND

15	SWCD Funded (non-CREP)
21	SWCD Funded (CREP)
16	new SWCD (CREP) Funded -1 vacancy

production date
06/22/2005
BWSR Marshall

June 8, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Easements 34-04-01-01 and 34-04-99-03, Bernt Hall, Kandiyohi County

BACKGROUND:

Mr. Hall has two perpetual RIM Reserve conservation easements that lie side by side in the north ½ of the NW ¼ of Section 22, T120N, R36W, in Kandiyohi County. Easement 34-04-01-01 is a CREP easement and 34-04-99-03 is a regular RIM Reserve easement. Both easements together total 70.6 acres. Mr. Hall was not the original easement grantor. He purchased this property with the easements already in place in October of 2003 from Roger Rasmussen. Mr. Hall has requested the BWSR to remove .3 acres of land currently in easement 34-04-99-03. The .3 acre parcel proposed for release lies along the west edge of the easement adjacent to a building site that was never placed under easement. Mr. Hall is also proposing to change the location of the access road that leads to the building site area. This access road lies on easement 34-04-01-01. The new access will be 10 feet in width, same as the current field road width, and be approximately the same acreage as the current location as computed by the Kandiyohi SWCD. Mr. Hall is proposing to replace the .3 acres he would like released with 1.1 acres of non-crop wetland and upland in the current non-easement building site area.

Mr. Hall is requesting this alteration to enable him to build a home on the site. He would like to slightly shift the building site to the east to take advantage of a less sloping landscape because he is disabled. The location of the current access road to the building site follows a field road, which runs along the wetland edge and becomes somewhat impassable during spring and wet periods, plus the point where it intersects 150th Street is at the base of a hill and does not provide safe sight distance to the south to see on-coming traffic. Mr. Hall is proposing to move the access road to higher ground and intersect with 150th St. farther south along the easement boundary. This intersection has better visibility to the south.

Mr. Hall has been working with the Kandiyohi SWCD and the DNR Area Wildlife Mgr. for the last couple months to come up with a proposal that will work for all involved. This proposal reflects the results of those negotiations.

Section 8410.3600 of the RIM Reserve rule allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

A) A letter from the landowner to the SWCD Board requesting the change.

B) A letter or minutes from the SWCD recommending either approval or disapproval of the proposed change.
C) A letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change.

All these items have been received and are attached for your review. The photo was prepared by easement staff to show the area for release and the replacement acres. It also shows both the existing and proposed access roads. Mr. Hall does not own the parcel in the SW corner of the North ½ of the NW ¼. The proposed access road runs parallel to the north boundary of this parcel and is hard to see due to the scale of the photo.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. Hall has submitted two letters to the SWCD to initiate this process and they are attached for your review. Both letters are on one page. The Kandiyohi SWCD has been working with Mr. Hall to come up with the current proposal that provides more benefit to the State and local resource concerns.

Ryan Peterson prepared a cover letter to the BWSR to explain the compromise that was reached and the SWCD's support for it. A copy of this May 27, 2005 letter is attached for your review. The current proposal provides a net gain of approximately.8 acres of additional easement land and wildlife habitat.

The Area Wildlife Manager, Jeff Miller, has also reviewed this proposal and supports it. A copy of his June 9, 2005 letter is attached.

FINDINGS:

This alteration request, as currently proposed, would release .33 acres and replace it with 1.12 acres, a net gain of .79 acres in wildlife habitat for the State. The area proposed for the new access road to the building site will not exceed the acreage excluded for the current access, plus it will be in a safer location at the intersection with 150th Street. There is some question as to whether or not the local zoning authorities in Kandiyohi County will permit the new buildings and drive way proposed. So easement staff will not proceed with amending these easements until we receive assurance from the zoning administrator.

Cost to the State and SWCD will be minimal as the landowner has agreed to pay for all costs associated with establishing native grasses on the old access acres and legal costs associated with the easement alteration, if approved.

The route of the proposed access road is part of the CREP easement so approval from the USDA Farm Service Agency (FSA) will also be necessary. Ryan Peterson has indicated that the FSA will approve of this CRP contract alteration after the State amends its easement.

OPTIONS AND STAFF RECOMMENDATION:

1. Approve of the exchange on the easement. **RECOMMENDED**. This proposed exchange does not harm the water quality protection benefits or the wildlife habitat

values that this easement area currently provides. An increase of .8 acres of upland cover / filter strip at little cost to the State is an exchange that should be made. This exchange has the approval of both the Kandiyohi SWCD, and the DNR area wildlife manager. Both entities worked effectively with the landowner to reach a compromise that preserves the benefits of the current easement area and also makes access onto 150th Street safer. As a condition of approving this request, should the Board so decide, I would suggest that a motion for approval to amend the easements be made conditional on the following items being accomplished by Mr. Hall:

- Provide a legal survey to the BWSR of the new access road alignment and building site boundary to be used as part of BWSR's new legal description for the amended easement.
- Provide a letter from the local zoning administrator stating that the site is buildable, new access will be allowed onto 150th St. and 10 foot width is adequate, and all necessary permits for both building and driveway can be secured.
- Provide a letter from the USDA Farm Service Agency that they will amend the CRP contract in the area of the proposed new access road.

2. Deny the request to exchange. NOT RECOMMENDED. This is a reasonable request proposed by the landowner. Mr. Hall has worked with DNR and SWCD staff to make this proposal a reasonable exchange for the State to make on this easement.

KANDIYOHI SOIL AND WATER
CONSERVATION DISTRICT

1005 High Avenue
Willmar, Minnesota 56201
Telephone (320) 235-3906, ext. 3
FAX (320) 235-0984

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

May 27, 2005

To: Tim Fredbo, Easement Programs Coordinator - BWSR

From: Ryan Peterson, RIM Coordinator - Kandiyohi County

Subject: Hall CREP # 34-04-01-01
Alteration Request

Mr Fredbo,

Enclosed please find the negotiated proposal and supporting documents for the Bernt Hall Alteration Request. This negotiated proposal, has been recommended for support by the Kandiyohi SWCD Board of Supervisors, provided: It meets criteria benefiting the State of MN in that at least a minimum ratio of 2 acres in for every 1 acre out of easement, Stated all legal fees incurred by Mr. Hall, title endorsement fee, recording fee, etc., and Mr. Hall be responsible for restoring native vegetation.

Mr. Hall had submitted two proposals to the Kandiyohi SWCD Board which the board could not endorse. The two proposals are included as supporting documentation. Through discussions with the SWCD Board, a negotiated alteration proposal was reached that the Board voted to support. Mr. Halls negotiated proposal is to move the existing 10 foot access road as shown in exhibit "B". Mr. Hall has provided exhibit "A", a detailed measured drawing of the proposed building site alteration. Mr. Hall proposes to "give back" the west 170 feet of the 288 foot by 320 foot exception area or building site in exchange for a 100 foot by 144 foot excluded from RIM easement as shown in both exhibits A and B. The length of the existing 10 foot access road and the length of the proposed new 10 access road have

been measured by the SWCD and determined to be the same length and therefore the same acreage.

In summary Mr. Halls negotiated alteration proposal has met the Kandiyohi SWCD Boards requirements with a 3:1 replacement ratio, and has their support with above mentioned stipulations regarding fees and native vegetation re-establishment. Please present this alteration request to the BWSR Board for consideration at your June 22 meeting. Due to time restraints DNR has yet to comment on the negotiated proposal. I will send you a copy of DNR Wildlife Biologist, Jeff Miller's recommendation ASAP. If you have any questions please let me know regarding this alteration request.

Sincerely;

Ryan Peterson
Kandiyohi SWCD

To the Kandiyohi Soil and Water Conservation District. We would like to initiate an alteration, or a termination or both of an existing easement. The change is needed so we can have a driveway that is on higher ground, so it is able to be used. The existing driveway is on the edge of a slough and is not usable in the winter and early spring. It also is very hazardous going onto 105 th ST. at such a low spot. We are unable to see over the hill to the South, for on coming traffic. The existing driveway can be seeded and you would never know it had been there. We would be exchanging it by moving the driveway to higher ground, and seeding the existing driveway. If we have to take and acre of two out of the programs to accomplish this and pay back the CRP payment and penalties we're willing to do that. It's not going to change anything because we are just moving it, there will not be any loss in area or resource. We would also like to take a acre of two out so we can get some clay out of our hill side to build our driveway and this we would pay back .

Sincerely,

Bernt A. Hall

Bernt a Hall

Elizabeth J. Hall

Elizabeth J. Hall

21250 62nd ST. N.W 4-22-05

Sunburg, MN 56289

354-2348

Cell - 220-4072

To the Kandiyohi Soil and Water Conservation District. We would like to initiate an alteration of an easement. We would like to move the East an West boundaries of the 2.2 acres that's not in the easement where our pole barn is and where our house is going. We would like to move the East an West 320 Ft lines 150 Ft further East, because it's more level and not so steep. I (Bernt) am a fully disabled veteran , with a very bad leg that's only going to worse and this would help me out now and in the future.

Thank you,

Bernt A. Hall

Bernt a Hall 5-9-05

Elizabeth J. Hall

Elizabeth J. Hall 5-9-05

Minnesota Department of Natural Resources

Division of Wildlife
4566 Hwy. 71 NE
Willmar, MN 56201
PHONE: (320) 231-5163
FAX: (320) 231-5485

6-9-05

Ryan Peterson
Kandiyohi County SWCD

RE: Hall CREP #34-04-01-01, Alteration Request

Dear Mr. Peterson:

I have reviewed the written proposal and map of the request and offer the following comments:

First, relative to the access road connecting the present exemption to the township gravel road. As I stated in a previous correspondence, the new alignment would be fine as long as it does not exceed the dimensions of the original allowance and the old trail obliterated and seeded to grass nesting cover.

Second, relative to the present exemption and Mr. Hall's proposed alteration of said exemption. As per the map, Mr. Hall would exchange 1.12 acres of the present exemption (170' by 288') for an area of .33 acres (100' by 144') for a net gain of .79 acres or 3.4:1. With this positive gain for the State of Minnesota, I would recommend acceptance of this proposal based on this increase in wildlife habitat.

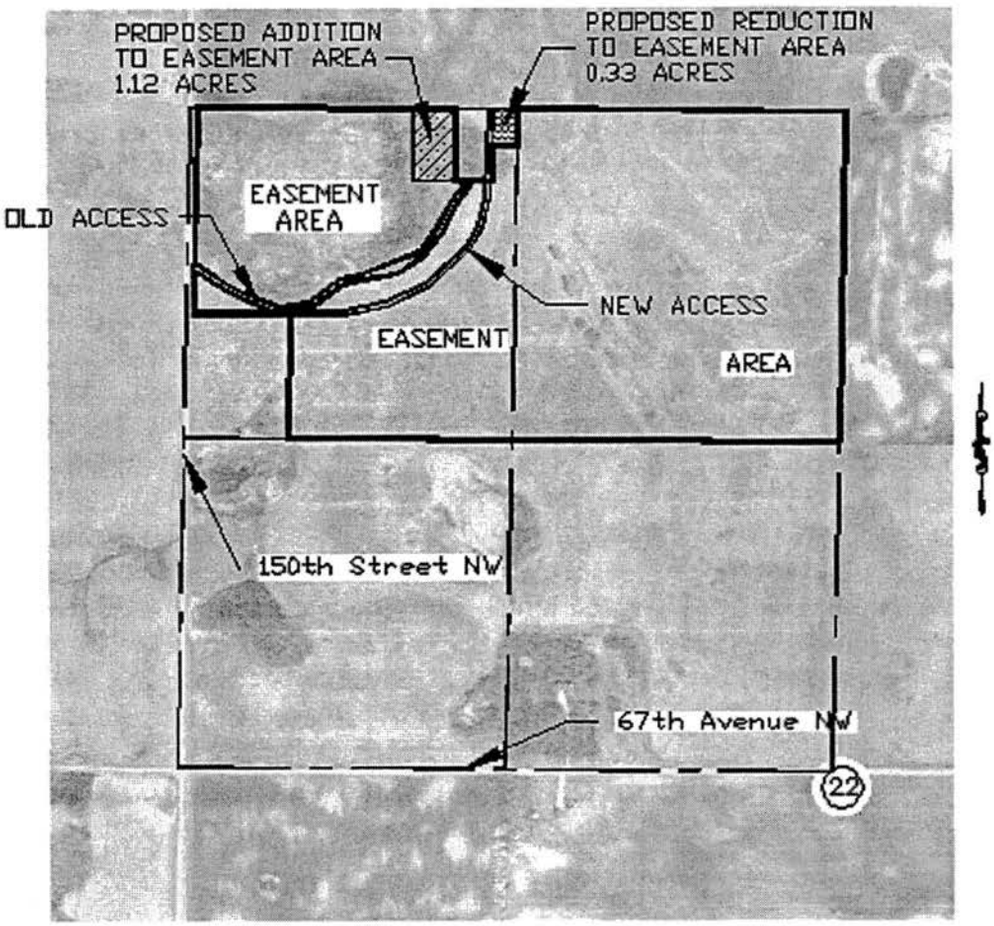
Sincerely,

Jeff Miller
DNR, Wildlife

BERNDT HALL
EASEMENT ALTERATION

34-04-04-01 & 34-04-99-03

Section 22 T. 120 N., R. 36 W., Kandiyohi County



0 660'

Scale

FY 2006 Farm Bill Assistance Project-CREP II Implementation

The Farm Bill Assistance Project was initiated in 2002 by BWSR, DNR and Pheasants Forever to continue staffing for conservation efforts started with the MN River CREP. Implementing provisions of the Federal Farm Bill that result in grass and wetland cover remain the focus of the project. During the development of CREP II it was decided to continue to utilize the structure of the FBA Project and merge financial resources of BWSR, DNR, Pheasants Forever, local sport groups and the SWCD's to implement the program. Presently we have 28.55 FTE's in 36 counties and are looking to maintain and expand this effort to 36.55 FTE's in 52 counties. The net result will be 11.3 FTE's covering 15 counties in the non-CREP area, and 25.25 FTE's in 37 CREP II counties. Funding for non-CREP and partial CREP counties would remain at a state/local split of 70/30. Due to increased workload demands on SWCD's to implement CREP II a reduced local contribution would be required with a state/local split of 95/5. The total budget for each FTE would be calculated from a total budget $40,000/FTE with the appropriate split being applied. Staff recommends this process for approval. Kevin Lines-DECISION ITEM

S:farmbill2/projectdesc605

Farm Bill Assistance Grant Formula

- **Annual Budget of $40,000/FTE**

- **Partial CREP Counties & Non-Crep Counties**
  - –Percent FTE Determined
  - –70% State
  - –25% SWCD
  - –5% Local Organization

- **CREP II Counties**
  - –Percent FTE Determined
  - –95% State
  - –5% Local Organization

s:farmbill2/phasevgrantformula

FARM BILL IMPLEMENTATION FUNDING

6/22/2005

FUNDING

PARTNERS	FY 2006
DNR	$337,500
BWSR	$607,000
Pheasants Forever	$0
NRCS	$0
Carry-Over	$100,000
Total Cash	**$1,044,500**

MATCH	
SWCD Match	$136,000
Local Chapter	$58,825
Other	
TOTAL FUNDING	**$1,239,325**

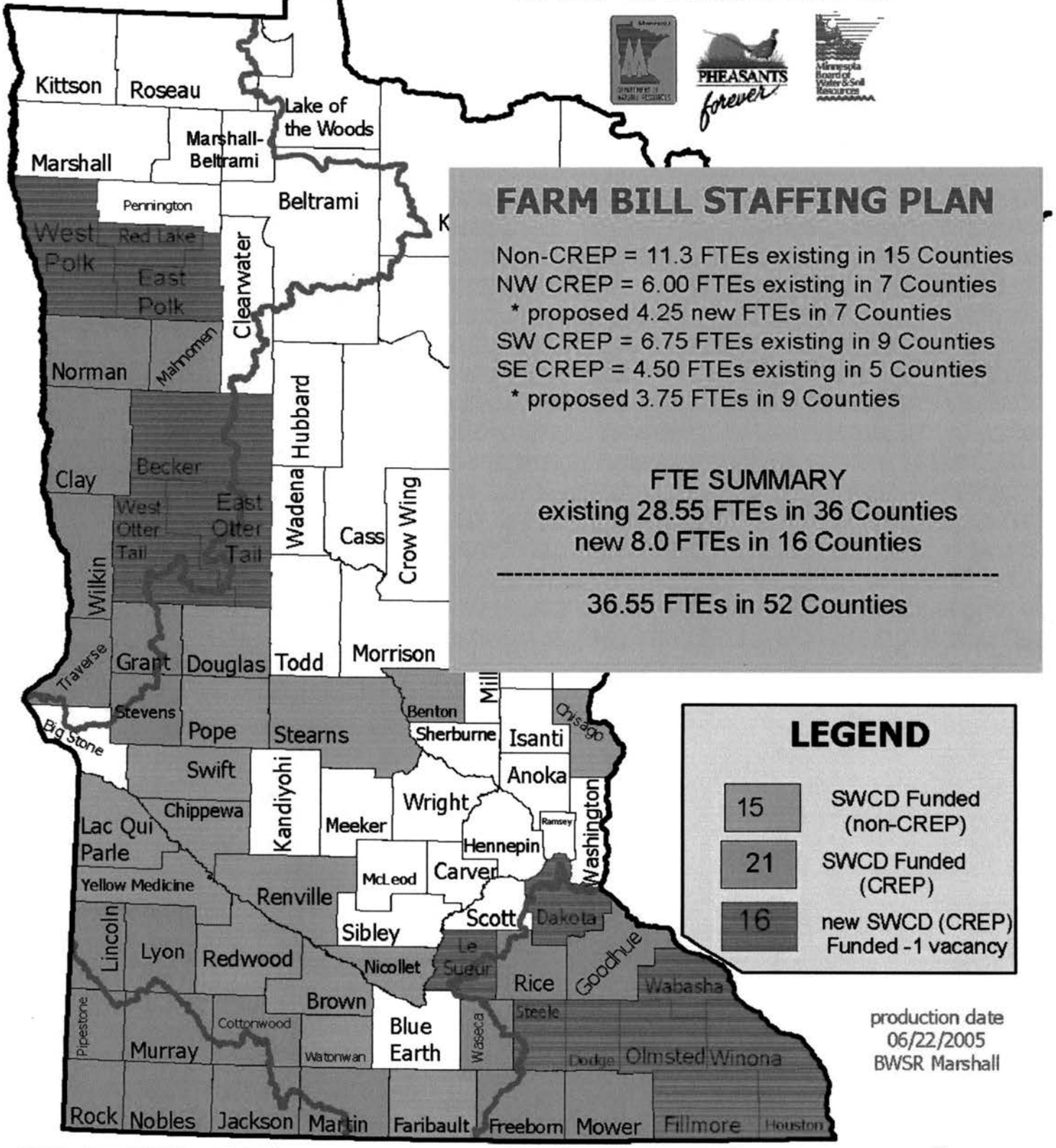
COSTS

NON CREP	$339,000
CREP II	$861,250
TOTAL COSTS	**$1,200,250**

BALANCE	**$39,075**

Farm Bill Assistance Positions
PHASE IV - 2005 and
CREP II Watersheds

Red River CREP
All or part of 21 counties
12,000,000 acres of land
7,900,000 acres cultivated
CREP Goal : 51,000 acres
(0.6% of cultivated cropland)



FARM BILL STAFFING PLAN

Non-CREP = 11.3 FTEs existing in 15 Counties
NW CREP = 6.00 FTEs existing in 7 Counties
* proposed 4.25 new FTEs in 7 Counties
SW CREP = 6.75 FTEs existing in 9 Counties
SE CREP = 4.50 FTEs existing in 5 Counties
* proposed 3.75 FTEs in 9 Counties

FTE SUMMARY
existing 28.55 FTEs in 36 Counties
new 8.0 FTEs in 16 Counties

36.55 FTEs in 52 Counties

LEGEND

15	SWCD Funded (non-CREP)
21	SWCD Funded (CREP)
16	new SWCD (CREP) Funded -1 vacancy

production date
06/22/2005
BWSR Marshall

SW Minnesota CREP
All or part of 9 counties
1,800,000 acres of cultivated cropland
CREP Goal : 18,000 acres
(1.0% of cultivated cropland)

SE Minnesota CREP
All or part of 17 counties
4,650,100 acres of land
3,000,000 acres of cultivated cropland
CREP Goal : 51,000 acres
(1.7% of cultivated cropland)

N
W E
S

Resolution # 05-58

Policy Establishing Payment Rates for Conservation Easements Acquired for Public Road Wetland Replacement Bank Sites
DRAFT, 6-10-05

WHEREAS, in 2001, the Board of Water and Soil Resources (Board) adopted a policy establishing payment rates for conservation easements acquired for public road wetland replacement bank sites (Resolution # 01-17); and

WHEREAS, the Attorney General's Office has recently clarified state constitutional constraints on the use of state bonding funds for public road wetland replacement bank sites, and BWSR authority to acquire associated conservation easements.

NOW, THEREFORE, the Board hereby adopts the following updated policy establishing payment rates for conservation easements acquired by the Board for public road wetland replacement bank sites:

1. The Public Road Wetland Replacement program shall use the established Board authority and administrative process of the RIM Reserve program, together with the authority and responsibilities of the Board in Minnesota Statutes, Section 103G.222, and in the associated state funding appropriations, to acquire conservation easements for public road wetland replacement bank sites.

2. The Board establishes the appraised land value a payment rate not to exceed 125% of the applicable RIM Reserve payment rate(s), or ~~another method approved by the Board on a project-specific basis to determine fair market value~~, for a conservation easement on lands that are expected to produce wetland credits under the Minnesota Wetland Conservation Act.

3. The Board establishes a payment rate of the applicable RIM Reserve payment rate(s) for a conservation easement on lands necessary to "square up" the easement area.

4. The Board establishes a payment rate of 100% of the costs for restoration of wetlands and establishment of vegetation on conservation easements acquired for public road wetland replacement bank sites, based on construction and vegetation establishment plans developed and/or approved by Board staff and receipts for construction and/or establishment of vegetation approved by Board staff as being fair and reasonable.

Jerome Deal
Jerome Deal, Chair

6/22/05
Date

Sale of Wetland Credits to Public Transportation Authorities
Revised Policy

June 10, 2005

1. Current Policy - December 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.

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.

2. Proposed New Policy

In updating this policy, the costs included in current BWSR Wetland Road Replacement projects for construction, engineering, site preparation, planting, seed, after-care and administration were used to determine restoration costs. The purpose of listing these costs are to ensure that the actual cost incurred by BWSR to establish wetland credits is reflected in the price charged to public road authorities wishing to purchase credits from BWSR.

Land values shown in the proposed prices were derived using data from the following:

- County parks departments on appraised values and land acquisition costs;
- Department of Natural Resources wildlife management area appraised values and land acquisition costs;
- Farmland values from the University of Minnesota website "Minnesota Land Economics"; and
- Reviewing the sale of wetland credits from private wetland banks.

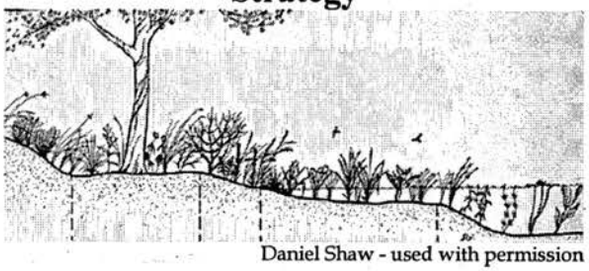
The proposed Sale of Wetland Credits to Public Transportation Authorities policy, including the components of the prices, are shown below.

	Seven-County Metro	Major Watersheds Tributary to Metro Area	Other Areas of the State
Land Value	$30,000/acre	$5,500/acre	$2,000/acre
Construction	600/acre	600/acre	600/acre
Engineering	120/acre	120/acre	120/acre
Site Preparation	50/acre	50/acre	50/acre
Planting	300/acre	300/acre	300/acre
Seed	450/acre	450/acre	450/acre
After Care	100/acre	100/acre	100/acre
Administration (12%)	3,800/acre	860/acre	435/acre
Total	$35,420/acre	$7,980/acre	$4,055/acre

These prices would be effective on July 1, 2005.

It is further recommended that the BWSR Board annually review and revise this pricing policy, with an effective date of March 1 for future revisions to this policy. The goal of future revisions is to develop a county-by-county price, instead of the regional prices that are currently in use.

Minnesota Comprehensive Wetland Assessment, Monitoring and Mapping Strategy



Daniel Shaw - used with permission

BACKGROUND

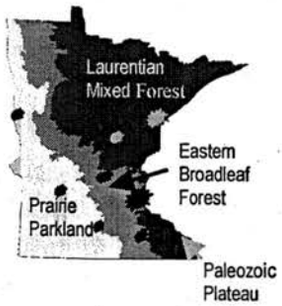
Nearly one fifth of Minnesota is wetland. Most of Minnesota's wetlands are concentrated in the northern 1/3 of the state. Nearly 50% of Minnesota's historic wetlands have been drained, filled or otherwise no longer recognized as wetlands, most of these changes have occurred in the western 1/3 of the state. Numerous studies have reported wetland extent and quality as essential elements in maintaining watershed integrity. Since the later part of the 20th century Minnesota has diligently worked to protect its' wetland resource through a variety of regulatory and incentive based programs. Minnesota has adopted policy goals of achieving "no-net-loss" and achieving "net gains" in wetlands. Being able to measure wetland loss or gains over time has proven to be a difficult task, thus an interagency workgroup began work to develop a comprehensive wetland assessment, monitoring and mapping strategy (CWAMMS).

GOALS & OBJECTIVES

Overall Goal of the CWAMMS: Develop a broadly understood, open, scientifically sound strategy for ongoing monitoring and assessment of the statewide status and trends in wetland quantity and quality.

Project Objectives

1. Using a random sample survey, estimate with a high degree (90%) of confidence the status, changes, and trends in Minnesota wetlands quantity and quality by National Wetland Inventory wetland class according to Cowardin et al. The status, changes and trends of wetlands will be assessed within four geographic regions, which are approximated by the Province level of the Ecological Classification System (ECS). The four regions are the: Prairie Parkland, Eastern Broadleaf Forest, Laurentian Mixed Forest, and Paleozoic Plateau. A "demographic" strata is also proposed, which will focus on the developing urban areas of the state (shown as jagged splotches in the illustration below) , where significant wetland changes are anticipated.



2. Relate observed changes or trends in wetland quantity and quality to specific disturbance factors or stressors.

3. Contribute to the long term understanding of Minnesota's wetland: health (functions), distribution, structure and processes.

4. Provide reports of status and trends in wetland quantity and quality within each of the four geographic regions at least every two years and provide a cumulative statewide report at least every ten years.

5. Integrate the monitoring and assessment of Minnesota's wetland resource with wetland regulatory and non-regulatory programs to provide measures of program effectiveness and outcomes.

To meet these objectives, four integrated approaches are proposed:

1. COMPREHENSIVE SAMPLING -- Implement a statewide random survey program to assess changes in wetland status and trends in both quantity and quality.

2. WETLAND MAPPING -- Update the National Wetland Inventory to facilitate assessment of recent wetland changes and to provide current wetland maps.

3. WETLAND PROJECT DATABASE – Implement an internet-based wetland project database and wetland permit application system to track permitting, restoration, and wetland banking activities.

3. MODELING – Develop predictive models for changes in wetland quantity and quality using detailed assessment data (inventory and functional assessment) from local wetlands and watershed planning efforts.

PROCESS

Throughout development, the strategy must incorporate expertise from technical experts, and include input and involvement from agency leaders and stakeholders. Four steps are envisioned in developing and implementing the CWAMMS.

Step one, inventory and assess existing wetland monitoring programs and data, and explore new and emerging technologies and monitoring methods.

Step two, communicate the findings from step one to technical experts, agency leaders and stakeholders.

Step three, propose appropriate methods and procedures that can be incorporated into the monitoring strategy to fill information gaps. Plan to collect data at three scales: 1) the landscape scale using mostly remote-sensing data; 2) field scale using mostly professional judgment and observational methods for data collection; and 3) intensive field scale - sampling physical, chemical or biological attributes of the study wetland(s).

Step four, refine and finalize the monitoring strategy based on lessons learned from the pilot projects and input from interest groups. Another critical element will be identifying funding sources for implementation of the strategy.

Step one of the process has largely been completed and efforts are currently focused on steps two and three. The Project Steering Committee has been working closely with a variety of experts in remote sensing and survey design to develop a sound comprehensive sampling scheme. In addition, several pilot projects related to the development of the CWAMMS are planned or are underway. These pilot projects have been focused in three regions of Minnesota: the Duluth/Hermantown area is a forested regional pilot area; the Redwood River Watershed in the Minnesota River Valley is a prairie region pilot area; and the Northeast St. Paul metropolitan area is an urban regional pilot location.

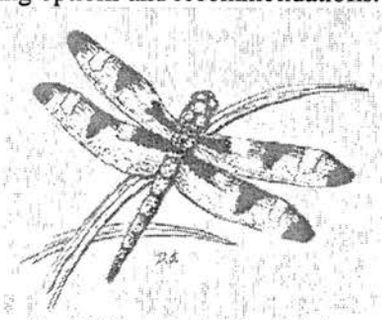
TIMEFRAME

Through calendar year 2005 continue to exchange information and discuss strategy approaches and outcomes with technical experts, agency leaders and stakeholders. Continue work on current and planned pilot projects through the summer of 2005 with most of the pilots expected to be completed by the end of Sept. 2005. Release a complete draft of the CWAMMS by March 2005 providing an opportunity for input and comment resulting in a revised draft available by the end of June 2005. Seek additional input and comments and release the final strategy by the end of 2005. Continue exploring options and opportunities for funding implementation of the strategy.

FINAL OUTCOMES

The final monitoring and assessment strategy should result in:

- Development of a clearly articulated strategy for an ongoing, comprehensive, statewide wetland assessment, monitoring and mapping program, including the procedures, technologies, and methods needed to accurately assess the status and trends in wetland quantity and quality.
- Identification of agency responsibilities, including data acquisition, processing and management for implementing the strategy and funding options and recommendations.



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For more information about the CWAMMS contact:
651 297-3363 [mark.gernes@pca.state.mn.us] or
651 296-0779 [doug.norris@dnr.state.mn.us]

ANNUAL PLAN – FISCAL 2006

JULY 1, 2005 – JUNE 30, 2006



AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



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FISCAL 2006 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



2005 BOARD OF DIRECTORS

BROWN COUNTY
ANDREW LOCHNER – 1ST VICE CHAIR
CHARLES GUGGISBERG

COTTONWOOD COUNTY
GARY SORENSON
NORMAN HOLMEN

LAC QUI PARLE COUNTY
HAROLD SOLEM
TODD PATZER

LINCOLN COUNTY
CURT BLUMEYER
LARRY HANSEN

LYON COUNTY
PHILIP NELSON - SECRETARY/TREASURER
CLARENCE BUYSSE

MURRAY COUNTY
ROBERT MOLINE
KEVIN VICKERMAN

PIPESTONE COUNTY
LUKE JOHNSON
MARVIN TINKLENBERG

REDWOOD COUNTY
JOSEPH SCHOUVIELLER - CHAIR
JOHN SCHUELLER

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



ANNUAL PLAN – FISCAL 2006
ADMINISTRATIVE WORK PLAN

AREA II STAFF: Kerry Netzke, Coordinator Joe DeSchepper, Engineering Technician Duane Hansel, P.E. ~ Consultant Engineer
Bolton & Menk, Inc.

NARRATIVE:
Area II's goal from the Fiscal 2004 and 2005 Annual Plans was "to seek more efficient ways of *'doing more with less'* while maintaining the high level of service to the member counties and the State of Minnesota". We feel strongly that we have successfully met this challenge by the projects completed and by splitting the State appropriation 64% for administration and 36% for project construction in Fiscal 2005.

Looking onward to Fiscal 2006 is especially exciting as our financial famine have turned into a potential feast. Through the 2005 Legislative Session, and Special Session, Area II was awarded $500,000 from the Bonding Bill, a $500,000 appropriation from LCMR, and continued funding of administrative efforts in the amount of $140,000 per year. With that stated, it is easy to see that our technical efforts are going to be solely directed to making sure this $1,000,000 in funding gets put on the ground. Our lists of projects that are designed and ready to go will require a final review as well as permitting and acquisition of easements. Some projects may be constructed in 2005, although the majority of the projects are intended for 2006 construction. We will continue to investigate new projects whenever time allows as well as design small dam repairs and other projects that are eligible for federal dollars through the EQIP and WHIP programs. It will be important to update and replenish our list of waiting projects so that future project funding can continue to be sought and acquired.

With much anticipation, the Lazarus Creek Floodwater Control Project is finally complete and will soon be dedicated into service. Area II, in cooperation with the Lac qui Parle-Yellow Bank Watershed District, will be hosting a Dedication Ceremony on Thursday, July 7, 2005. The invitation list will be large and we hope to attract several legislators to showcase this unique, and long-awaited floodwater control project. Recent photos of the project can be found on page 7 of this document. We hope that the BWSR Board members and many staff members will be able to attend the ceremony.

Area II greatly appreciates the long-term support and trust given to them from the Minnesota Board of Water & Soil Resources. We hope to continue our good work and make BWSR proud of the conservation practices that only we can do in southwestern Minnesota!



FISCAL 2005 COMPLETED PROJECTS

χ **Monroe 25 Small Dam Repair - Lyon County** ($20,388.44)
Funding was secured through the Redwood-Cottonwood River Control Area (RCRCA) providing 75% for construction activities. The remaining local match of 25% was provided by the landowner and Area II.

χ **Monroe 20 Small Dam Repair - Lyon County ($**16,060.08)
Survey, design and construction inspection were provided by Area II. 75% cost-share from RCRCA was matched by the landowner.

χ **Germantown 4 Road Retention – Phase I - Cottonwood County** ($272,881)
This project, designed by Area II, is being completed in two phases: Phase I – replace the deteriorated culverts and raise the roadway part-way; Phase II – install the riser section and low flow pipe to create the retention capabilities and finish raising the road grade to the design elevation. Phase I is to be funded largely by MNDOT Town Bridge funds with Cottonwood County and Germantown Township providing additional funds. Construction of Phase I was completed Summer 2004. Phase II is to be funded through the LCMR appropriation to Area II.

χ **Rock Lake 32 Small Dam Repair - Lyon County** ($28,074)
Area II provided survey, design and construction inspection services while 75% funding was secured through RCRCA cost-share funding. The landowner provided the local match.

χ **Minneota Recreational Trail - City of Minneota, Lyon County**
Area II assisted in the survey, engineering design and construction staking associated with a bituminous recreational trail around the City of Minneota. The project was complicated by two crossings of the Yellow Medicine River and trail location upon an existing flood dike built by the Army Corps of Engineers. Area II was able to establish bridge deck elevations corresponding to historic flood levels and address concerns of the DNR and Corps within the permit applications. Bids were let March 2004 with construction completed by June 30, 2004. Area II provided construction staking, inspection duties and final inspection. All engineering related fees were reimbursed by the Yellow Medicine River Watershed District through a DNR grant for trail development.

COMPLETED PROJECTS TOTAL
$ 337,403.52

ANNUAL PLAN – FISCAL 2005
PLANNED PROJECTS – OTHER FUNDING

χ **Lake Marshall 32 Small Dam - Lyon County** ($128,809.35)
This project was investigated and designed by Area II, however the previous lack of cost-share funding postponed its construction. In 2004, the landowner entered into agreement with Marshall Municipal Utilities (MMU) to construct two wind generators on his property. The wind generator contractor requires an adequate crossing of this ravine and MMU has committed $12,000 to jointly construct a dam to serve as their access to the wind generator sites. Construction was intended for October 2004 until wetland mitigation complications with the Corps of Engineers were encountered. All permits have been acquired. Environmental Quality Incentive Program (EQIP) funding is approved which will fund 36% of the project. The remaining amount is being cooperatively pooled from State of MN cost-share funds, MMU, Lyon County, Area II, and the landowner. We anticipate June and July 2005 construction for this project.

χ **Custer 13 Small Dam Construction - Lyon County** ($103,354.88)
This is another project previously investigated and designed by Area II, but was placed on hold due to lack of construction funding. The federal EQIP program awarded 50% funding to this project. The remaining funds have been secured from various sources: State of MN cost-share, Area II, and the Wild Turkey Federation. Wetland mitigation complications were also encountered on this project which delayed construction from October 2004. All permits have been acquired. We anticipate July 2005 construction for this project.

PENDING PROJECTS TOTAL
$ 232,164.23



FISCAL 2006
PLANNED PROJECTS – BONDING

χ **Alta Vista 36 Road Retention – Lyon/Lincoln County** ($ 685,000 Estimate)
This project has a long history as the landowner has been unwilling to compromise his pasture for dairy cattle for risk of contaminants getting into the milk supply. The bridge has reached a condition where it may not withstand another year of minor repair. The Yellow Medicine River Watershed District is working closely with both counties and Area II to see the project to completion. The project was awarded $250,000 in May 2005 from MNDOT's Local Road Improvement Program. Easements and permits are currently being sought with construction planned for 2005. The planned design will reduce peak flood flows up to 64% with a 774 cfs reduction of the 100-year storm. 613 acre-feet of storage will create a temporary flood pool of 47 acres.

χ **North Hero 34E Road Retention - Redwood County** ($ 238,000 Estimate)
This project is joint venture between Area II, Redwood County, Redwood County Water Plan, and North Hero Township. Peak flow reductions will be 24.7% amounting to 393 cfs on a 100-year storm event. 390 acre-feet of flood storage will temporarily pond on 56 acres.

χ **Springdale 21 Road Retention - Redwood County** ($ 230,000 Estimate)
This project is cooperative venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 47.5% amounting to 260 cfs on a 100-year storm event. 147 acre-feet of flood storage will temporarily pond on 25.3 acres.

χ **Springdale 30 Road Retention - Redwood County** ($ 289,000 Estimate)
This project is another joint venture between Area II, Redwood County, and Springdale Township. Peak flow reductions will be 68% amounting to 508 cfs on a 100-year storm event. 214 acre-feet of flood storage will temporarily pond on 22 acres.

PLANNED BONDING TOTAL
$1,442,000



FISCAL 2006
PLANNED PROJECTS – LCMR

χ **Holly 9 Dam - Murray County** ($180,000 Estimate)
This proposed 36' high dam will reduce the 100-year storm peak flow by 65% (402 cfs). 121 acre-feet of storage will be temporarily held on 10.7 acres of pasture land, which will also include a shallow pond for habitat. This dam will also incorporate a bentonite slurry cutoff trench which is not normally used, however the glacial soil composites are more varied and likely to seep if the trench is not included. A former ACP livestock dam upon the property that has previously been designed for repair at a cost of $10,600. This repair will also be completed as part of the overall project.

χ **Florida 9 Road Retention – Yellow Medicine County** ($90,031)
Bids were let on this project April 26, 2005. For the floodwater retention portion of the road regarding project, costs not covered by MNDOT amounted to $90,031. Peak flow reductions will be 24% amounting to 229 cfs on a 100-year storm event. 98.7 acre-feet of flood storage will temporarily pond on 14 acres. Construction is scheduled to being the end of June 2005.

χ **Germantown 4 Road Retention (Phase II) - Cottonwood County** ($180,000 Estimate)
Phase I of this project was completed in 2004 and consisted of replacing the deficient metal arch pipe culverts with a 12' x 12' concrete box culvert and raising the roadway 12 feet. Phase II of the project includes adding a 10'x 14' riser structure and 78" round culvert as the low flow pipe. The roadway will be raised an additional 6 feet. Once completed, the project will provide 1,200 acre-feet of floodwater storage upon 126 acres. The 100-year storm peak flow will be reduced by 746 cfs (29%).

χ **Lyons 12 Dam - Lyon County** ($168,000 Estimate)
This project was previously designed by SCS several years ago, however the contractor fell into financial problems before construction began.Peak flow reductions will be 72% amounting to 293 cfs on a 100-year storm event. 104 acre-feet of flood storage will temporarily pond on 17.5 acres.

PLANNED LCMR TOTAL
$ 618,031

LAZARUS CREEK FLOODWATER CONTROL PROJECT ~ UPDATE

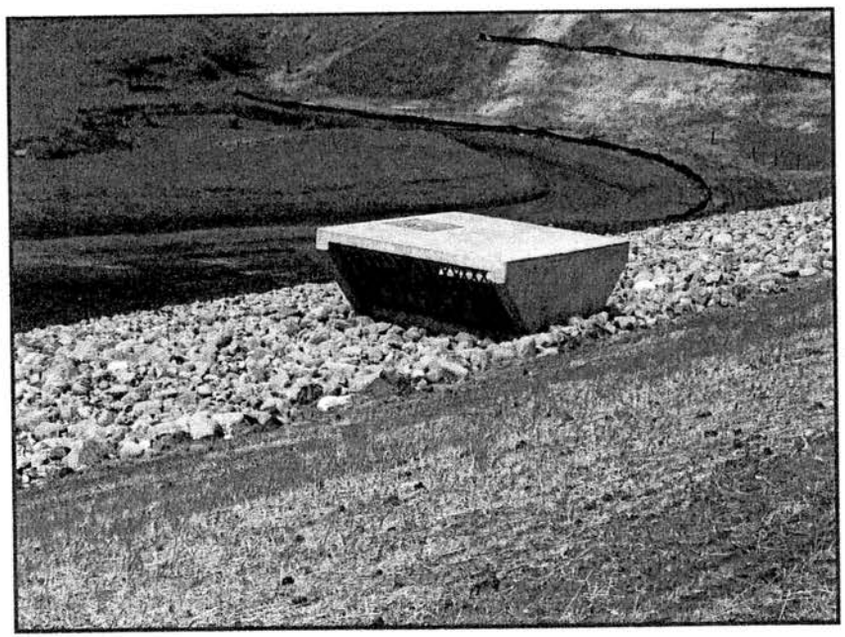
Project Description

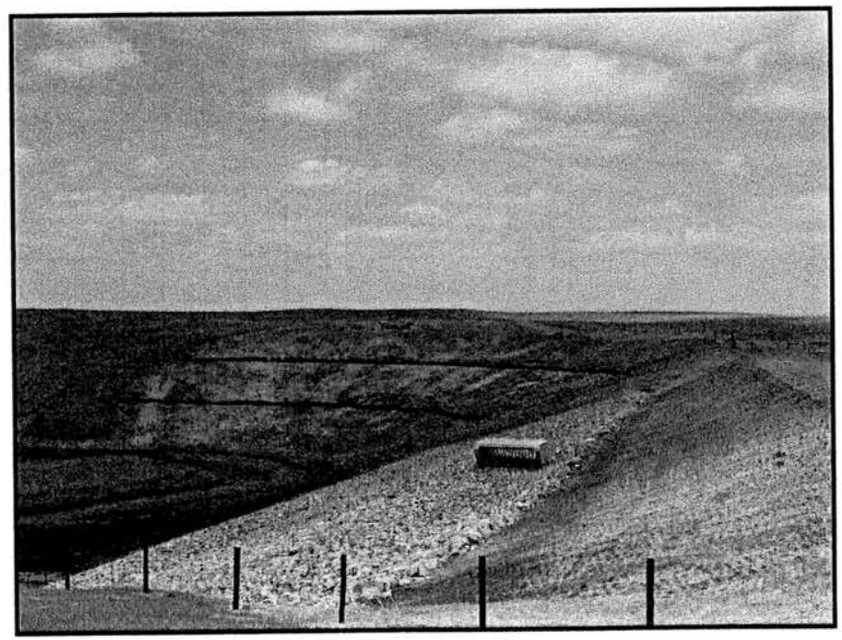
- Earthen embankment, 62' in height and 1350' in length - Section 9, Fortier Township, Yellow Medicine Co.
- Designed as "dry dam", only to impound water during significant rainfall/runoff events. The 86-acre flood pool will lie within undisturbed pasture land; maximum depth of 50.2'.
- 100-yr storm flow of 1,207 cfs will be reduced to 385 cfs (68%). Floodwaters will be stored 12 days.

Project Status

- Construction began May 5, 2004. All major work items are complete and the contractor will be submitting the final pay estimate in the coming month.
- Excess funds will be used for Operation & Maintenance until the end of grant period (2007).

May 23, 2005





Dedication Ceremony - ***The celebration is planned for Thursday, July 7, 2005 at 1:00 pm at the project site.***



ATTACHMENTS

ANNUAL PLAN – FISCAL 2006

ATTACHMENT I –

FISCAL 2006 TECHNICAL OFFICE BUDGET

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT 1

FY'06 Technical Office Budget

OFFICE OPERATIONS

Personal Services:	
*Directors' Compensation	$ *5,600.00**
*Directors' FICA	*430.00**
Employees' Salaries	75,000.00
Employees' FICA	5,740.00
Employees' Medical Insurance	12,900.00
Employees' Retirement	4,147.50
Employee' FlexPlan	300.00
Total Personal Services	**$ 104,117.50**
Supplies:	
Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

Other Services and Costs:	
*Directors' Expenses	$ *3,750.00**
Employees' Expenses	1,000.00
Continuing Education	0.00
Professional Services	30,000.00
Maintenance & Repairs	1,500.00
Telephone	800.00
Postage	1,000.00
Vehicle Expense	3,000.00
*Director's Insurance	*1,368.00**
Other Insurance	13,714.00
Rent	6,675.00
Miscellaneous & Other Expenses	2,500.00
*Miscellaneous Expenses - Directors	*0.00**
Total Other Services and Costs	**$ 65,307.00**

TOTAL OFFICE OPERATIONS	$ 171,924.50
Total Ineligible for Cost-Share by the State	*11,148.00**
Total Eligible for Cost-Share by the State	$ 160,776.50
STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 120,582.38 (75%)
Local Share of Eligible Office Costs	40,194.12 (25%)

** These items not cost-shared by the State*

SUMMARY:	***Anticipated Annual Allocation from the State of Minnesota***	***$ 140,000.00***
	Less: Technical Office Grant	***-120,582.38 (86.1%)***
	Less: Project Grants	***-19,417.62 (13.9%)***
	Balance	***$ 0.00***

Minnesota Wetland Monitoring Strategy

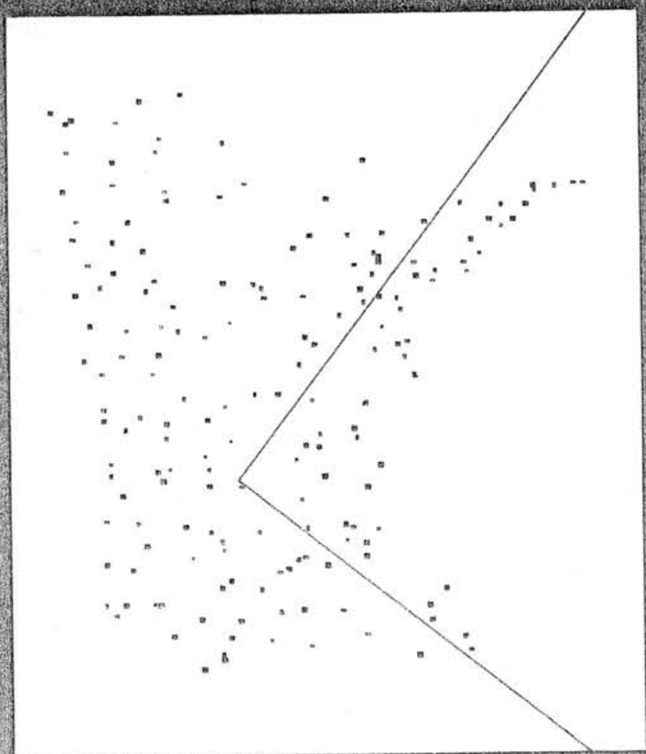
- Goal: Ongoing assessment of statewide status and trends in wetland QUANTITY and QUALITY

- Relate to program actions



Comprehensive Wetland Monitoring Program:

-- Status and Trends





4-Square Mile Plots (?)

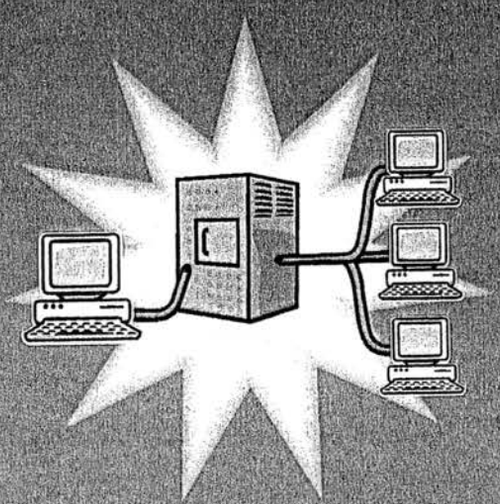
Wetland ***Quality***-Indicators

- Level 1: Landscape Assessment
  - Landscape Development Index (LDI)
  - Remote Sensing Indicators
- Level 2: Rapid Assessment
  - MN Routine Assessment Method (MnRAM)
- Level 3: Intensive Site Assessment
  - Indexes of Biological Integrity (IBIs)
  - Floristic Quality Assessment Index (FQAI)

Database Integration

Status and Trends Data
(Remote Sampling)

Statewide NWI Mapping



Electronic Permitting
and Other Project Data

Local Mapping and
Inventories

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, AUGUST 24, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Perry Aasness-Department of Agriculture, Dana Allen, Jim Anderson-Minnesota Extension Service, Paul Brutlag, Kay Cook, Wayne Edgerton-Department of Natural Resources, Quentin Fairbanks, Brian Kletscher, Randy Kramer, Clair Nelson, Louise Smallidge, Lisa Thorvig-Pollution Control Agency, LuAnn Tolliver, Dan Wilson-Department of Health

BOARD MEMBER ABSENT:
Paul Krabbenhoft

STAFF PRESENT:
Mary Jo Anderson, Bill Best, Bill Eisele, Jim Haertel, Ron Harnack, Greg Larson, Les Lemm, Kevin Lines, Jeff Nielsen, Peter Raeker, Doug Thomas, Steve Woods, Dave Weirens, Wayne Zellmer

OTHERS PRESENT:
Rick Reimer, Minnesota Association of Conservation District Employees
Sandy Hooker, Minnesota Association of Townships

Chair Deal called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

Chair Deal introduced Dana Allen, newly appointed citizen member from Eyota.

** 05-61 **ADOPT AGENDA** – Chair Deal stated that the MNDOT/BWSR Interagency Wetland Banking Agreement has been added to the agenda. Moved by LuAnn Tolliver, seconded by Randy Kramer, to adopt the agenda as presented. Motion passed on a voice vote.

** 05-62 **MINUTES OF JUNE 22, 2005** – Moved by Louise Smallidge, seconded by Jim Anderson, to approve the minutes of June 22, 2005, as circulated. Motion passed on a voice vote.

REPORTS

Chair's Report – Chair Deal reported that he attended the Lazarus Creek dedication. Chair Deal attended the EQB meeting last week. Discussion included ATV rules and thresholds for EAWs. Chair Deal attended the MAWD summer tour and meeting. Chair Deal stated that he met with Ron Harnack regarding revisions to the BWSR Committees. The updated committee listing will be distributed to board members next week. Special interest partners will be available on BWSR committees.

Executive Director's Report – Ron Harnack reported that he met with the two newly appointed board members, Dana Allen and Brian Kletscher. Ron reported that a wetlands coordinator has been hired, Dan Giralamo, will start on September 1st.

Ron reported that there are new business expense changes regarding tax implications. The Internal Revenue Service (IRS) requires employees and board member expenses to be submitted for reimbursement within 60 days after the expense is incurred. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholdings tax must be taken.

Ron stated that the September BWSR meeting will be held on Thursday, September 29, with a tour of Rice County on Wednesday, September 28. Ron reported that a core workgroup has been established regarding public drainage system buffer study. Doug Thomas will take the lead from BWSR, with

Al Kean also involved. Chair Deal appointed Brian Kletscher and Paul Brutlag to be part of that workgroup. The Minnesota State University-Mankato has been contacted to survey public drainage systems. Others on the workgroup include: AMC, MASWCD, MAWD, DNR, MDA, MN Center for Environmental Advocacy, MN Conservation Federation, MN Farm Bureau, MN Farmers Union, and MN Viewers Association. Rick Reimer, MACDE, stated that SWCDs locally are working on ditch restorations. The County has ditch authority, with SWCDs working technically as the local unit.

Dispute Resolution Committee – Jim Haertel reported that three new appeals have been received. Chair Deal and Ron Harnack appreciated Jim's work on the appeals.

Wetlands Committee – Clair Nelson reported that the wetland report will be discussed later on the agenda today.

Cost-Share/Soil Conservation Committee – Wayne Zellmer stated that the Cost-Share Committee will meet in September in conjunction with the next Board meeting.

Education and Public Relations Committee – Kay Cook reported that BWSR hosted a great State Envirothon. Kay will meet with Peter Raeker today to discuss education issues.

Administrative Advisory Committee – Jerome Deal reported that the Administrative Advisory Committee has not met since June, when discussions were held regarding the potential government shut-down, and budget issues. Ron stated that overall, BWSR came out okay regarding budget allocations, although budgets will be challenging over the next two years. The new BWSR office location has helped in addressing staffing partnerships with PCA. However, recent contract agreements will pose additional budget stress, if there is not a supplemental budget to cover these costs.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Petition for Boundary Change for Coon Creek and Rice Creek Watershed Districts – Jim Haertel reported that the Coon Creek Watershed District filed a petition with the Board for a boundary change on June 1, 2005. The proposed boundary change involves the transfer of a 40-acre parcel owned by one landowner in the City of Ham Lake. The parcel would be transferred from the

Rice Creek Watershed District to the Coon Creek Watershed District. The boundary change is being requested because the parcel is within the hydrologic boundary of the Coon Creek Watershed District. Both the Rice Creek Watershed District and the City of Ham Lake concur in the petition. A notice of filing for the boundary change was published once each week for two successive weeks in a local newspaper and also mailed as required by statute. No requests for a hearing and no comments were received during the specified period of time, thus no public hearing is required and none was held. The Metro Water Planning
** Committee unanimously recommends the boundary change be approved. Moved
05-63 by Lisa Thorvig, seconded by LuAnn Tolliver, to approve the petition for the boundary change for Coon Creek and Rice Creek Watershed Districts. Motion passed on a voice vote.

Northern Water Planning Committee

Hubbard County Priority Concerns Scoping Document (PCSD) – Jerome Deal reported that the Northern Water Planning Committee met on August 10, 2005, in Detroit Lakes to review and consider the Hubbard County PCSD. The
** Committee recommends approval of the Hubbard County PCSD. Moved by Clair
05-64 Nelson, seconded by Kay Cook, to approve the Hubbard County Priority Concerns Scoping Document. Motion passed on a voice vote.

Mille Lacs County Priority Concerns Scoping Document (PCSD) – Jerome Deal reported that the Northern Water Planning Committee met on August 10, 2005, to review and consider the Mille Lacs County PCSD. The Committee
** recommends approval of the Mille Lacs County PCSD. Moved by Clair Nelson,
05-65 seconded by Kay Cook, to approve the Mille Lacs County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Deal stated that the Priority Concerns Scoping Document is a revised process, which works great. It's an opportunity to meet with local units of government on two occasions. The first relating to setting of local water priorities and the second the plan to address those priorities.

Pelican River Watershed District Revised Watershed Management Plan – Jerome Deal reported that the Northern water Planning Committee reviewed the revised watershed management plan. The Pelican River Watershed District has a strong working relationship with state agencies, the SWCD, the county, and other local groups. The District sought input on the revised plan in letters to state, city, township, and county officials, lake associations, sportsman's groups, and interested citizens, and meetings with individual lake associations, the City of Detroit Lakes, and a public meeting in Detroit Lakes. A key component of the

revised plan's action plan for attaining water quality goals is a two-tier strategy that utilizes Lake Water Quality Management Areas. The Northern Water Planning Committee unanimously recommends the revised plan be approved.

** 05-66 Moved by Kay Cook, seconded by Quentin Fairbanks, to approve the Pelican River Watershed District Revised Watershed Management Plan. Motion passed on a voice vote.

OLD BUSINESS

MNDOT/BWSR Interagency Wetland Banking Agreement – Greg Larson, BWSR, and Frank Pafko, MNDOT, presented the agreement. Greg stated that BWSR currently has an agreement with MNDOT and this new MOU significantly expands that agreement and brings together two wetland road replacement programs to achieve greater efficiencies in outcomes on the ground as well as providing sharing of staff that benefits both BWSR and MNDOT. This agreement integrates BWSR's and MNDOT's wetland road replacement programs into one through BWSR. This will significantly improve and enhance the quality of outcomes and the efficiency and timeliness of the process. Frank stated that efficiency is the key to this agreement, as it provides additional mechanisms for banking credits. BWSR staff and MNDOT recommend approval to enter into the MOU. Ron Harnack stated that he has met with the assistant commissioner of

** 05-67 MNDOT, this is a common approach to credits. Moved by Lisa Thorvig, seconded by Clair Nelson, to approve the MNDOT/BWSR Interagency Wetland Banking Agreement. Discussion followed. BWSR's new address needs to be changed in the agreement. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:15 a.m. The meeting reconvened at 10:35 a.m.

NEW BUSINESS

Public Hearing on Petition for Termination of Cooks Valley Watershed District – Jim Haertel reported that the Board received 74 signed petitions by resident owners of the Cooks Valley Watershed District asking for termination of the watershed district pursuant to MS § 103D.271. The Wabasha County Auditor/Treasurer provided the certification of petitioner signatures as required by statute. The petitioners filed the required bond with the Board. The petition states the watershed district should be terminated because the watershed district has had no new projects started or taxes levied within the past 25 years, no inspection or maintenance programs have been maintained by the watershed district, currently there is no active appointed board of managers for the watershed district, the continued existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not

needed to accomplish the purposes of Minnesota Statutes Chapter 103D. Board staff have determined the petition meets the statutory requirements and a public hearing on the petition should be ordered. Discussion followed.

** 05-68 Moved by Clair Nelson, seconded by Lisa Thorvig, to approve the hearing for the termination of the Cooks Valley Watershed District. Motion passed on a voice vote. Chair Deal appointed a hearing panel: Jerome Deal, Dana Allen, Brian Kletscher.

FY06 Non-Point Engineering Assistance Base Grant – Wayne Zellmer, on behalf of Cost-Share Committee, reported that this is a non-competitive annual grant allocated to the 11 SWCD Technical Service Areas (TSAs). It is to be used by each TSA to provide engineering/technical services to help landowners to implement erosion control and water quality improvement practices. The allocation policy was adopted by the BWSR at their June 2005 Meeting. In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same). Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows: State = $96,727 per TSA (i.e. equal state funding). The Cost-Share Committee recommends approval of the FY06 Non-Point Engineering

** 05-69 Assistance Base Grant. Moved by Louise Smallidge, seconded by Quentin Fairbanks, authorized staff to allocate the FY06 Non-Point Engineering Assistance Base Grant according to these policies, to JPBs meeting program requirements. Motion passed on a voice vote.

Metro Surface Water Management Presentation – Steve Woods distributed a map showing the 37 Watershed Management Organizations (WMOs) in the Twin Cities metropolitan area. Steve gave an overview of the Metropolitan Surface Water Management Act and its requirement that the entire seven-county area be organized along watershed lines. Steve briefly summarized the history of "509" planning, our current practices which include three types of plans: watershed management plans; county water plans; and metro WMO plans; and explained future goals of the program --the plan, the process, coordination, and organization. LuAnn Tolliver suggested adding education as a component of this presentation. Chair Deal thanked Steve for his presentation.

2001- 2003 Minnesota Wetland Report – Dave Weirens reported that today, August 24, 2005, is the effective date of release of the "2001- 2003 Minnesota Wetland Report". Dave summarized the report, which includes data from BWSR, the MN Department of Natural Resources, MN Pollution Control Agency, MN

Department of Transportation, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S.D.A. Natural Resources Conservation Service, and the U.S.D.A. Farm Services Agency. The report includes data from multiple state and federal wetland programs; the report does not make policy recommendations; the report can be used to identify trends in program accomplishments. Discussion followed. Lisa Thorvig stated that the wetland quality issues and quantity issues need to be included. Ron Harnack stated that 10,000 acres would have been lost had WCA not been in place. Ron Harnack suggested that the report be referred to the Wetland Committee, (to be used as a forum) to consider what we really need, look at exemptions, are they still valid, look at mitigation ratios, look at some regulatory simplifications. The Wetland Committee would then bring recommendations to the full Board. Chair Deal thanked Dave for his presentation.

Brian Kletscher, newly appointed board member, Redwood County Commissioner, was introduced by Chair Deal.

Presentation on Recycling – Ginny Black, Melissa Wenzel, and Colleen Hetzel, PCA, were introduced. They presented information on recycling, reusing, and composting within PCA, and are eager to have BWSR assist in this effort.

AGENCY REPORTS

Department of Natural Resources - Wayne Edgerton reported that DNR has increased efforts on wildlife habitat on private lands. New staff will be hired for roadside management on public and private entities. Wayne reported that DNR is at the State Fair and encouraged board members to stop by the DNR Building.

Department of Health - Dan Wilson reported that the Department of Health benefited from the Legislative session by receiving continued funding for the drinking water program and well sealing program. Dan continues to see an increase in compliance efforts for the well sealing program. Dan reported that the Environmental Health Division will be moving to its new location on September 26; parking may be an issue.

Department of Agriculture - Perry Aasness reported that the Department of Agriculture will start the first phase of moving their office location in October and finish moving in November. Perry reported that the Legislature increased funding for ethanol testing grants; planning and zoning for agricultural; and odor research. Perry reported that Minnesota law requires that diesel fuel sold in Minnesota contain 2% biodiesel effective 30 days after 8 million gallons of state biodiesel production capacity is documented, but not before July 1, 2005. For this

reason, there is great interest in the completion of biodiesel production facilities in Albert Lea, Brewster, and Redwood Falls. Perry reported that MDA will be at the State Fair in the Horticulture Building; he encouraged board members to stop by the MDA booth.

Minnesota Extension Service - Jim Anderson reported that the University of Minnesota has appointed Charles Casey chancellor of the University of Minnesota, Crookston (UMC) and Bev Durgan dean and director of the University of Minnesota Extension Service. Both appointments will be brought before the Board of Regents on September 9. Jim reported that MES, in conjunction with BWSR, PCA and MDA, will hold watershed program sessions September 20-22, in Brainerd, Mankato and St Paul. Jim reported that MES is in the process of hiring a regional director to be selected in September.

Pollution Control Agency - Lisa Thorvig reported on the court decision regarding an Annandale/Maple Lake permit issue. The decision has significant statewide impact on water quality and permits for growth and economic development. PCA's decision was appealed by the appellate court. PCA will be holding applications due to the appellate court decision. Lisa reported that PCA was criticized in the press regarding mercury TMDLs. A stakeholder group will meet to discuss how PCA can issue permits, deal with lawsuits, and impaired waters. Lisa reported that a new TMDL in the southeast for fecal coliform, pet waste, and manure management. Lisa briefly commented on the contested case hearing regarding the Riley Purgatory Watershed District stormwater permit issue. Lisa reported that the Legislative session created a new agency – PCA merger with the Office of Environmental Assistance, same name, developing new logo and mission statement to be rolled out in the next few months.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Chair Deal reported that MAT's annual meeting will be held in Alexandria in late November. MAT requested that BWSR members and staff attend.

UPCOMING MEETINGS

- September 28-29, BWSR tour and meeting in Rice County.

The Southern Water Planning Committee will meet immediately following the Board meeting today. The RIM Reserve Easement Committee will also meet today immediately following the meeting.

** 05-70 Moved by Randy Kramer, seconded by Brian Kletscher, to adjourn the meeting. Motion passed on a voice vote. Chair Deal adjourned the meeting at 12:55 p.m.

Respectfully submitted,

Jerome Deal

Jerome Deal
Chair

PROPOSED FY 06 NPEA BASE GRANTS

BACKGROUND

The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the eleven NPEA Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices. For FY 06, the legislature again has appropriated $1.064 M for this Program.

At the June 2004 BWSR Meeting, a new delivery model and set of performance standards was approved that went into effect July 1, 2005 (FY 06).

ISSUE

The new delivery model includes new allocation policy for the 06 NPEA Base Grant as follows:

In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:

State = $96,727 per TSA (i.e. equal state funding) *TSA = $24,182*

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *fees for services (from landowners, or other sources)*
- *member SWCD cash contributions*
- *federal TSP funding*
- *federal grant funds*
- *other state programs*
- *gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

A short summary of TSA requests and funding recommendations is attached.

NOTE: Local Share sources to balance JPB budgets include the following:

Charging fees for services
SWCD contributions
Grants from other sources
Spending down JPB fund balances

RECOMMENDATION

The Cost Share Committee requests the Board to adopt the enclosed resolution authorizing BWSR staff to allocate these grants according to policies, to JPBs meeting program requirements.

H:06NPEABGBM

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 1

Grant Request	Match
$ 96,757.00	$ 24,373.00

Funding Recommendation: $96,727

Initiative Items

1 Pay administration expenses

Funding		
2006 NPEA Base Grant	$	30,000.00

2 Pay engineer/technician salaries

Funding		
2006 NPEA Base Grant	$	66,727.00
EQIP Funding	$	700.00
Red Lake WSD	$	15,000.00
Red River Regional Council	$	8,673.00
Total Budget	**$**	**121,100.00**

Technical Service Area 2

Grant Request	Match
$ 135,200.00	$ 33,800.00

Funding Recommendation: $96,727

Initiative Items

1 NPEA staff, member SWCD staff and Supervisors, and landowners will receive the benefit of Beltrami SWCD support staff through the Host District Manager and Bookkeeper. Additionally, other program support services that may be required to facilitate the NPEA program will be provided

Funding		
2006 NPEA Base Grant	$	25,200.00
Local Cash Match	$	6,300.00

2 NPEA staff will provide technical engineering assistance to landowners within NPEA Area 2 at the request of the local member SWCD. Results will be measured as to how promptly the service was provided, and how well the NPEA staff coordinated with the SWCD staff and landowners.

Funding		
2006 NPEA Base Grant	$	110,000.00
Local Cash Match	$	27,500.00
Total Budget	**$**	**169,000.00**

Technical Service Area 3

Grant Request	Match
$ 96,727.00	$ 75,198.00

Funding Recommendation: $96,727

Initiative Items

1 Personnel Expenses

Funding		
2006 NPEA Base Grant	$	96,727.00
CCLNS Local Fund	$	14,982.00

2 Operations

Funding		
2006 NPEA Base Grant	$	-
CCLNS Local Fund	$	20,216.00

3 Forestry Specialist

Funding		
2006 NPEA Base Grant	$	-
CCLNS Local Fund	$	40,000.00
Total Budget	**$**	**171,925.00**

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 4

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 24,182.00	$96,727

Initiative Items

1 Office and Field Equipment

Funding		
2006 NPEA Base Grant	$	-
NPEA Fund Match	$	6,200.00

2 Rent, Vehicle, Employees Exp, Equipment Repair, Supplies etc

Funding		
2006 NPEA Base Grant	$	-
NPEA Fund Match	$	12,180.00

3 Personal Services

Funding		
2006 NPEA Base Grant	$	96,727.00
NPEA Fund Match	$	4,352.00

4 Supplies

Funding		
2006 NPEA Base Grant	$	-
NPEA Fund Match	$	1,450.00
Total Budget	**$**	**120,909.00**

Technical Service Area 5

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 71,326.00	$96,727

Initiative Items

1 JP5 team is fully funded

Funding		
2006 NPEA Base Grant	$	-
NPEA Local Cash Match	$	71,326.00

2 Fund the team for continued conservationprogram delivery to landowners

Funding		
2006 NPEA Base Grant	$	96,727.00
Total Budget	**$**	**168,053.00**

Technical Service Area 6

Grant Request	Match	Funding Recommendation
$ 96,727.00	$ 24,182.00	$96,727

Initiative Items

1 Provide financial reports, supervision/coordination and performance reviews for employees

Funding		
2006 NPEA Base Grant	$	5,500.00

2 Engineering projects and technical assistance will be reported annually to BWSR. Funding will be used to pay salaries to employ the Engineer and Eng. Technician

Funding		
2006 NPEA Base Grant	$	91,227.00
IMPACK 6 - TSA	$	24,182.00
Total Budget	**$**	**120,909.00**

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 7

Grant Request $ 96,727.00 | Match $ 68,873.00

$96,727

Initiative Items

1 Administer and coordinate JPB as host district manager. Provide financial reports, budgets, supervision and coordination of staff peformance reviews for employees. Keep JPB board informed by scheduling and holding quaterly meetings.

Funding

2006 NPEA Base Grant	$ -
Local Cash	$ 5,500.00

2 Provide funding for joint powers technical staff and consulting engineer to service member SWCDs with engineering services in a competent and timely means; complete reports and data requests from the State on time; and participate in available training. Provide written quarterly reports to JPB.

Funding

2006 NPEA Base Grant	$ 96,727.00
Local Cash	$ 12,373.00

3 Maintain and operate overhead office needs, equipment and vehicle expenses

Funding

2006 NPEA Base Grant	$ -
Local Cash	$ 26,818.00
NPEA Cash Match Fund	$ 24,182.00
Total Budget	**$ 165,600.00**

Technical Service Area 8

Grant Request $ 96,727.00 | Match $ 67,905.00

$96,727

Initiative Items

1 To provide engineering, planning, design and construction inspection assistance statewide for a variety of nonpoint water quality management practices on private lands. Types of practices included feedlot runoff and manure storage improvements, vegetated filter strips, streambank and lakeshore erosion controls, water and sediment control basins, grassed waterways, terraces and wetland restorations.

Funding

2006 NPEA Base Grant	$ 5,500.00

2 Obtain consulting engineering services to secure engineering planning, design and construction inspection assistance for a variety of non-point source pollution water quality management practices on public or private land

Funding

2006 NPEA Base Grant	$ 71,227.00
2006 NPEAP Base Grant Match	$ 67,905.00

3 Obtain and maintain equipment to support the implementation of non-point source pollution control practices. Augment the technical capabilities of member staff, obtain training opportunities for staff.

Funding

2006 NPEA Base Grant	$ 20,000.00
Total Budget	**$ 164,632.00**

2006 NPEA Base Grant Summary of Applications
August 8, 2005

Amount Available $1,063,997
Amount Requested $1,102,470

Funding Recommendation

Technical Service Area 9

Grant Request $ 96,727.00 — Match $ 24,182.00

$96,727

Initiative Items

1 Pay Senior Tech Salary and Support Expenses for F.Y. 2006 (July 1, 2005- June 30, 2006)

Funding

2006 NPEA Base Grant	$	96,727.00
2006 Local Cash Match	$	24,182.00
Total Budget	**$**	**120,909.00**

Technical Service Area 10

Grant Request $ 96,727.00 — Match $ 43,273.00

$96,727

Initiative Items

1 Pay engineers salary

Funding

2006 NPEA Base Grant	$	46,207.00
Local Cash Match	$	15,402.00

2 Other Services and Charges

Funding

2006 NPEA Base Grant	$	16,972.00
Local Cash Match	$	16,688.00

3 Pay technicians salary

Funding

2006 NPEA Base Grant	$	33,548.00
Local Cash Match	$	11,183.00
Total Budget	**$**	**140,000.00**

Technical Service Area 11

Grant Request $ 96,727.00 — Match $ 77,816.00

$96,727

Initiative Items

1 Reimburse Host and Fiscal SWCD for program administration as allowed: $5500

Funding

2006 NPEA Base Grant	$	5,500.00

2 Replace truck for one engineer

Funding

2006 NPEA Base Grant	$	27,000.00

3 Employ 2 full time engineers

Funding

2006 NPEA Base Grant	$	43,394.00
2005 NPEA Challenge Grant	$	46,807.00
206 EPA 319 funds	$	77,816.00

4 Employment related expenses including mileage, training and rent

Funding

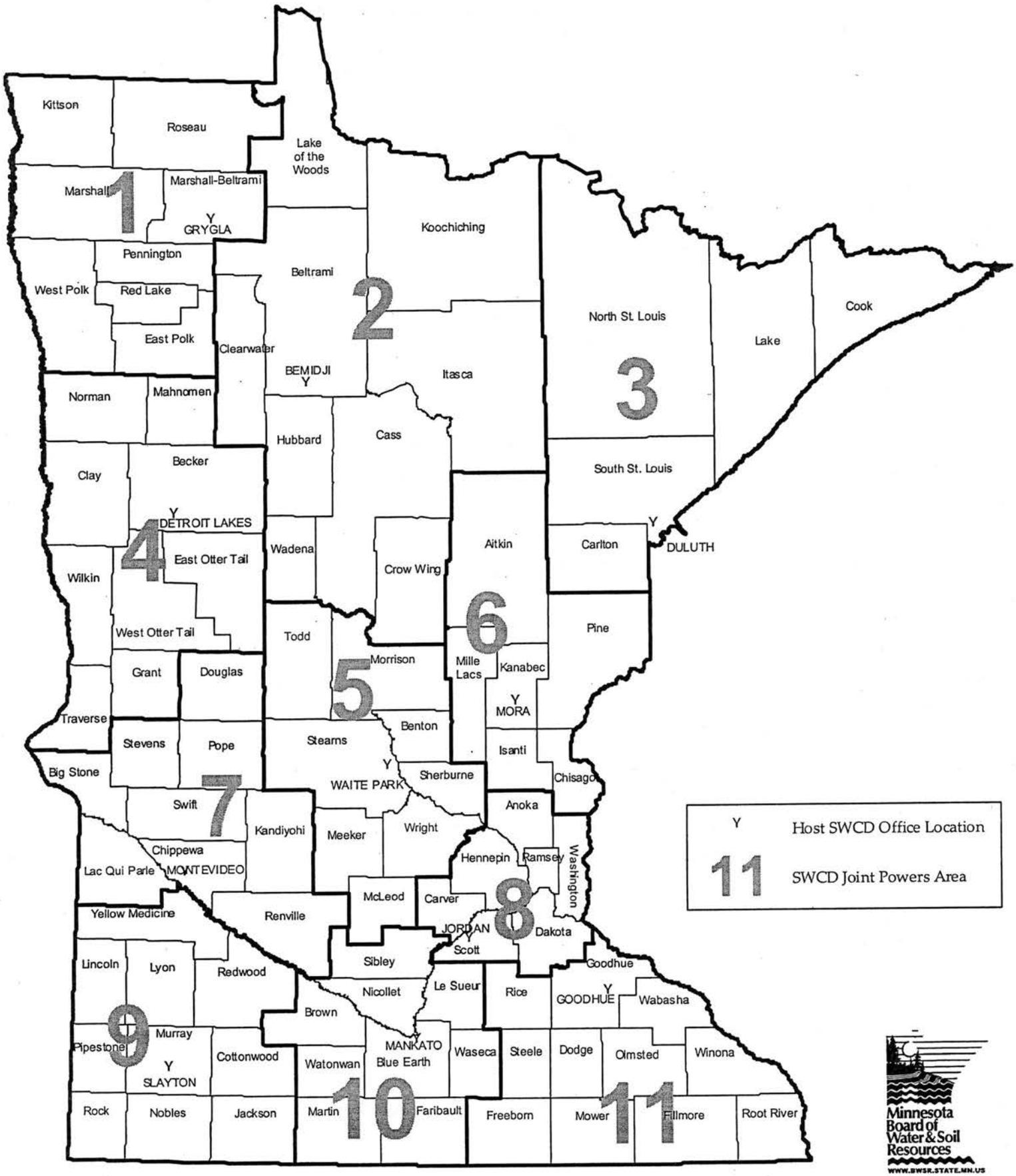
2006 NPEA Grant	$	17,700.00
2006 EPA 319 Funds	$	-

5 Upgrade AutoCAD from 2002 to 2006 for 2 licenses; plus misc supplies

Funding

2006 NPEA Base Grant	$	3,133.00
2006 EPA 319 Funds	$	-
Total Budget	**$**	**221,350.00**

Nonpoint Engineering Assistance Program



Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

January 2003

Board Resolution #_____

FY 06 Non Point Engineering Assistance Base Grant Authorization

WHEREAS, the Non Point Engineering Assistance (NPEA) Base Grant, administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to SWCD Joint Powers Boards for providing technical assistance to landowners to apply conservation practices; and,

WHEREAS, Minnesota Legislature, by S. F. No. 69, 2nd Engrossment – 2005 1st Special Session, has appropriated NPEA Base Grant funds to BWSR; and,

WHEREAS, the BWSR has adopted the following NPEA Base Grant allocation policies;

In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:
State = $96,727 per TSA (i.e. equal state funding) *TSA = $24,182*

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *Fees for services (from landowners, or other sources)*
- *Member SWCD cash contributions*
- *Federal TSP funding*
- *Federal grant funds*
- *Other state programs*
- *Gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 06 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:05NPEABGR

Dispute Resolution Report
August 10, 2005
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. There has been two new appeals filed since the last report dated June 9.

File 05-15. This is a new appeal of a Restoration Order in St. Louis County. Over one-half acre of Type 8 wetland was filled for development of a single family residence. The fill is over 10 feet deep in some areas. The area of fill is near a lake classified as natural environment, but the area of fill is not within the shoreland wetland protection zone. Other zoning violations also exist. No decision has been made on the appeal.

File 05-14. This is a new appeal of a Restoration Order in Kandiyohi County. At issue is the placement of fill in approximately 7.39 acres of wetlands and also excavation in wetlands. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and a pre-hearing conference was held. The appeal is presently is abeyance to allow additional field work to be completed.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted,

the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance pending the landowner considering Corps of Engineers requirements for the project.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation this spring and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

Appeals Filed in 2004 (All WCA)

File No. 04-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Waseca	MNDOT	Denied as meritless and brought for purposes of delay NOTE: appealed to Court of Appeals-affirmed, appealed to MN Supreme Court-not accepted
2	Exemption	Morrison	SWCD	Accepted, replacement plan application submitted, LGU again denied, denial appealed as 05-3, appeal 05-3 accepted and combined with 04-2, resolved with approval of replacement plan using wetland banking credits
3	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
4	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
5	Replacement Plan	Sherburne	County	Withdrawn
6	Replacement Plan	Sherburne	County	Withdrawn
7	Replacement Plan	Sherburne	County	Withdrawn
8	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
9	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
10	Exemption	Kanabec	County	Denied as meritless
11	Restoration Order	Douglas	SWCD	Denied, Restoration Order Affirmed
12	Restoration Order	Chisago (North Branch)	County	Denied, Restoration Order Affirmed
13	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
14	Exemption	Scott (Prior Lake)	City	Denied as meritless
15	Boundary and Type	Anoka (Blaine)	Rice Creek WD	Remanded
16	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
17	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Remanded, LGU again approved, approval appealed as 05-1, appeal 05-1 accepted and combined with 04-17
18	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
19	Impoundment of water – cannot be appealed	Pine	SWCD	Denied
20	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
21	No-Loss	Traverse	SWCD	Resolved-stipulated agreement
22	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
23	Exemption	Kittson	SWCD	Abeyance

24	Restoration Order	Otter Tail	SWCD	Denied, Restoration Order Affirmed
25	Exemption	Wright (Albertville)	City	Accepted, pre-hearing held
26	Restoration Order	Scott County	SWCD	Pending
27	Exemption	Cass	County	Remanded
28	Replacement Plan	Hubbard	County	Denied
29	Restoration Order	Roseau	SWCD	Abeyance
30	Replacement Order	Wilken	SWCD	Denied, Replacement Order Affirmed
31	Restoration Order	Rice	SWCD	Denied, Restoration Order Affirmed
32	Replacement Plan	Hubbard	County	Denied
33	Restoration Order	Beltrami	SWCD	Denied, Restoration Order Affirmed

Updated 8/10/05

Appeals Filed in 2005 (All WCA)

File No. 05-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Appeal accepted, combined with 04-17, pre-hearing held and continued
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Appeal accepted, combined with 04-2, resolved with approval of replacement plan using wetland banking credits
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
7	Restoration Order	Morrison	SWCD	Denied, Restoration Order Affirmed
8	Restoration Order	Roseau	SWCD	Denied, Restoration Order Affirmed
9	Restoration Order	St. Louis (Hibbing)	City	Denied, Restoration Order Affirmed
10	Restoration Order	St. Louis (Proctor)	City	Denied, Restoration Order Affirmed
11	Replacement Plan	Dakota (Eagan)	City	Denied as meritless
12	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
13	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
14	Restoration Order	Kandiyohi	County	Pending
15	Restoration Order	St. Louis County	County	Pending

Updated 8/10/05

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Petition for Boundary Change for Coon Creek and Rice Creek Watershed Districts

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota

In the Matter of the Boundary Change for the Coon Creek Watershed District and the Rice Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

ORDER BOUNDARY CHANGE

Whereas, the Coon Creek Watershed District filed a Petition dated May 27, 2005 with the Board of Water and Soil Resources (Board) on June 1, 2005, to change the boundary of the Coon Creek Watershed District (CCWD) and the Rice Creek Watershed District (RCWD) pursuant to Minn. Stat. § 103B.215, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the CCWD and the RCWD was filed by the CCWD Board of Managers with the Board on June 1, 2005.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Ham Lake in Anoka County entirely within the metropolitan area and totals approximately 40 acres. The Petitioned Area would be transferred from the RCWD to the CCWD. The Petitioned Area is depicted on a map attached to the Petition and further identified as the SE 1/4 of the SE 1/4 of Section 36, T. 32N, R.23W, PIN 36 32 23 44 0001.

3. **Reasons for Boundary Change.** The Petition states: The Petitioned Area is bordered by a ditch on the south and east sides. The ditch drains to the north to County Ditch No. 44. County Ditch No. 44 is under the jurisdiction of the CCWD. The Petitioned Area is within the hydrologic boundary of the CCWD. The City of Ham Lake requested the boundary change. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. § 103B.215, Subd. 2, item c from the City of Ham Lake and the RCWD were submitted with the Petition.

5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the RCWD. The RCWD currently has jurisdiction over the Petitioned Area.

6. **Notice of Filing.** Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on June 24 and July 1, 2005. Further, a copy of the hearing notice was mailed to several addressees including the Anoka County Auditor, the Mayor of the City of Ham Lake, the Anoka Conservation District, the RCWD and the CCWD.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

8. **Metro Water Planning Committee.** Based on the record in this matter, the Board's Metro Water Planning Committee in a unanimous decision recommend to the full Board that the requested boundary change be approved because the Petitioned Area is within the hydrologic boundary of the CCWD, the change is consistent with the purposes and requirements of the Metropolitan Surface Water Management Act in Minn. Stat. §§ 103B.205 to 103B.255, the change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and the governing bodies of the City of Ham Lake and the RCWD concur in the requested boundary change.

CONCLUSIONS

1. The Petition for boundary change of the Coon Creek Watershed District and the Rice Creek Watershed District is valid in accordance with Minn. Stat. § 103B.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The territory included in the requested boundary change is within the hydrologic boundary of the Coon Creek Watershed District.

5. The governing bodies of the City of Ham Lake and the Rice Creek Watershed District concur in the requested boundary change.

6. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

8. The proposed boundary change should be approved per the Petition.

ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District and the Rice Creek Watershed District are changed per the Petition. The Southeast one-quarter of the Southeast one-quarter of Section 36, Township 32 North, Range 23 West, PIN 36 32 23 44 0001, in the City of Ham Lake, Anoka County, is hereby transferred from the Rice Creek Watershed District to the Coon Creek Watershed District.

Dated this 24th day of August, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

MEMORANDUM

DATE: August 15, 2005

TO: BWSR North Region Water Management Plan Review Committee

FROM: Bill Best, Board Conservationist

SUBJECT: Review of Hubbard County Priority Concerns Scoping Document (PCSD)

The Hubbard Soil and Water Conservation District (SWCD) is responsible for the administration of the Local Water Management (LWM) Plan for Hubbard County. The update process began on September 15, 2004, when Hubbard County passed a resolution to update the county's LWM plan. The current plan's effective date will expire on December 31, 2005.

The county prepared and submitted in late September of 2004 to the state review agencies and adjacent counties a "Notice of Decision to Revise and Update the Hubbard County Local Water Plan". The notice requested that water and related land resource plans & official controls, and water related priority issues and concerns, be submitted to the county by November 10, 2004. The SWCD also, in their Fall 2004 newsletter "Focus", included a Hubbard County Citizen Survey to solicit citizen input into the development of the county's priority concerns.

Hubbard County received state agency priority concern input statements from the MDH, DNR, and the BWSR.

- The MDH concerns were to protect drinking water sources, sealing unused and/or unsealed wells, and the development of a ground water quality database.
- The DNR listed concerns with high levels of nitrates in the groundwater and drinking water supplies, the need for the protection of shoreland and river corridors, and the need to address point and non-point source pollution.
- BWSR concerns were the need to develop a wetland management plan and ordinance, increased storm water and non-point erosion from commercial and residential construction, and the impact of increased development on the county's lakes, rivers, and wetlands.

The SWCD received 7 citizen responses and a response from Thorpe Township. Concerns from the citizen survey were tabulated and were ranked by importance. The top issues identified by citizens were contaminated runoff, development pressure, natural habitat destruction, and declining water quality. Ranking of

citizen concerns by the broad categories of ground water, wetlands, lakes, and streams showed that lakes & streams were their number one concern.

The WRAC discussed how many government entities were already addressing many of the priority concerns submitted by the agencies and public. These concerns were considered by the county to be important and that they may become a higher priority concern in the next local water management plan update.

The following is a list of the Priority Concerns chosen by Hubbard County.

Priority Concern 1: **Ground Water-Based Drinking Water Protection.**
Priority Concern 2: **Surface Water Quality and Quantity Protection.**
Priority Concern 3: **Wetlands and Habitat Protection**.

In early June of 2005 Hubbard County submitted its PCSD to the BWSR for final agency review and approval. The MDH, MPCA, EQB, DNR, and MDA sent letters stating that their agency concurred with the priority concerns developed by Hubbard County. One agency did offer comments to be considered when preparing the water plan update. The MPCA stated that the plan update should make mention of the ongoing water quantity issues associated with the Mantrap Chain of Lakes. Also, the county should reference its participation in the North Central Lakes Pilot Project, one of four projects under the Governors Clean Water Initiative.

Based on my review of the Hubbard County PCSD I have determined that the document does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1– 4.

Minnesota Board of Water & Soil Resources

August 24, 2005

Hubbard County Commissioners
C/O Alicia Laturnis
Hubbard Soil and Water Conservation District
212 1/2 - 2nd Street W.
Park Rapids, MN 56470

RE: Official Comments pertaining to the State Review of the Hubbard County Priority Concerns Scoping Document.

Dear Hubbard County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Hubbard County has chosen to address in the update of their Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, were sent the Hubbard County Priority Concerns Scoping Document (PCSD) in late May, 2005 and asked that comments be sent by June 25, 2005 to Ron Shelito, BWSR Northern Region Supervisor.

A number of water resource concerns were submitted to the Hubbard County Water Resources Advisory Committee (WRAC). The WRAC chose the following priority concerns that will be addressed in the Water Plan Revision.

Priority Concern 1: Ground Water-Based Drinking Water Protection.
Priority Concern 2: Surface Water Quality and Quantity Protection.
Priority Concern 3: Wetlands and Habitat Protection.

The MDH, DNR, EQB, and MDA sent letters stating that their agency concurred with the priority concerns developed by Hubbard County.

The Minnesota Pollution Control Agency concurs with the priority concerns identified and offers the following comments for consideration when drafting the LWM Plan:

- That the plan update should make mention of the ongoing water quantity issues associated with the Mantrap Chain of Lakes.

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fax (218) 755-4201

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Duluth
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Duluth, MN 55802
phone (218) 723-4752
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Fergus Falls
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Fergus Falls, MN 56537
phone (218) 736-5445
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New Ulm
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phone (507) 359-6074
fax (507) 359-6018

Rochester
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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

- The county should reference its participation in the North Central Lakes Pilot Project, one of four projects under the Governors Clean Water Initiative.

On August 10, 2005, the Northern Region Water Planning Committee (hereinafter referred to as the committee) met with the Hubbard SWCD Administrator to discuss Local Water Management activities within Hubbard County, the process used to gather input on priority concerns, the content of the PCSD, the state review agencies comments, and recommendations for the content of the final plan.

The committee approves the Hubbard PCSD with the following recommendations:

- That the Hubbard County Water Planning staff and committee participate actively in the proposed county-wide zoning process to manage development for water quality protection.
- The County is strongly encouraged to adopt no longer than a five year plan due to the growth potential in Hubbard County.
- The committee encourages the county to submit the final water plan to BWSR for approval within six months of receiving this letter.

Based on the committee's recommendations, the Board of Water and Soil Resources commends the county on the process they used to select the priority concerns. The priority concerns to be addressed in the plan were deemed to be appropriate for Hubbard County and does not recommend or require any changes to the PCSD as submitted.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

Cc: Bill Best, BWSR
Ron Shelito, BWSR
Beth Kluthe, MDH
Becky Balk, MDA
Mike Carroll, DNR
Lisa Thorvig, MPCA
Sara Bertelson, EQB

Date: July 25, 2005

To: BWSR Northern Subcommittee

From: Keith R. Grow
Board Conservationist
Brainerd Field Office

Subject: Review of Mille Lacs County Priority Concerns Scoping Document (PCSD)

The Mille Lacs County Board of Commissioners adopted the original Local Water Management Plan (LWMP) on July 21, 1992 under the authority of M.S. 1990, Section 103B.301, which was approved by the Minnesota Board of Water and Soil Resources on August 26, 1992 pursuant to M.S. 1990, Section 103B.315, Subd.5. On January 21, 2003, the Mille Lacs County Board passed a resolution to update and revise their third generation Comprehensive Local Water Management plan (CLWMP).

In the fall of 1989, the Mille Lacs County Board of Commissioners voted unanimously to begin the water planning process. In doing so, they delegated the Mille Lacs Soil and Water Conservation District in conjunction with the advisory committee to administer and implement the program.

The Priority Concerns Scoping Document focuses on the Mille Lacs Lake Watershed and Rum River Watershed with specific concern in the Anoka Sandplain. The (PCSD) identifies the following priority concerns to be addressed in the Water Plan revision:

1. The cumulative effects of Development on Surface and Groundwater.
   * *This priority concern focuses on a coordinated holistic approach to development with particular focus and lakes and rivers.*
2. Development of TMDLs for Impaired Waters in Mille Lacs.

The Mille Lacs (CLWMP) process included the following actions:

- In January of 2004, the Advisory Committee initiated by-laws, which provided guidelines for the updating process.
- Written notice was sent out on March 30, 2004 to all interested parties informing them of the intent to update the (CLWMP), and offered membership on the Advisory Committee.

- A request and agency input survey was sent to County Boards of the adjacent counties, all townships, municipalities, DNR, MPCA, MDH, MDA, BWSR and EQB.
- A follow-up request for input and concerns was presented at the Mille Lacs County Association of Townships meeting.
- Phone contacts were made and newspaper articles published.
- Three public information meetings were held throughout the county.

The following priority concerns were submitted:

Local Comments

Comments were received from six townships, ag producers, rural residents, two cities, and the Mille Lacs County Health Department. Their suggested priority concerns included the following issues:

- Shoreland development.
- Long-term viability of development/housing density.
- Surface water quality, specifically ISTS compliance as it relates to lakes and subdivisions with special consideration given to Mille Lacs Lake.
- Excessive use of chemicals.
- Farming and Best Management Practices including manure management.
- Long-term planning that addresses compatibility of farming and development.
- Abandon wells; locate and seal in high priority areas.

Agency Comments

The following priority concerns were submitted by state agencies as required:

- EQB: Groundwater contamination; Mille Lacs County contains areas of high to medium groundwater contamination susceptibility. (TMDL)
- MPCA: Impaired waters/total maximum daily loads (TMDL); stormwater/BMPs, particularly in riparian areas; feedlot compliance; protection of shoreland/riparian areas.
- MDH: Drinking water protection, 1) well head protection planning; 2) non-community public water supply systems and inner well management zone; and 3) monitoring and testing of private wells; ISTS compliance
- BWSR: Surface water quality and development adjacent to riparian areas; erosion control and water quality impacts on recreational lands; erosion control and nutrient management.
- DNR: Basin monitoring for water quantity and quality information; improve nutrient management and water quality parameters; ground water availability as it relates to landuse activities; minimize storm water discharges from developing areas.

On May 18, 2005 Mille Lacs County advisory committee submitted the PCSD based on comments and concerns submitted. The two agreed to priority concerns focused on common themes indicated in the review process.
On May 19, 2005, Ron Shelito, Northern Regional Supervisor, sent the PCSD to the required state agencies for review and comment. He requested returned comments by June 18, 2005.

Responses to the PCSD as of July 28, 2005 were as follows:

- MDA: 5-19-05, MDA does not have any additional comments other than the plan looks good.
- MPCA: 6-9-05, the MPCA concurs with the priority concerns identified and offered the following comments for consideration when drafting the Local Water Management (LWM) plan:

    1. Consider identifying local water bodies for development of monitoring plans or a more comprehensive assessment of water quality.
    2. Identify local waters of concern for water quality monitoring by state agencies.

Mille Lacs County advisory committee has done an excellent job in obtaining input into their water planning process. The PCSD focuses on specific watersheds and landuse activities to be addressed within those watersheds. I conclude the guidance requirements are met and recommend the subcommittee approve the PSCD as submitted.

Minnesota Board of Water & Soil Resources

August 25, 2005

Mille Lacs County Commissioners
C/O Susan Shaw
Mille Lacs County Soil and Water Conservation District
900 5th Street SW
Milaca, MN 56353

SUBJECT: Official Comments pertaining to the State Review of the Mille Lacs County Priority Concerns Scoping Document.

Dear Mille Lacs County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Mille Lacs County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, received the Mille Lacs County Priority Concerns Scoping Document (PSCD) on May 18, 2005. The Northern Water Planning Committee (hereinafter referred to as Committee) met on August 10, 2005 to discuss the state review agencies comments, the content of the PCSD and recommendations for the content of the final plan.

The Committee commends the county for the process they used to select the concerns.and does not recommend or require any changes or offer any to the priority concerns selected to be addressed in the plan.

The Committee offers no specific suggestions to be considered in the development of the final plan, but encourages the county to submit the final plan for board approval within (6) months of receiving this letter.

Sincerely,

Jerome Deal
Chair, Board of Water and Soil Resources

c: Ron Shelito, BWSR
David Weirens,BWSR
Keith R. Grow, BWSR
Kathleen Wallace, DNR
Art Persons, MDH
Becky Balk, MDA
Lisa Thorvig, MPCA
Sara Bertelsen, EQB

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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of prescribing a Revised Watershed Management Plan for the **Pelican River Watershed District** pursuant to Minnesota Statutes Section 103D.405

ORDER PRESCRIBING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Pelican River Watershed District (PRWD) filed a proposed Revised Watershed Management Plan (Plan) dated April 6, 2005 with the Minnesota Board of Water and Soil Resources (Board) on April 11, 2005 pursuant to Minnesota Statutes Section 103D.405, 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. **District Establishment.** The Minnesota Water Resources Board, by order, established the PRWD on May 27, 1966.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management within the District.

3. **Nature of the Watershed.** The PRWD is approximately 120 square miles in size and is located in west central Minnesota. Lands within the District are distributed in the following counties: Becker (95%) and Otter Tail (5%), including the upper reaches of the Pelican River which eventually drains to the Otter Tail and Red Rivers. The City of Detroit Lakes is centrally located within the District. From inception, the District's focus has been to protect and improve the water quality of its lakes.

4. **Local Review.** The PRWD sent a copy of the draft Plan to units of government for their review pursuant to Minnesota Statutes Section 103D.405.

5. **Department of Natural Resources Review.** The District acknowledged regional DNR staff as having made notable contributions in guiding District staff and managers as this plan was revised. Comments dated June 16, 2005, submitted by the DNR in response to the proposed Plan consisted of commending the District for the effort in preparing the plan and development of Lake Water Quality Management Areas. The DNR stated the plan will be a practical tool to use in managing the water resources of the District.

6. **Board of Water and Soil Resources Review.** The District acknowledged Board staff as having made notable contributions in guiding District staff and managers as this plan was revised. Board staff provided numerous minor comments primarily specifying items that either needed further clarification or corrections. The majority of the comments was so noted by the Watershed District and will be incorporated into the plan.

7. **Highlights of the Plan.**
    - To protect the water quality of District lakes, the District must ensure wise decisions are made concerning the management of streams, wetlands, lakes, groundwater and related land resources, which affect these lakes.
    - The District's overriding water quality goals are:
        - The water quality in District lakes shall not be further degraded.
        - Water quality for any lakes classified as eutrophic shall be improved to mesotrophic.
    - The District has adopted a two-tier strategy in designing its action plan:
        - Tier 1. District-wide actions will consist of education, water quality monitoring, best management practices to reduce phosphorus and sediment, regulation, lake management planning, septic system management, and ditch management.
        - Tier 2. Actions for specific subwatersheds, called Lake Water Quality Management Areas, will more efficiently and completely address the different specific problems facing different lakes. Eight Lake Water Quality Management Areas are identified based on the following criteria: physical attributes, water quality attributes or problems, subwatersheds contributing to nutrient loads, development characteristics and contiguity.

8. **Publish Notice of Filing.** Legal Notice of Filing was published in the Detroit Lakes Tribune on June 26, 2005 and the Becker County Record on June 29, 2005. The Legal Notice of Filing was also mailed in a letter from Board staff Jim Haertel dated June 22, 2005 to several addressees including the Becker and Otter Tail County Auditors and Boards of Commissioners, the Becker and East Otter Tail Soil & Water Conservation Districts, and cities with land in the District.

9. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Sections 103D.105, Subd. 2 and 103D.405, Subd. 5, which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.

10. **Northern Water Planning Committee Meeting.** On August 10, 2005, the Board's Northern Water Planning Committee and staff met with representatives from the PRWD in Detroit Lakes to review and discuss the Plan. Those in attendance from the Board's Committee were Jerome Deal, Kay Cook, and Paul Krabbenhoft. Board staff in attendance were Ron Shelito, Regional Supervisor, and Pete Waller, Board Conservationist. Representing the PRWD were Richard Hecock, Senior Advisor, Tera Guetter, Administrator, and District Board Managers Dennis Kral, Ginny Imholte, William Jordan, Robert Mullikin and David Brainard. Board staff recommended approval of the Plan. After discussion, the subcommittee unanimously voted to recommend approval of the Pelican River Watershed District Overall Plan to the full Board.

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 Revised Watershed Management Plan for the Pelican River Watershed District pursuant to Minnesota Statutes Section 103D.405.

3. The Pelican River Watershed District Revised Watershed Management Plan attached to this Order defines water-related problems within the District boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Chapter 103D, Board guidelines for Watershed District Plan content and is consistent with the affected county comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan as the Revised Watershed Management Plan for the Pelican River Watershed District.

Dated at Saint Paul, Minnesota this 24th day of August 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

NEW BUSINESS

1. Public Hearing on Petition for Termination of Cooks valley Watershed District

2. FY 06 Non-Point Engineering Assistance Base Grant

4. 2001-2003 Minnesota Wetland Report

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

In the Matter of the Termination Petition for the Cooks Valley Watershed District in Wabasha County pursuant to Minn. Stat. § 103D.271.

ORDER TERMINATION HEARING

Whereas, 74 resident owners in the Cooks Valley Watershed District in Wabasha County filed a Petition dated June 10, 2005, with the Board of Water and Soil Resources (Board) on June 28, 2005, to terminate the watershed district pursuant to Minn. Stat. § 103D.271, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Termination Petition Filing.** The Petition dated June 10, 2005, was filed with the Wabasha County Auditor on June 21, 2005 and the Board on June 28, 2005 as required by Minn. Stat. § 103D.271, Subd. 4 (b).

2. **Certification of Petitioner Signatures.** On June 21, 2005, Jerry Leisen, Wabasha County Auditor/Treasurer, pursuant to Minn. Stat. § 103D.271, Subd. 5, based upon his inspection of the Petition, certified that at least 25 percent of the resident owners residing in the Cooks Valley Watershed District signed the Petition.

3. **Property Description.** The territory of the Cooks Valley Watershed District is in Wabasha County in all or parts of the Townships of Glasgow, Greenfield, Highland, Minneiska and Watopa.

4. **Petitioner's Bond.** The Petitioner's filed a bond, pursuant to Minn. Stat. § 103D.271, Subd. 6, with the Board on June 28, 2005. The bond in the amount of $2,000.00 is for the payment of all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

5. **Reasons for Termination.** The Petition lists the following:

   a. The Cooks Valley Watershed District was established on December 9, 1963

   b. The Cooks Valley Watershed District has had no new projects started or taxes levied within the past 25 years.

   c. No inspection or maintenance programs have been maintained by the Cooks Valley Watershed District.

   d. Currently, there is no active appointed board of managers for the Cooks Valley Watershed District.

   e. The continued existence of the Cooks Valley Watershed District does not benefit the public welfare and public interest, and the Cooks Valley Watershed District is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D.

6. **Hearing Panel.** Board members _____ should preside over the public hearing and meet as necessary in order to bring a recommendation to the Board.

7. **Hearing Location.** The public hearing should be held at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota. The facility is located slightly outside the watershed district boundaries and within the City of Wabasha. Part of the City of Wabasha is located within the watershed district boundaries. The facility is handicap accessible.

8. **Hearing Time.** The hearing should take place on Tuesday, September 27, 2005 starting at 6:30 PM.

CONCLUSIONS

1. The Petition for termination of the Cooks Valley Watershed District is valid in accordance with Minn. Stat. § 103D.271.

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

3. The Board has proper jurisdiction in the matter of ordering a public hearing on the termination of the Cooks Valley Watershed District.

4. The public hearing on the Petition for Termination of the Cooks Valley Watershed District should be heard by Board members _____ at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota on Tuesday, September 27, 2005 starting at 6:30 PM.

ORDER

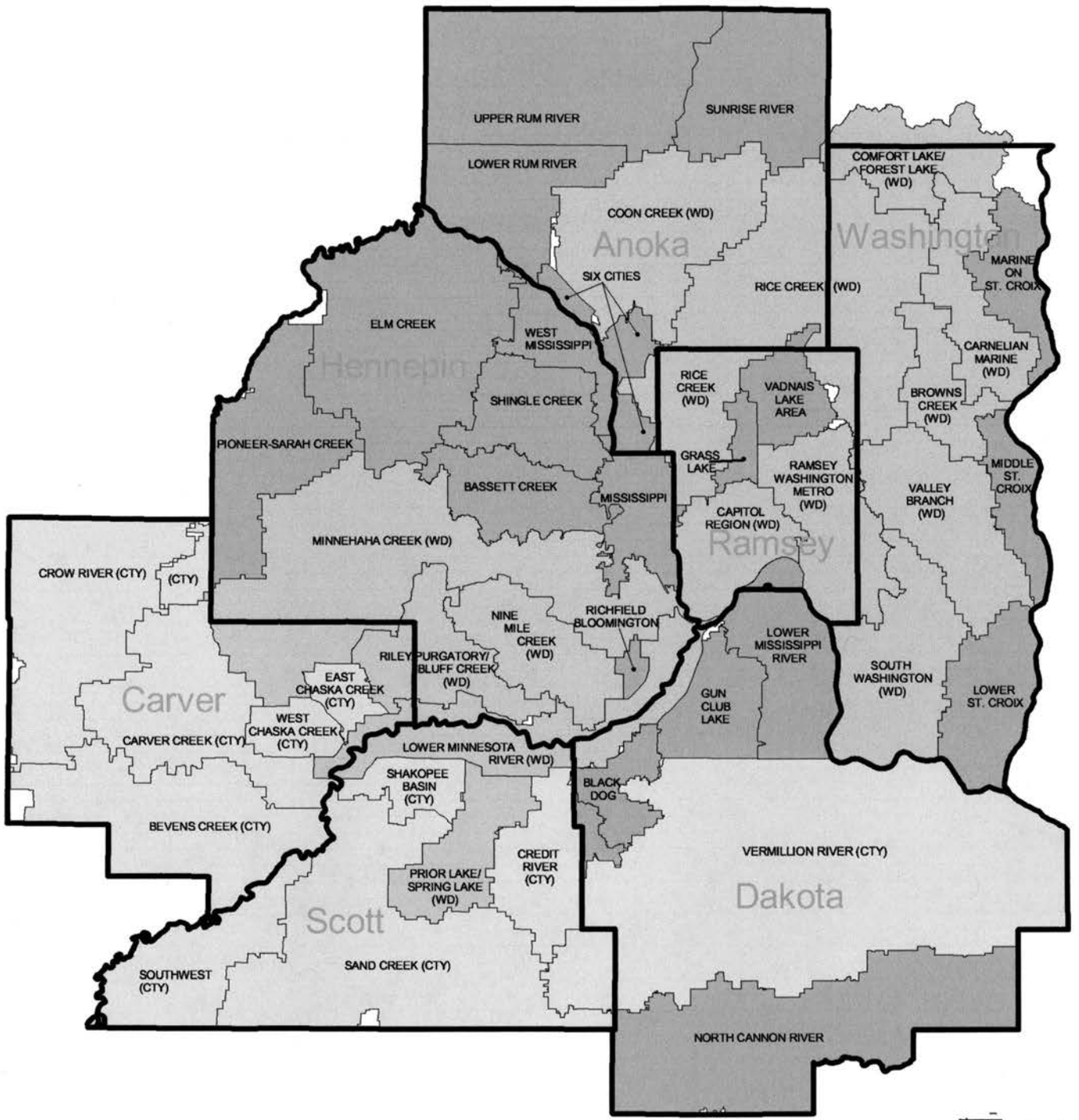
The Board hereby orders that the hearing on the Petition for Termination of the Cooks Valley Watershed District be heard by Board members _____ at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota on Tuesday, September 27, 2005 starting at 6:30 PM.

Dated at Saint Paul, Minnesota this 24th day of August, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

Watershed Management Organizations
in the
Twin Cities Metropolitian Area
March, 2005



Planning and Implementation of 103B.201

- **Watershed District**
- **Joint Powers WMO's**
- **County**

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Minnesota Statutes 2004, Table of Chapters

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103B.201 Metropolitan water management program purpose.

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

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

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

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

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

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

(6) promote groundwater recharge;

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

(8) secure the other benefits associated with the proper management of surface and ground water.

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

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Board Resolution # 05-69

FY 06 Non Point Engineering Assistance Base Grant Authorization

WHEREAS, the Non Point Engineering Assistance (NPEA) Base Grant, administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to SWCD Joint Powers Boards for providing technical assistance to landowners to apply conservation practices; and,

WHEREAS, Minnesota Legislature, by S. F. No. 69, 2nd Engrossment – 2005 1st Special Session, has appropriated NPEA Base Grant funds to BWSR; and,

WHEREAS, the BWSR has adopted the following NPEA Base Grant allocation policies;

In the first year, the local share will be equivalent to 25% of the agreed upon state financial share (or, 20% of the total contract amount. Both amounts are the same).

Given the existing level of funding, and assuming that each TSA requests the maximum in state resources, then the state and local shares for the first year shall be as follows:
State = $96,727 per TSA (i.e. equal state funding) *TSA = $24,182*

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- *Fees for services (from landowners, or other sources)*
- *Member SWCD cash contributions*
- *Federal TSP funding*
- *Federal grant funds*
- *Other state programs*
- *Gifts and donations*

All state NPEA program grant and local share dollars must be used within the two-year grant period.

NOW THEREFORE, the BWSR hereby authorizes staff to allocate the FY 06 NPEA Base Grants according to these policies, to JPBs meeting Program requirements.

Jerome Deal

Date: 8/24/05

Jerome Deal, Chair
Board of Water and Soil Resources

H:05NPEABGR



Minnesota Wetland Report 2001-2003 DRAFT 8/15/05

Minnesota Wetland Report 2001-2003

- Includes data from multiple state and federal wetland programs
- Does not make policy recommendations
- Can be used to identify trends in program accomplishments

Minnesota Wetland Report 2001-2003

Includes data from:

- MN Board of Water and Soil Resources
- MN Department of Natural Resources
- MN Pollution Control Agency
- MN Department of Transportation
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- U.S.D.A. Natural Resources Conservation Service
- U.S.D.A. Farm Services Agency

Table 2

REPORTED WETLANDS AVOIDED, MITIGATED, RESTORED, & IMPACTED FROM WCA REGULATION 2001-2003				
WCA Activity	2001	2002	2003	Totals
Number of Landowner Contacts to LGUs	17,086	18,507	17,561	53,145
Avoided/ Minimized (in acres)	3,943	3,052	3,150	10,145
Impacted (in acres)	(273)	(330)	(383)	(986)
Replacement (in acres)	535	347	584*	1,466[1]
Exempt (in acres)	(610)	(619)	(479)	(1,708)
Impact + Exempt	(883)	(949)	(862)	(2,694)
Impact + Exempt – Replacement = Net Loss	(348)	(602)	(417)	(1,367)

Source: BWSR

[1]Does not include a net balance of 464 acres of wetlands in the wetland bank during 2001-2003
* Total includes 139 acres of upland public value credits

- LGU's manage major WCA workload
- WCA provides significant wetland protection

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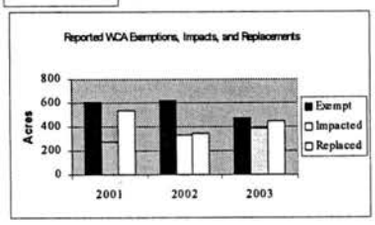
Table 3

NUMBER OF WCA IMPACTS BY SIZE						
	0-0.2 ac.	0.21-0.5 ac.	0.51-1.0 ac.	1.1-3.0 ac.	>3.0 ac.	Annual Totals
2001	1,632 (60.7%)	501 (18.6%)	270 (10.0%)	140 (5.2%)	145 (5.4%)	2,688
2002	1,573 (58.2%)	555 (20.5%)	269 (9.4%)	170 (6.3%)	144 (5.3%)	2,701
2003	1,450 (51.7%)	744 (26.5%)	257 (9.2%)	212 (7.6%)	142 (5.1%)	2,805
Totals	4,655 (57.2%)	1,800 (22.0%)	786 (9.6%)	522 (6.4%)	431 (5.3%)	8,194

- More than 85% of all WCA regulated impacts are less than 1 acre in size

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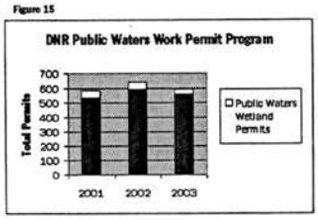
Figure 2



- WCA required wetland mitigation more than offsets regulated impacts
- Data on exemptions while incomplete, results in a wetland loss under WCA

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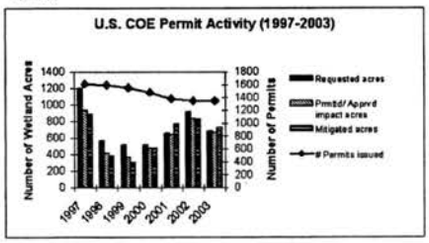
Figure 15



- DNR permitted wetland activity is minor part of the Public Waters Program
- This information does not include projects waived by the DNR to WCA LGU's

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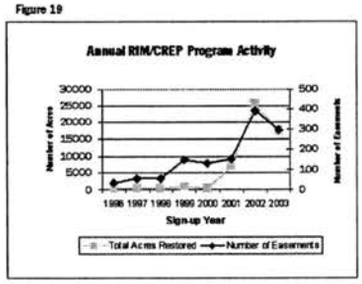
Figure 17



- Section 404 Program has results similar to WCA
- The Corps does not track unregulated activities

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Figure 19



- Significant restoration has been accomplished, but activity level fluctuates

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Table 7

DNR WETLAND RESTORATION ACTIVITY IN WMAs				
	2001	2002	2003	Total
No. Parcels Acquired	46	30	32	108
Acres Acquired	6,713	3,119	3,081	12,913
No. Wetlands Restored	24	33	13	70
Acres Wetlands Restored	314	158	269	741
Avg. Restoration Size (acres)	13.0	4.8	20.7	10.6

- DNR Wildlife Management Area restorations are permanently protected

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Table 8

U.S. FISH AND WILDLIFE SERVICE	Maintenance		Enhancement		Restoration/Establishment	
Partners in Fish & Wildlife Program	Acres	Sites	Acres	Sites	Acres	Sites
2001 - Wetland	19	2	2535	12	539.4	61
2002 - Wetland	144	16	356.9	22	6,058.3	903
2002 - Upland	11	1	503	5	2,540.4	75
2003 - Wetland	227	12	456.2	30	5,332.93	729
2003 - Upland	0	0	0	0	5,337.8	44

- The Partners for Fish and Wildlife Program protects wetlands for 10 years
- Data is not collected on the status of wetlands after the expiration of landowner agreements

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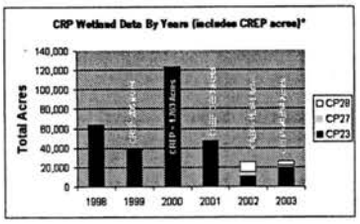
Table 9

U.S. FISH AND WILDLIFE SERVICE				
	Easements		Fee Title/Exchange	
Year	Wetland Acres	Total Acres	Wetland Acres	Total Acres
2001	562.00	3,054.97	409.08	2,943.03
2002	788.64	5,144.94	659.82	2,499.12
2003	102.55	877.34	488.10	2,253.89
Totals	1,443.19	9,077.25	1557.00	7,696.04

- Similar to DNR WMAs, USFWS WMAs are also permanently protected.

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Figure 23



*Note: To avoid potential double counting of wetland restorations, the CREP acres must be subtracted from the CRP yearly totals.

- CRP contracts have a duration of 10-15 years

Table 1

SUMMARY OF WETLAND ACTIVITY 2001-2003

	Agency	Program	Acres Gained	Acres Imported	Program Totals
REGULATORY	BWSR	Wetland Conservation Act	1,930[1,5]	986[5]	944
		Local Road-WCA/Section 404	681	468	213
	DNR	Public Waters Permit	1.4	0.7	0.7
	DNR	Parks, Trails, & Waterways	141	26	115
	Mn/DOT	WCA/Section 404	352	195	157
	USACOE[3]	Clean Water Act Sect. 404	2,322	2,137	185
	USDA[4]				
NON-REGULATORY	BWSR	Reinvest in Minn./Conservation Reserve Enhancement Program	49,956[5]		49,956
	DNR	Wildlife Management Areas	741		741
	USFWS	Partners for Fish and Wildlife	19,809[5,6]		19,809
		Waterfowl Production Areas/Refuges	16,773[5]		16,773
	USDA - FSA	Conservation Reserve Program	64,137[5]		64,137
	USDA - NRCS	Wetlands Reserve Program	19,094[5]		19,094
		Reinvest in Minn./Wetlands Reserve Program	2,983[5]		2,983

[1] Includes the net balance in the banking system from 2001-2003 of 484 acres
[2] Does not include exemption data reported by LGUs; 3,706 acres from 2001-2003
[3] Does not include exempt activities or projects over which the US ACOE does not have jurisdiction
[4] The USDA has a regulatory program, however data is not available for this program. Also, the National Resources Inventory, conducted by the USDA Natural Resources Conservation Service reports a net gain of wetlands, nationally, during the period 1997-2002.
[5] Data includes wetlands and associated upland habitat
[6] Acres are in limited-term contracts

Summary of Minnesota Wetland Activity 2001-2003

			Acres Gained			Acres Imported		
Agency	Program	Component	Upland	Wetland	Total	Upland	Wetland	Total
BWSR	WCA	Avoidance			10,145			10,145
		Exempt					1,706	1,706
		Impact					986	986
		Replacement	130	1,227	1,466			
		Road Replacement			681			468
Banking			12	1,041	1,053		580 [1]	580 [1]
DNR	PWP				1.4			0.7
	WCA	Impact						26
		Replacement			141			
Mn/DOT	WCA/404	Impact						195
		Replacement			352			
USACOE	CWA Sec. 404	Impact						2,137
		Replacement			2,322			
USDA								
BWSR	RIM/CREP		25,295	20,661	49,956			
DNR	WMAs			741				
USFWS	Partners for Fish & Wildlife[2]		7,878	11,931	19,809			
	WPAs			3,000	16,773			
USDA FSA	CRP[2]				64,136			
USDA-NRCS	WRP[2]		11,136	7,958	19,094			
	Reinvest		1,518	1,465	2,983			

[1] Withdrawals from the Wetland Bank
[2] Acres are in limited-term contracts

Mn/DOT Agreement Number _____

AGREEMENT BETWEEN MINNESOTA DEPARTMENT OF TRANSPORTATION AND BOARD OF WATER AND SOIL RESOUCES FOR WETLAND REPLACEMENT PAYMENTS

Parties

This Agreement is between the Minnesota Department of Transportation, acting through its Commissioner of Transportation (Mn/DOT) and the Board of Water and Soil Resources (BWSR), acting through its Executive Director.

Recitals

1. Under Minnesota Statutes Section 471.59, subdivision 10, Mn/DOT and BWSR are empowered to enter into interagency agreements; and

2. Under Minnesota Statutes Section 174.02, subdivision 6, the Commissioner of Transportation may enter into Agreements with governmental or nongovernmental entities for research and experimentation, for sharing facilities, equipment, staff, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services or that further the development of innovation in transportation for the benefit of the citizens of Minnesota; and

3. Mn/DOT has staff, resources and responsibilities to ensure that wetlands are replaced, when required by law and regulation, if lost due to state highway construction; and

4. BWSR has staff, resources and responsibilities to ensure that wetlands are replaced due to local government road construction; and

5. The parties wish to create efficiencies in wetland replacements by transferring funds, services, wetland credits and related resources to each other; and

6. Both parties are willing to enter into this Agreement.

Agreement

1. Term of Agreement

1.1 This Agreement is effective upon execution and approval by the appropriate state officials as the law requires and will remain in effect until June 30, 2010, unless cancelled earlier pursuant to Article 13.

2. Authorized Representatives

2.1 Mn/DOT's authorized representative for purposes of administering this Agreement is

Mn/DOT Chief Environmental Officer,
395 John Ireland Blvd, St. Paul, MN 55155-1899
651-284-3751

2.2 BWSR's authorized representative for purposes of administering this Agreement is

BWSR Assistant Director
1 West Water Street, Suite 200, St. Paul, MN 55107
651-297-5617

3. Responsibilities of the Parties

3.1 The parties agree to transfer payments to each other to fulfill wetland replacement obligations, as required by law.

3.2 Either party may be a requesting party or a providing party.

3.3 Acceptable methods of payment are funds, services, or wetland credits expressed in acreage.

3.4 Either party may decline a request, with or without cause.

3.5 Each party will maintain a balance of accounts, recording all transfers of payments, whether funds, services or wetland credits.

3.6 The parties will meet at least annually to reconcile the accounts, agree upon changes in service costs, and, if necessary, make changes to the acceptable methods of payment.

4. Responsibilities of the Requesting Party

4.1 Contact the providing party to request a transfer of payment. Specify whether payment is requested in funds, services or wetland credits.

4.2 Provide documentation to justify the need and appropriateness of the payment.

4.3 Submit the request in writing to the authorized representative in the form of a letter or memorandum. The request may be transmitted by fax or email. A request may be made via telephone, but will not be considered accepted until the providing party receives a written request.

4.4 If payment is to be by funds, an invoice must be submitted pursuant to Article 8.

4.5 If payment is to be by services or wetland credits, a request must be made pursuant to Articles 9 or 10.

4.6 Record of payment must be pursuant to Article 3.5.

5. Responsibilities of the Providing Party

5.1 Upon request, determine whether the request for payment is appropriate and can be granted.

5.2 If accepted, promptly transfer payment to the requesting party. If not accepted, promptly notify the requesting party of such decision.

5.3 If payment is to be by funds, submit payment pursuant to Article 8.

5.4 If payment is to be by services or wetland credits, provide payment pursuant to Article 9 or 10.

5.5 Record of payment must be pursuant to Article 3.5.

6. Costs

6.1 The costs of services will be based on salary, benefits, overhead and expenses as outlined in current labor contracts. An estimate of administrative costs for BWSR are described in Attachment A, which is attached and incorporated herein. An estimate of contributions by MnDot are described in Attachment B, which is attached and incorporated herein. Costs for services will be reviewed annually and adjusted if necessary.

6.2 The cost of developing future wetland credits will be reviewed annually by BWSR; the ensuing cost will be in effect for a period of one year. The value of credits pursuant to Article 10.2 shall be considered in the cost.

7. Start-Up, Transition Period and On-Going Program

Start-Up

7.1 Mn/DOT will purchase five million dollars worth of existing and future yet imminent wetland credits (approximately one million dollars per year for a five-year period). The five-year period will begin September 1, 2005. The cost per credit will be determined by mutual consent and will be based on the cost of site development and maintenance (including administrative costs). A sample invoice is attached after Appendix D.

7.2 Existing and approved Mn/DOT credits will be transferred to the BWSR road replacement account. The extent of these credits in acres will be determined by Mn/DOT as indicated in Attachment C, which is attached and incorporated herein.

7.3 Upon transfer of wetland credits (e.g., acres) to the BWSR bank road replacement account, Mn/DOT is authorized access to the BWSR bank road replacement account for an equivalent number of wetland credits.

Transition Period

7.4 A transition period will exist as long as Mn/DOT retains wetland credits that, as determined by Mn/DOT, would eventually be transferred to the BWSR road replacement account.

7.5 BWSR will not charge a fee to Mn/DOT for the transfer of wetland credits.

7.6 The 300 thousand dollar/60 credit acre exchange that occurred in January 1996 will be incorporated into the state bank using the formula in Attachment D, which is attached and incorporated herein.

7.7 If the projected need exceeds the acres transferred to BWSR under section 7.2, Mn/DOT is authorized to use (i.e., have access to) other credits in the BWSR bank road replacement account as long as those credits are accounted for by the five million start-up amount cited in Article 7.1.

On-Going Program

7.8 Mn/DOT will annually provide a three-year projection of the number of credits needed to augment its compensatory wetland mitigation requirements. That figure will be the basis for credit development activities.

7.9 BWSR will take on the responsibility of developing wetland banking sites in "target" areas (as identified by the wetland permitting agencies).

At some point in time Mn/DOT will have used up (1) all of the credits accounted for by Mn/DOT bank sites that were transferred to BWSR under Article 7.2 and (2) all of the credits accounted for by the five-million dollar start-up amount under Article 7.1. At this point Mn/DOT and BWSR may elect to negotiate a new "up-front" amount or Mn/DOT may elect to purchase wetland credits on a "pay as you go" basis. (Refer to Section 10)

8. Terms of Payment by Funds

8.1 The requesting party will submit an invoice to the authorized representative of the providing party.

8.2 *Payment to Mn/DOT.* Within 30 days of receipt of invoice, BWSR will pay the invoiced amount to Mn/DOT, made to the order of the Commissioner of Transportation and mailed to:

Minnesota Department of Transportation
Accounting & Finance Section, MS 215
395 John Ireland Blvd
St. Paul, MN 55155
Attn: Accounts Receivable, Agreement #_____.

8.3 *Payment to BWSR.* Within 30 days of receipt of invoice, Mn/DOT will pay the invoiced amount to BWSR, made to the order of BWSR and mailed to:

Board of Water & Soil Resources
1 West Water Street
Suite 200
St. Paul, MN 55107
Attn: Accounts Receivable, Agreement #_____.

9. Terms of Payment by Services

9.1 Upon request for services, the parties will negotiate the services to be provided, including scope of work, supervision, travel and other expenses, start time and expected duration of work.

9.2 The parties will agree upon the costs for services, pursuant to Article 6.1.

9.3 The providing party will provide the services.

10. Terms of Payment by Wetland Credits (after Mn/DOT's existing credits from Article 7.1 and 7.2 are used up)

10.1 Upon request for wetland credits, the parties will negotiate the number of acres and dollars to transfer.

10.2 The parties will agree upon the value of wetland credits, using the price charged to local road authorities as determined by BWSR annually and posted on the BWSR website.

10.3 The providing party will transfer wetland credits and provide adequate documentation of such transfer.

11. Liability

11.1 Each party is responsible for its own acts and omissions, the acts and omissions of its employee(s), and their results to the extent authorized by law. The parties will not be responsible for the acts of any others and the results thereof. The liabilities of the parties are governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statute §3.736, and other applicable laws.

11.2 Each party is solely responsible for its own employees for any worker's compensation claims. An employee of one party will not be considered an employee of the other party for any purpose.

12. Audit

12.1 The books, records, documents and accounting procedures and practices of the parties relevant to this Agreement will be subject to examination by Mn/DOT's auditor, BWSR's auditor, and the Legislative Auditor, for a minimum of 6 years after the termination of this Agreement.

13. Cancellation

13.1 This Agreement may be cancelled by either party at any time, with or without cause, upon 60 days' written notice to the other party. In the event of such cancellation, each party will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.

13.2 Either party may immediately cancel or suspend this Agreement if funding for such purposes is not available from the Minnesota Legislature or other funding source. If the performance of this Agreement is suspended pursuant to this clause, the parties will resume performance under this Agreement when such funding becomes available. If this Agreement is terminated or suspended due to insufficient funding, each party will pay for services already performed, to the extent that sufficient funds are available to do so.

14. Assignment and Amendments

14.1 *Assignment:* Neither party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

14.2 *Amendments:* Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed the original agreement, or their successors in office.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, intending to be bound thereby.

BOARD OF WATER & SOIL RESOURCES

By_____

Title_____

Date_____

By_____

Title_____

Date_____

MINNESOTA DEPARTMENT OF TRANSPORTATION

By_____

Title_____

Date_____

Approved as to form and execution:

By_____
Mn/DOT Contract Management

Date_____

January 29,1996

MEMORANDUM OF AGREEMENT
between the MN DEPARTMENT OF TRANSPORTATION
and the BOARD OF WATER AND SOIL RESOURCES

The Board of Water and Soil Resources (BWSR) and the Minnesota Department of Transportation (Mn/DOT) mutually agree that:

1. BWSR will transfer to Mn/DOT up to $300,000 for use, as determined by Mn/DOT, in developing wetland banking credits.

2. Mn/DOT will make available to BWSR 60 acres of wetland credit from the Mn/DOT District 3 account in the State Wetland Bank. BWSR may then sell these credits to other public transportation agencies.

3. Mn/DOT will use the above mentioned funds (#1) to complete wetland restoration projects currently under development.

4. The first 60 acres of wetland banking credit established by Mn/DOT will be credited to the District 3 account in the State Wetland Bank or will be transferred to BWSR in exchange for the return of the District 3 wetland acres (#2 above).

5. Mn/DOT will track costs for determining the cost of wetland mitigation credit on a per acre basis. This methodology, agreeable to both Mn/DOT and BWSR, will be the basis for determining how many wetland credits have been developed for BWSR.

6. Mn/DOT will transfer to BWSR all remaining wetland credits developed with the above mentioned funds (#1), less a prorated share commensurate with Mn/DOT's contribution, as determined by the tracking system and agreed to by BWSR.

Ron Harnack, Executive Director
Board of Water and Soil Resources

Don Raisanen
District 3 Transportation Engineer
Minnesota Department of Transportation

Al Schenkelberg, Director
Office of Investment Management
Minnesota Department of Transportation 1/31/96

Lawrence E. Foote
Chief Environmental Officer
Minnesota Department of Transportation
1-30-96

--Sample--
Minnesota Wetland Mitigation Banking Cooperative
Invoice Schedule for FY 2006

Date of invoice to Mn/DOT	Amount on invoice	Amount of credits purchased	Type of credits purchased	Name & county of Purchase Site
July				
August				
September, 2005	100,000			
October	100,000			
November	100,000			
December	100,000			
January	100,000			
February	100,000			
March	100,000			
April	100,000			
May	100,000			
June, 2006	100,000			
FY 2006 Total	1,000,000		NA	NA

ATTACHMENT A

Minnesota Wetland Mitigation Banking Cooperative
BWSR Administrative Costs

Task	Annual Cost	FTEs
Engineering (assessment and design)	73,000	1.0
Vegetative expertise	43,000	0.5
Para professional support for agreements, contracts and accounts	41,000	1.0
Realty-related expertise for easement activities	22,000	0.5
Interns for maintenance inspections of existing bank sites	21,000	1.0
Total	**200,000**[1]	**4.0** [2]

(GL 8 October 2004;
revised 11/17/04)

[1] The BWSR will continue to provide in-kind support equal to this figure through the services of four wetland specialists, a state soils specialist, an administrative engineer and a banking accounts specialist.

[2] This figure represents the ongoing personnel needs to manage this program. The agency intends to meet project-specific needs by contracting with Mn Dot and other state agencies, local units of government and the private sector. Project-specific costs will be incorporated into total project costs.

ATTACHMENT B

Wetland Mitigation Banking Cooperative
Mn/DOT Staff Contributions

Task	Annual Hours*	Annual Cost In thousands	Comments
Site assessment	160	4.8	Pre-project delineation, etc. (primarily district function, some CO)
Vegetation Expertise	800 - 1040	24 – 31.2	Vegetation management (primarily CO function, RJ)
Monitoring	160	4.8	During and post-construction (primarily district function)
Site status tracking	40	1.2	Annual status summary (primarily CO function, SJS)
Materials (seed, equipment)	NA	TBD	Case by case
Research projects	NA	50	Current allotment via OES
APPROX MAX TOTAL	1400	42+	

- average rate of $30 per hour

CO = Central Office
RJ = Robert Jacobson
SJS = Sarma Straumanis

Estimate by OES in January 2005

ATTACHMENT C

Minnesota Wetland Mitigation Banking Cooperative
--credit disposition during the transition[1] phase—

MnDOT District	Existing, fully developed and approved credits [acres rounded] (1)	Credits [acres] under development or approval (2)	Credits [acres] transferred to the cooperative A+b	Credits [acres] to be retained by district (as of July 2005) (3)
	a	b	c	D
Duluth	none	none	none	10-20 from U of MN Fens project
Bemidji	17 Vesledahl TBD	none	17+ TBD	200+ Vesledahl
Brainerd	100 NWC 13 PVC	none	100 NWC 13 PVC	10 Staples 31 Litke Anderson
Detroit Lakes	11 NWC 5PVC	none	11 NWC 5 PVC	None
Rochester	28 NWC 27 PVC	280 NWC 19+ Wet-PVC 75+ Upl-PVC	308+ NWC 121+ PVC	2 Wildin
Mankato	none	8 NWC 15+? NWC 15+? PVC	23+? NWC 15+? PVC	6 Mt Lake 2 TH 60 20+ Williams
Willmar	none	10 NWC 10 PVC	10 NWC 10 PVC	4 Nass 1.0 Sargent 1 TH 7Htch 1 TH 71 BP
Metro	10	22	10	240+
Totals	211+	454+	643	528+

These credit amounts are approximate and may be adjusted upon mutual consent of BWSR and Mn/DOT Districts

(1) These sites were submitted for deposit prior to Jan 2004.
(2) These sites have been constructed but have not received final approval (some may need remedial action)
(3) credits that are initially retained may be transferred to the cooperative during the 5-year period by mutual consent.

GL 2004-11-17
SJS 2005-06-07

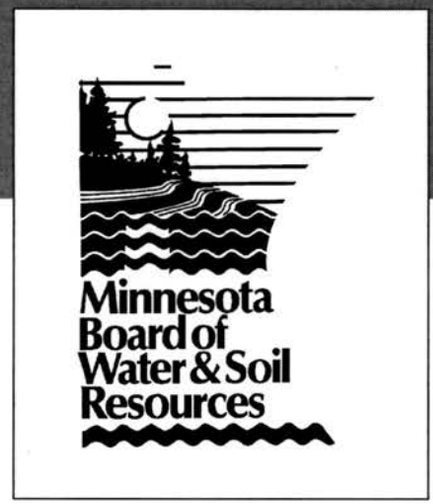
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[1] A transition phase exists until MnDOT retains no wetland credits

ATTACHMENT D

Minnesota Wetland Mitigation Banking Cooperative
1996 Mn/DOT and BWSR Agreement

In 1996, Mn/DOT and BWSR signed an MOA (see attached) by which Mn/DOT transferred 60 acres of wetland credit from the Rice Lake (Staples) Bank Site to BWSR in exchange for 300,000 dollars. The 300 K was to be used by Mn/DOT to develop wetland bank credits, the first 60 acres of which would then be transferred to BWSR (at which point BWSR would then "return" the 60 acres from Rice Lake). As most of the 60 acres has already been used for local road projects, there is nothing left to return." Therefore the adjustment will be made internal to the cooperative, with the result that the Mn/DOT Brainerd District has "exclusive" access to 60 acres (within its bank service area) of credits in the cooperative.



Minnesota Wetland Report 2001-2003

103A.202 Wetland Policy

"The legislature finds that it is in the public interest to preserve the wetlands of the state to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodgate retention, reduce stream sedimentation, contribute to improved subsurface moisture, enhance the natural beauty of the landscape, and promote comprehensive and total water management planning."

103A.201Regulatory Policy

"The legislature finds that the wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodgate retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, and enhancing the natural beauty of the landscape, and are important to comprehensive water management …"

103A.201 Regulatory Policy (cont)

"… And that it is in the public interest to:

(1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;

(2) increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring enhancing or diminished or drained wetlands;

(3) avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and

(4) replace wetland values where avoidance of activity is not feasible and prudent."

Minnesota Wetland Report 2001-2003

- Includes data from multiple state and federal wetland programs
- Does not make policy recommendations
- Can be used to identify trends in program accomplishments

Minnesota Wetland Report 2001-2003

Includes data from:

- MN Board of Water and Soil Resources
- MN Department of Natural Resources
- MN Pollution Control Agency
- MN Department of Transportation
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- U.S.D.A. Natural Resources Conservation Service
- U.S.D.A. Farm Services Agency

Table 2

REPORTED WETLANDS AVOIDED, MITIGATED, RESTORED, & IMPACTED FROM WCA REGULATION 2001-2003				
WCA Activity	2001	2002	2003	Totals
Number of Landowner Contacts to LGUs	17,086	18,507	17,561	53,145
Avoided/ Minimized (in acres)	3,943	3,052	3,150	10,145
Impacted (in acres)	(273)	(330)	(383)	(986)
Replacement (in acres)	535	347	584*	1,466[1]
Exempt (in acres)	(610)	(619)	(479)	(1,708)
Impact + Exempt	(883)	(949)	(862)	(2,694)
Impact + Exempt – Replacement = Net Loss	(348)	(602)	(417)	(1,367)

Source: BWSR

[1]Does not include a net balance of 464 acres of wetlands in the wetland bank during 2001-2003

*Total includes 139 acres of upland public value credits

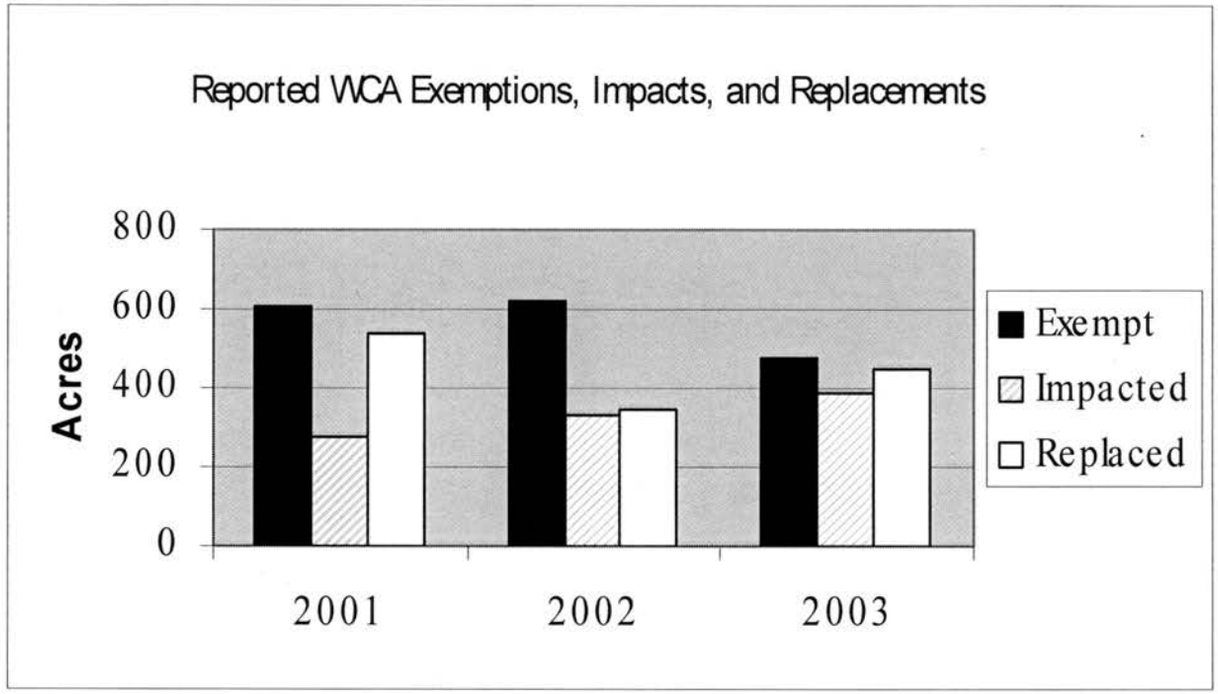
- LGU's manage major WCA workload
- WCA provides significant wetland protection

Table 3

NUMBER OF WCA IMPACTS BY SIZE						
	0-0.2 ac.	0.21-0.5 ac.	0.51-1.0 ac.	1.1-3.0 ac.	>3.0 ac.	Annual Totals
2001	1,632 (60.7%)	501 (18.6%)	270 (10.0%)	140 (5.2%)	145 (5.4%)	2,688
2002	1,573 (58.2%)	555 (20.5%)	259 (9.4%)	170 (6.3%)	144 (5.3%)	2,701
2003	1,450 (51.7%)	744 (26.5%)	257 (9.2%)	212 (7.6%)	142 (5.1%)	2,805
Totals	4,655 (57.2%)	1,800 (22.0%)	786 (9.6%)	522 (6.4%)	431 (5.3%)	8,194

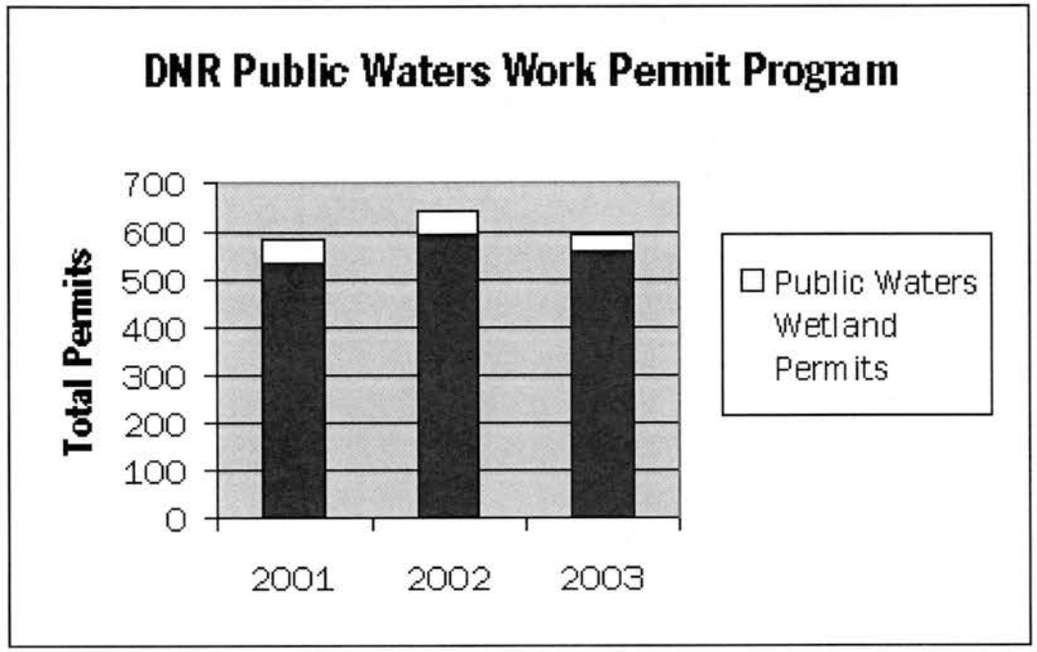
- More than 85% of all WCA regulated impacts are less than 1 acre in size

Figure 2



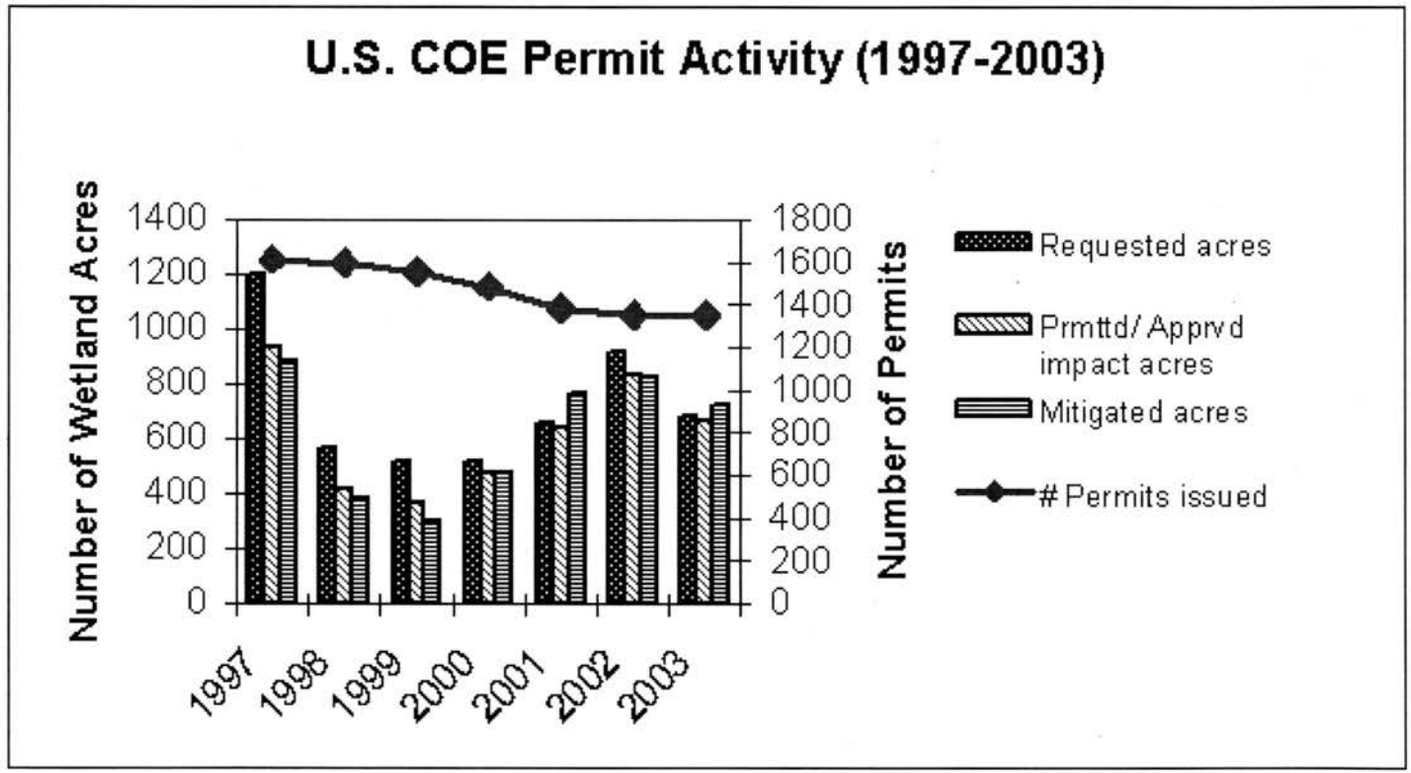
- WCA required wetland mitigation more than offsets regulated impacts
- Data on exemptions while incomplete, results in a wetland loss under WCA

Figure 15



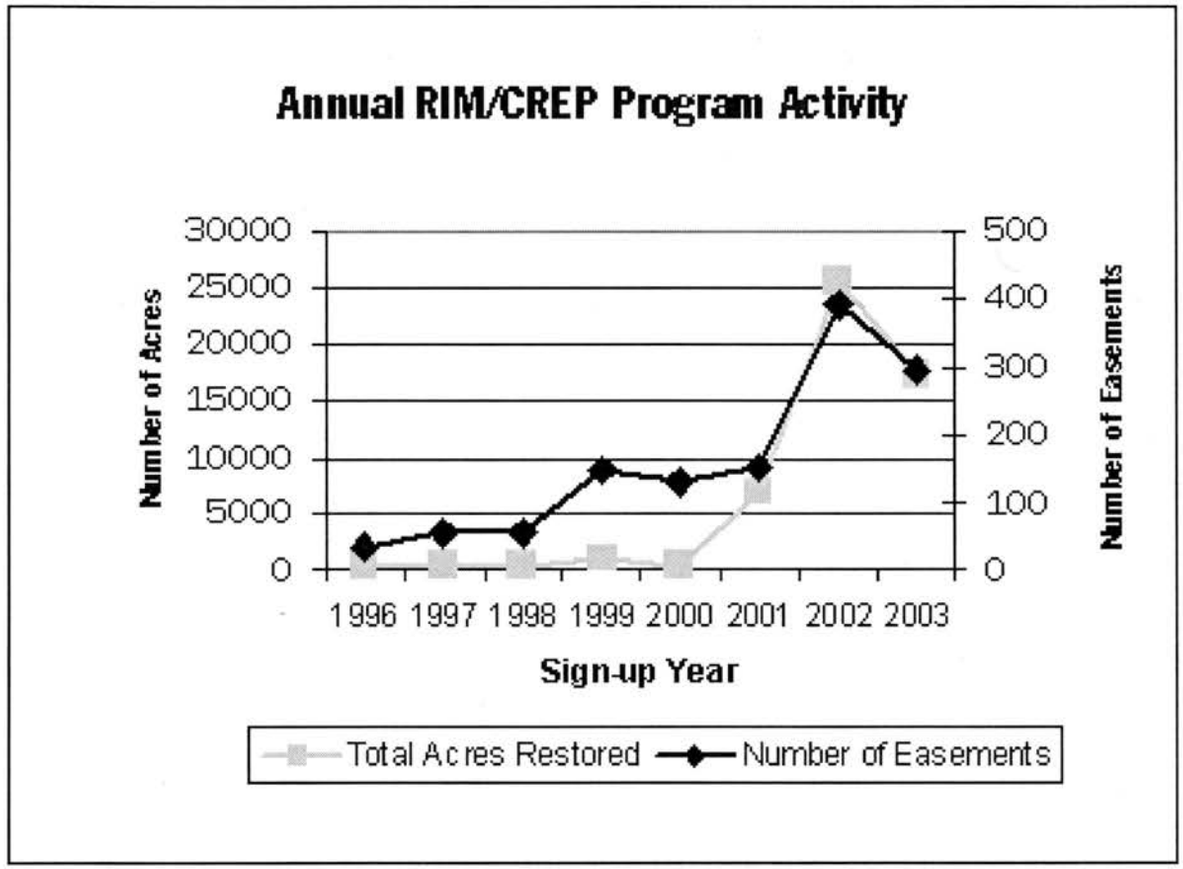
- DNR permitted wetland activity is minor part of the Public Waters Program
- This information does not include projects waived by the DNR to WCA LGU's

Figure 17



- Section 404 Program has results similar to WCA
- The Corps does not track unregulated activities

Figure 19



- Significant restoration has been accomplished, but activity level fluctuates

Table 7

DNR WETLAND RESTORATION ACTIVITY IN WMAs				
	2001	2002	2003	Total
No. Parcels Acquired	46	30	32	108
Acres Acquired	6,713	3,119	3,081	12,913
No. Wetlands Restored	24	33	13	70
Acres Wetlands Restored	314	158	269	741
Avg. Restoration Size (acres)	13.0	4.8	20.7	10.6

- DNR Wildlife Management Area restorations are permanently protected

Table 8

U.S. FISH AND WILDLIFE SERVICE	Maintenance		Enhancement		Restoration/Establishment	
Partners in Fish & Wildlife Program	Acres	Sites	Acres	Sites	Acres	Sites
2001 - Wetland	19	2	253.5	12	539.4	81
2002 - Wetland	144	16	358.9	22	6,058.3	903
2002 - Upland	11	1	503	5	2,540.4	75
2003 - Wetland	227	12	456.2	30	5,332.93	729
2003 - Upland	0	0	0	0	5,337.6	44

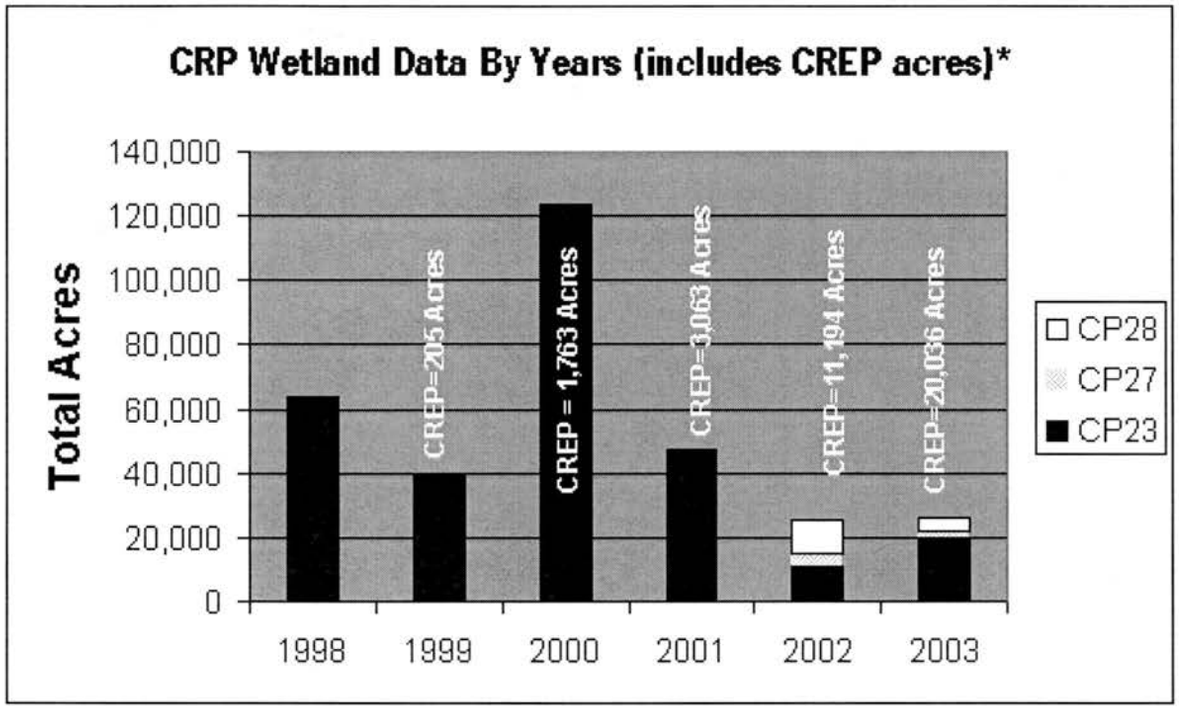
- The Partners for Fish and Wildlife Program protects wetlands for 10 years
- Data is not collected on the status of wetlands after the expiration of landowner agreements

Table 9

U.S. FISH AND WILDLIFE SERVICE				
	Easements		Fee Title/Exchange	
Year	Wetland Acres	Total Acres	Wetland Acres	Total Acres
2001	552.00	3,054.97	409.08	2,943.03
2002	788.64	5,144.94	659.82	2,499.12
2003	102.55	877.34	488.10	2,253.89
Totals	1,443.19	9,077.25	1557.00	7,696.04

- Similar to DNR WMAs, USFWS WMAs are also permanently protected.

Figure 23



*Note: To avoid potential double counting of wetland restorations, the CREP acres must be subtracted from the CRP yearly totals.

- CRP contracts have a duration of 10-15 years

Summary of Minnesota Wetland Activity 2001-2003

			Acres Gained			Acres Lost		
Agency	**Program**	**Component**	**Upland**	**Wetland**	**Total**	**Upland**	**Wetland**	**Total**
BWSR	WCA	Avoid/minimize			10,145			10,145
		Exempt					1,708	1,708
		Impact					986	986
		Replacement	139	1,327	1,466			
		Road Replacement			681			468
Banking			12	1,041	1,053		590 [1]	590 [1]
DNR	Public Waters				1.4			0.7
	WCA	Impact						26
		Replacement			141			
Mn/DOT	WCA/404	Impact						195
		Replacement			352			
USACOE	CWA-Sec. 404	Impact						2,137
		Replacement			2,322			
USDA								
BWSR	RIM/CREP		29,295	20,661	49,956			
DNR	WMAs			741				
USFWS	Partners for Fish & Wildlife [2]		7,878	11,930	19,808			
	WPAs			3,000	16,773			
USDA-FSA	CRP [2]				64,136			
USDA-NRCS	WRP		11,136	7,958	19,094			
	RIM/WRP		1,516	1,467	2,983			

[1] Withdrawals from the Wetland Bank

[2] Acres are in limited-term contracts

Next Steps

NEWS RELEASE

Minnesota Board of Water and Soil Resources • 520 Lafayette Road North • St. Paul, MN 55155
Contact: Peter Raeker, Communications Office; 651-296-0884; fax: 651-297-5615 • www.bwsr.state.mn.us

August 24, 2005
For immediate release

Contact: Peter Raeker, 651-296-0884

BWSR PUBLISHES MINNESOTA WETLAND REPORT FOR 2001–2003

~Report shows Minnesota has gained wetland acreage ~

ST. PAUL – The Minnesota Board of Water and Soil Resources (BWSR) has published the *2001–2003 Minnesota Wetland Report*, which shows an overall net gain of approximately 148,600 wetland and related upland acres in the state during that time period. That net gain is achieved by combining data from wetland conservation programs and regulatory programs in the state.

Conservation programs managed by state and federal agencies show a gain of more than 150,000 acres of wetland and associated upland during 2001–2003, according to the new report. On the regulatory side, the report noted that Wetlands Conservation Act (WCA) data shows an estimated loss of 1,367 acres during 2001–2003, when counting acres lost through reported exemptions, regulated impacts, and required mitigation. Those losses are small, with more than 85 percent being less than one acre in size. The exemptions and replacement ratios being used today were part of the compromises that allowed WCA to become law in the early 1990s.

According to the data available from the National Wetland Inventory (completed over the period 1982-1993), Minnesota has approximately 10.6 million acres of wetlands.

The report includes data from a variety of state and federal regulatory and conservation programs, including BWSR, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the U.S.D.A. Natural Resources Conservation Service, and the U.S.D.A. Farm Service Agency.

Data reported by local governments that administer WCA show that it is fulfilling one of its major goals – to avoid and minimize impacts to wetlands. During 2001–2003, more than 30 percent of initial landowner inquiries about draining or filling wetlands resulted in project revision to avoid and minimize impacts to wetlands, preventing approximately 10,000 acres of wetlands from being filled or drained.

--more--

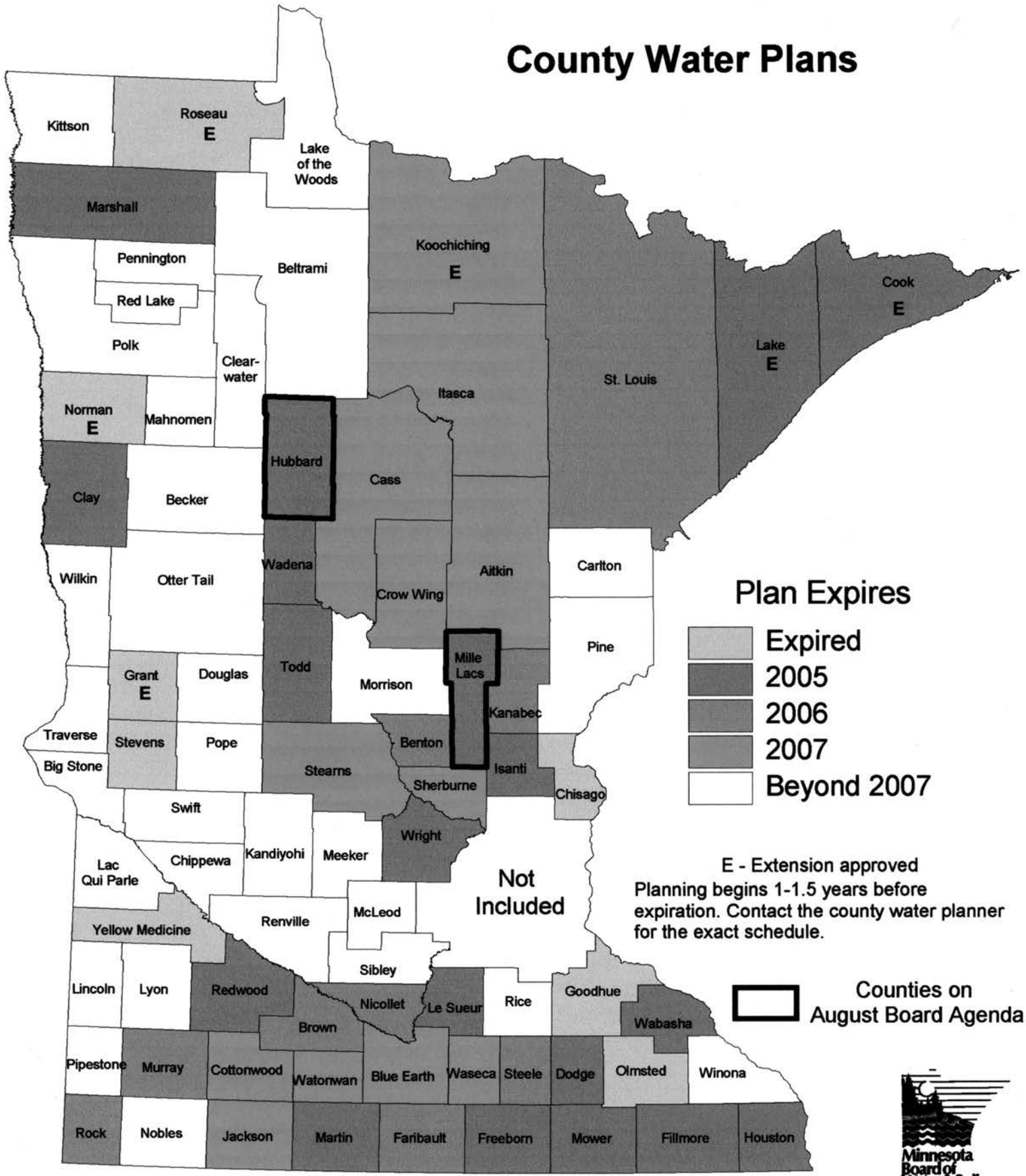
"Minnesota's wetland protection, conservation, and enhancement programs are some of the best in the nation," said Ron Harnack, executive director of BWSR. "Interagency partnerships with the Army Corps of Engineers, USDA, DNR, PCA, and local units of government and private conservation organizations have contributed greatly to Minnesota's success."

"The BWSR Board is receiving the report today and acknowledges the significant role that WCA and conservation programs have played in the state's wetland efforts. I want to acknowledge the leadership of Governor Pawlenty in creating the Clean Water Cabinet, pushing for CREP II in the bonding bill, and for working to secure additional programs, such as the Wetlands Reserve Enhancement Program, with our federal partners," said Jerome Deal, chair of the BWSR Board. "Over the next several months, we will review the wetland report in detail and will determine appropriate next steps."

An electronic copy (in PDF format) of the report is available on the BWSR web site (www.bwsr.state.mn.us).

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County Water Plans



Plan Expires

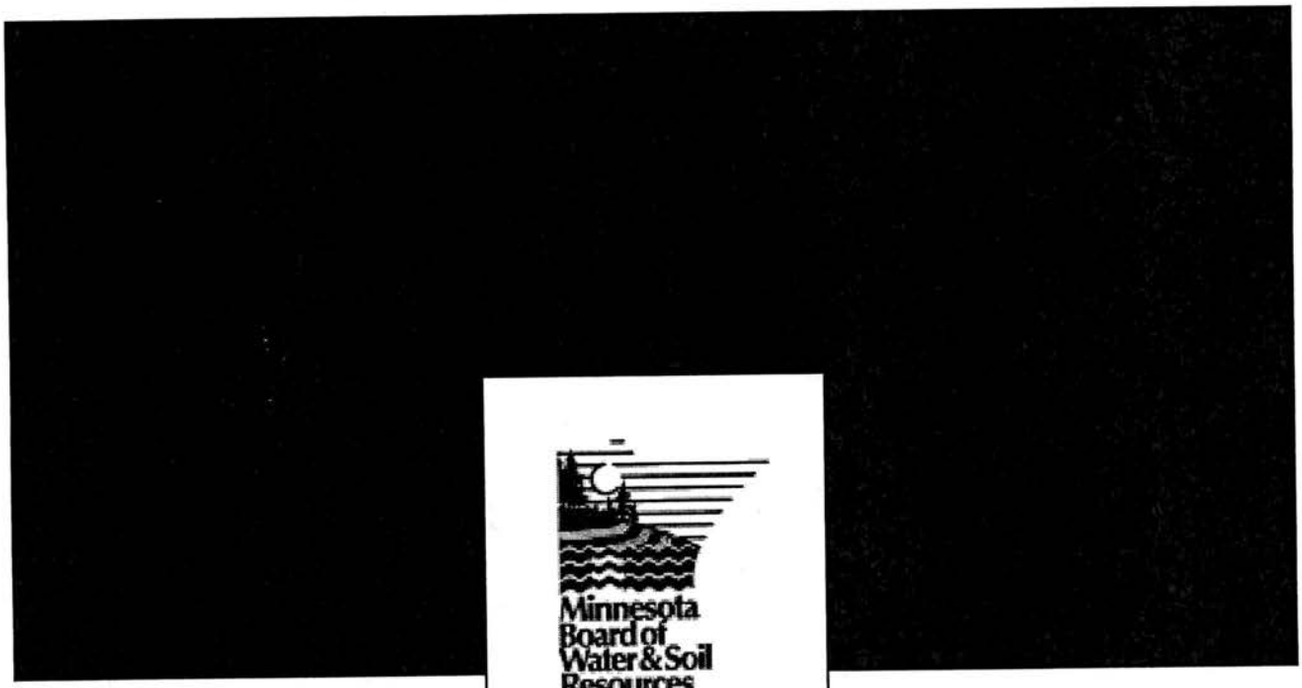
- Expired
- 2005
- 2006
- 2007
- Beyond 2007

E - Extension approved
Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

Counties on August Board Agenda

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

map updated: June, 2005



2001-2003
Minnesota Wetland Report

Published by the Minnesota Board of Water and Soil Resources
Bemidji Brainerd Duluth Fergus Falls Marshall New Ulm Rochester Saint Paul

2001-2003
Minnesota Wetland Report

This report includes information from:

Minnesota Board of Water and Soil Resources
Minnesota Department of Natural Resources
Minnesota Department of Transportation
Minnesota Pollution Control Agency
U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers
U.S.D.A. Natural Resources Conservation Service
U.S.D.A. Farm Service Agency



Published August 2005 by the Minnesota Board of Water and Soil Resources,
520 Lafayette Road North, Saint Paul, MN 55105.
(651) 296-3767. FAX: (651) 297-5615. TTY: (800) 627-3529.
www.bwsr.state.mn.us

This report was prepared by David Weirens with the assistance of numerous BWSR staff. This is the fifth report prepared by BWSR on the status of implementation of state laws and programs relating to wetlands, including information on the quantity, quality, acreage, types, and public value of wetlands in the state. Material contained in this report can be made available in alternative format upon request. This report contains data from 2001, 2002, and 2003.

A limited number of reports were printed. For additional copies, see the BWSR website for a printable electronic version. BWSR is an equal opportunity employer.

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VIII. **Appendix**

CHAPTER I: EXECUTIVE SUMMARY

Policy

Minnesota is blessed with an abundance of wetlands. However, their values and benefits have not always been recognized. Past state and federal encouragement of wetland draining and filling speak to the evolving recognition of the importance of wetlands. Over the past two decades, federal, state, and local activities have increasingly been effective in regulating impacts and restoring previously impacted wetlands. A significant new chapter in wetland management began in Minnesota with passage of the Wetland Conservation Act, also known as WCA, in 1991.

The key provision of the WCA is the enactment of the state policy to achieve a "no net loss" and "to increase the quantity and quality and biological diversity" of wetlands in the state. This policy, in M.S. 103A.201, and reads as follows:

(1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;

(2) increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;

(3) avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and

(4) replace wetland values where avoidance of activity is not feasible and prudent.

No Net Loss Accounting

While this policy statement has been woven throughout the fabric of the WCA, questions continually arise over how to measure "no net loss." Should this be done by only considering gains and losses via regulatory programs, or should this be measured by considering gains and losses by both regulatory and conservation programs? Should only wetland areas be included, or should this measure combine wetland and adjacent buffering upland areas and other wetland functions and values?

This report includes information on both regulatory and nonregulatory programs, and wetland impacts and increases through restoring wetlands and associated uplands. From a practical perspective, the consideration of "no net loss" must include gains and losses from all sources to gain a true measure of the overall status of wetlands in this state. Similarly, wetland and upland both need to be considered since a wetland with no or little adjacent upland will, in many circumstances, become degraded over a short period of time with impaired function and reduced public values.

WCA Activity

As part of the full implementation of WCA in 1994, the Minnesota Board of Water and Soil Resources (BWSR) has tracked WCA's effects on wetland gains and losses in the state, as well as the effects of other state, federal, and local programs. Every two years BWSR compiles wetland data collected from WCA and other programs to monitor wetland status and identify new trends.

Data reported by LGUs, collected from 2001, 2002, and 2003, support an ongoing trend of WCA serving as a deterrent to projects impacting wetlands. For these three years, more than 30 percent of initial landowner inquiries about draining or filling wetlands resulted in project revision to avoid wetlands. Informally, reports indicate that potential drain/fill projects are avoided even before a landowner walks in the door. The awareness of WCA regulations is causing landowners to consider avoiding existing wetlands even before they finish planning a project. This continues to be one of WCA's most important successes.

Although the number of acres drained or filled each year for WCA-regulated projects varies between about 250 and 400 acres, required mitigation replaces the impacts with more acres than have been lost. WCA replacement is required via approved plans when wetland draining or filling is unavoidable. Replacement is performed on-site or off-site; otherwise, credits may be purchased from the State Wetland Bank.

Analysis of reported WCA data shows a net loss of 1,367 (average of 456/year) acres over 2001-2003, when counting acres impacted through reported exemptions, regulated impacts, and required mitigation.

WCA currently includes nine separate categories of activities that are exempt from regulation. While these exemptions may be necessary to maintain the broadest public support for the Act, they also make it difficult to track net wetland gains and losses. This is because exempt activities are legal and the local governments are not required to approve or track exemptions. Therefore, the data on wetlands lost due to exempt activities are incomplete. Undiscovered violations also contribute to the fact that overall wetland loss cannot be quantified through programmatic accounting.

The data presented in this report represent statewide estimates of wetland gains and losses among a wide variety of regulatory and non-regulatory programs. Due to gaps in data and data management issues among the programs, it is more appropriate to use data to gauge wetland status on a statewide basis, as in Tables 1 and 2.

Tables 1 and 2 provide a summary of estimated wetland gains and losses and overall accounting of the WCA from 2001-2003. Appendix I includes more detail than what is shown in Table 1.

Table 1

SUMMARY OF WETLAND ACTIVITY 2001-2003

	Agency	Program	Acres Gained	Acres Lost	Program Totals
REGULATORY	BWSR	Wetland Conservation Act	1,930[1,5]	986[2]	944
		Local Road-WCA/Section 404	681	468	213
	DNR	Public Waters Permit	1.4	0.7	0.7
	DNR	Parks, Trails, & Waterways	141	26	115
	Mn/DOT	WCA/Section 404	352	195	157
	USACOE[3]	Clean Water Act-Sect. 404	2,322	2,137	185
	USDA[4]				
NON-REGULATORY	BWSR	Reinvest in Minn./Conservation Reserve Enhancement Program I	49,956[5]		49,956
	DNR	Wildlife Management Areas	741		741
	USFWS	Partners for Fish and Wildlife	19,809[5,6]		19,809
		Waterfowl Production Areas/Refuges	16,773[5]		16,773
	USDA – FSA	Conservation Reserve Program	64,137[5,6]		64,137
	USDA – NRCS	Wetlands Reserve Program	19,094[5,6]		19,094
		Reinvest in Minn./Wetlands Reserve Program	2,983[5]		2,983

[1] Includes the net balance in the banking system from 2001-2003 of 464 acres
[2] Does not include exemption data reported by LGUs; 1,708 acres from 2001-2003
[3] Does not include exempt activities or projects over which the US ACOE does not have jurisdiction
[4] The USDA has a regulatory program, however data is not available for this program. Also, the National Resources Inventory, conducted by the USDA Natural Resources Conservation Service reports a net gain of wetlands, nationally, during the period 1997-2002.
[5] Data includes wetlands and associated upland habitat
[6] Acres are in limited-term contracts

Table 2

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Source: BWSR

[1]Does not include a net balance of 464 acres of wetlands in the wetland bank during 2001-2003
*Total includes 139 acres of upland public value credits

Wetland Banking

The Minnesota State Wetland Bank maintains accounts for private credit transactions. Because banked credits are developed prior to an impact, the banking program results in a net gain of wetlands. In addition to quantity, BWSR works with other state agencies and local entities to improve the quality of the wetland bank: upland areas buffer the banked wetlands from contiguous activity on the land; native, non-invasive plantings help to ensure a stable plant community that can support local wildlife; a renewed emphasis on restrictions and covenants ensures that wetland banks are properly protected and managed. During the reporting period, the wetland bank had a net balance of 464 acres of credits available for purchase by private and public entities.

Wetland Reporting

Tracking WCA and other local government natural resource program numbers, in the past, was largely conducted via the Local Government Annual Reporting System (LARS). Implemented widely in 1998, LARS streamlined statewide data collection, although reporting of local efforts in some categories was subjective and incomplete. These inefficiencies led BWSR to develop a new reporting system called eLINK, first used by local governments in 2003. eLINK is expected to improve the quality of data reported by local governments.

Road Replacement Program

The Road Replacement Program has been popular with local road authorities whose wetland replacement burden for repair or upgrading of existing roads was shifted to BWSR by legislative WCA amendments in 1996. Environmental interests also support the program as it results in higher quality wetland replacement. This program provides replacement for wetland impacts related to safety improvements, not for new roads or projects solely for added capacity. The program requires about $2.35 million per year to meet replacement needs. Although the economies of scale and other efficiencies are clear, continued funding has been uncertain because it requires annual renewal.

Wetland replacement for the roads program required about 1,632 acres of wetland replacement for 1,228 acres of impacts for mid-1996 through the end of 2004.

Regulatory Simplification

BWSR, along with other state and federal agencies, continue efforts to streamline and enhance compliance with wetland regulations. In particular, BWSR, working with the U.S. Army Corps of Engineers, Department of Natural Resources, Minnesota Pollution Control Agency, and other state and federal agencies, is developing a set of guidelines to identify the wetland mitigation methods and procedures that meet the requirements of all agencies involved in wetland regulation in Minnesota.

Nonregulatory Programs

Programs that regulate wetland impacts are only one part in developing a complete picture of wetlands activity in Minnesota. Programs that restore and/or protect wetlands have a considerably greater impact on wetland gains and losses than either the WCA or Section 404 Program. Conservation programs managed by BWSR, DNR, USFWS, NRCS, and FSA cumulatively show a gain of more than 150,000 acres of wetland and associated upland from 2001-2003. Furthermore, these programs have restored more than 478,000 acres since their inception, which are almost all within the past 15 years.

Wetland Quality

The state wetland policy includes quality and biological diversity, even though most of the focus has been on wetland quantity. Assessing the quality of wetlands is challenging and currently no clear statewide assessment approach exists for wetland quality or condition. The BWSR, DNR, and PCA are cooperating on the Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy that proposes to develop a strategy for ongoing monitoring and assessment of the statewide status and trends in wetland quality and quality. This project has recently been funded through the DNR budget as well as an EPA grant.

Wetlands are difficult to track by their very nature of being a transitional landscape feature. The wetter a wetland, the less likely for impacts to occur unnoticed. Conversely, type 1 and 2 wetlands are more ephemeral in nature and have greater conversion pressure upon them. For this reason, programs influencing land use like the Federal Farm Bill and local real estate values often are the biggest factors on whether conversion occurs.

CHAPTER II: INTRODUCTION

Wetlands are a landscape feature influenced by a multitude of programs administered by numerous agencies. Wetlands as a transitional landscape feature can be difficult to identify and tougher yet to measure. The quantity and quality of wetlands are influenced by restoration, regulation, and voluntary incentives. Regulatory programs deter impacts (and associated mitigation) and serve to protect wetlands. On the other hand, voluntary restoration and protection programs are expected to have the greatest future impact on wetlands in terms of gains.

Wetland Conservation Act

In 1991, reacting to public concern about Minnesota's disappearing wetlands, the Minnesota Legislature approved (and then Governor Arne Carlson later signed) the Wetland Conservation Act. Considered one of the most comprehensive wetland laws in the country, it recognizes a number of important wetland benefits:

- Water quality benefits, including filtering pollutants out of surface water and groundwater, using nutrients that would otherwise pollute public waters, trapping sediments, protecting shoreline, and recharging groundwater supplies;
- Floodwater and storm water retention benefits, including reducing the potential for flooding in the watershed;
- Public recreation and education benefits, including hunting and fishing areas, wildlife viewing areas, and nature areas;
- Commercial benefits, including wild rice and cranberry growing areas, and aquaculture areas;
- Fish and wildlife benefits;
- Low-flow augmentation benefits during times of drought; and
- Other public uses.

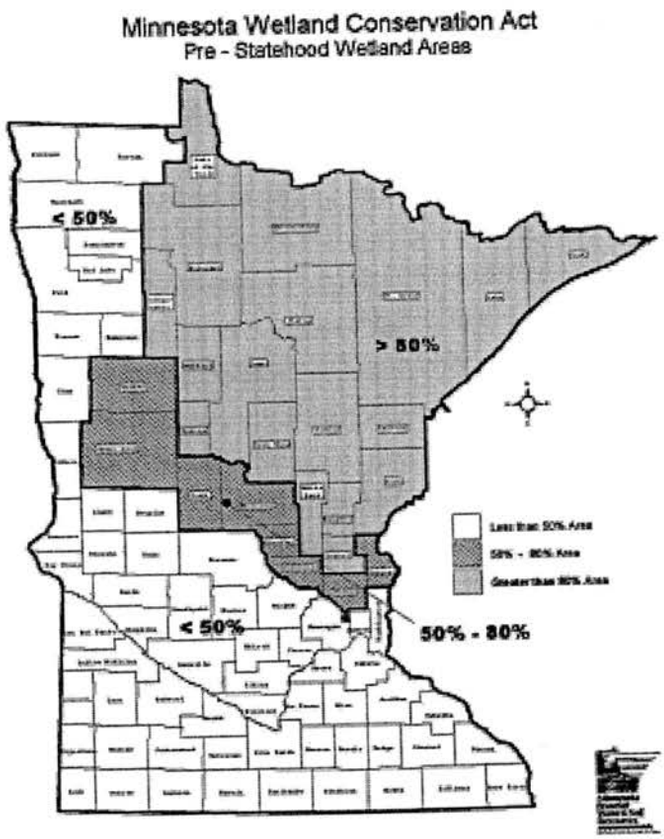
To retain these benefits and comply with the legislation's goal of no-net-loss in the quality, quantity, and biological diversity of wetlands, the Wetland Conservation Act requires anyone proposing to drain or fill a wetland to first try to avoid disturbing the wetland; second, to try to minimize any impact on the wetland; and, finally, to replace any lost wetland acres, functions, and values. (This process is called *sequencing* in the law.) Certain wetland activities are exempt from WCA, allowing projects with minimal impact or projects located on land where certain pre-established land uses are present to proceed without regulation.

The state does not issue permits under WCA. More than 350 local government units (LGUs) — cities, counties, watershed management organizations, soil and water conservation districts, and townships

– implement WCA locally. The Minnesota Board of Water and Soil Resources administers WCA statewide, and the Department of Natural Resources (DNR) enforces it.

The Wetland Conservation Act took effect with an interim program in 1992 and started operating under formally adopted rules in January 1994. The Legislature approved several significant changes to WCA in 1996 and again amended the law in 2002. With experience and improved data collection pointing the way, legislators, state and federal agency personnel, local governments, and a wide range of interest groups worked to fine-tune the delicate balance between resource protection and land development options.

The law recognizes differences in Minnesota's geography by dividing the state into three regions: an area that has more than 80 percent of its original wetlands remaining, which tends to be northern and northeastern Minnesota; an area with between 50 percent and 80 percent of its original wetlands remaining, which tends to be central Minnesota; and an area with less than 50 percent of its original wetlands remaining, which tends to be southern and northwestern Minnesota (see figure 1). Wetlands are considered "original" if present at the time of statehood in 1858.



Each of these geographic areas is treated somewhat differently in the law. In addition, in some instances the law treats the Twin Cities metropolitan area and greater Minnesota differently, due to their vastly different development climates.

This report contains Wetland Conservation Act information reported by local governments as well as state and federal agencies for calendar years 2001, 2002, and 2003. Some data from previous years are included to show trends.

Other Regulatory Programs

WCA is only one of several regulatory programs affecting wetlands in Minnesota. These other programs include the Department of Natural Resources Public Waters Work Permit Program, the Minnesota Pollution Control Agency Water Quality Standards (Minnesota Rule 7050), State Disposal System, National Pollutant Disposal Elimination System permits, and Clean Water Act 401 Certification, and the U.S. Army Corps of Engineers (Corps) Clean Water Act Section 404 Program. The vast majority of wetland impacts regulated by WCA are also regulated by the Corps under the 404 program, and vice versa. Also, while the WCA and Public Waters Work Program regulate different wetlands, the DNR can waive projects that propose impacts to DNR regulated wetlands to the local governmental unit for regulation under WCA.

Conservation Programs

Numerous nonregulatory conservation programs are operated by state and federal agencies. Several federal and state conservation programs restore and/or protect wetlands through long-term contracts, permanent or long-term easements, or acquisition. They are also often collaborative in that a project at one site may include several agencies working in concert to accomplish common goals. Federal agencies that manage wetland related programs principally include the Natural Resources Conservation Service, Farm Services Agency, and Fish and Wildlife Service. The DNR and BWSR are the two state agencies that actively manage wetland conservation programs.

Data

All of the state and federal agencies have provided data on their activities as they relate to wetland regulation, protection, and restoration. BWSR has included data provided by the local governments that are responsible for implementing the WCA. Efforts have been made to get as complete information as possible, while also minimizing double counting of data. Also, most of the data included in this report pertain to quantity, with more limited data regarding quality.

Double counting is often raised as a data management concern among the various programs. This is due to the collaborative nature of many wetland programs that leads to the potential for more than one agency to count a single restoration. While every agency involved in wetland management activities is operating under their own authority and managing the data they generate accordingly, a greater effort needs to be made to coordinate the generation and management of data.

These data issues require evaluating the information contained in this report from a large-scale perspective rather than the small scale. In other words, data in this report can be used to identify and evaluate overall trends, but the actual figures reported on wetland gains and losses should be used with caution.

CHAPTER III: THE WETLAND CONSERVATION ACT IN 2001-2003

Part A: Overview of 2001, 2002, and 2003 Data

Data reported by LGUs indicate that WCA continues to protect Minnesota wetlands. Local authorities, during the period 2001-2003, reported an annual average of nearly 17,800 WCA-related contacts with landowners, of which more than 30 percent were ultimately resolved with no disturbance to a wetland. These projects, as originally proposed, would have drained or filled an estimated 8,842 acres of wetlands.

After avoidance, minimizing the draining and filling of wetlands is one key to the success of Minnesota's no-net-loss goal. LGU reporting indicates that from 2001-2003, most projects (more than 50 percent) impacting wetlands were small, affecting less than 0.2 acres of wetlands. Furthermore, even as the number of projects has been increasing, the number of projects with large impacts (greater than 3 acres) has not increased (see table 3 below). Minimizing these larger projects will keep wetlands as intact as possible. While the effects of small wetland projects are not as noticeable, their cumulative impact can be significant. Small impacts on larger wetlands disturb the soil and open windows to invasion by exotic and invasive plants. Even when their acreage is replaced, total destruction of small wetlands leaves remaining wetland areas more isolated.

Table 3

	NUMBER OF WCA IMPACTS BY SIZE					
	0-0.2 ac.	0.21-0.5 ac.	0.51-1.0 ac.	1.1-3.0 ac.	>3.0 ac.	Annual Totals
2001	1,632 (60.7%)	501 (18.6%)	270 (10.0%)	140 (5.2%)	145 (5.4%)	2,688
2002	1,573 (58.2%)	555 (20.5%)	259 (9.4%)	170 (6.3%)	144 (5.3%)	2,701
2003	1,450 (51.7%)	744 (26.5%)	257 (9.2%)	212 (7.6%)	142 (5.1%)	2,805
Totals	4,655 (57.2%)	1,800 (22.0%)	786 (9.6%)	522 (6.4%)	431 (5.3%)	8,194

Exemptions

The WCA includes a number of activities that are exempt from regulation under the law. While being exempt, these activities usually result in the loss of wetlands. Those include:

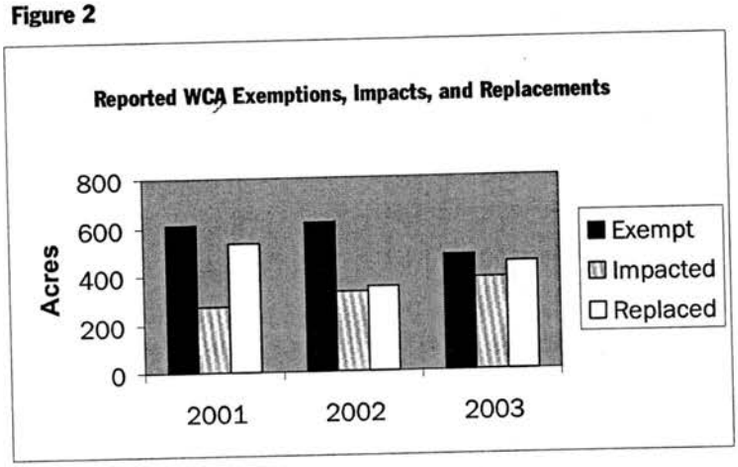
- Agricultural activities (8 total) Note: To maintain an exemption, the landowner must maintain the land in agricultural use. Those activities include:
    1. Agriculture on land cropped prior to passage of WCA (2 exemptions).
    2. Aquaculture.
    3. Wild rice production.
    4. Noxious weed control.
    5. Agriculture with USDA approvals (2 exemptions).

6. Agriculture on type 1 wetlands and type 2 and 6 wetlands less than 2 acres.

- Drainage activities (2 total) Note: Except for 3., exemptions are limited to repair and maintenance activities. Any wetland may be drained or filled:
  1. Except for types 3, 4 or 5 older than 25 years, on public drainage systems.
  2. Except those less than 25 years old on a private drainage system.
  3. If part of a drainage improvement project approved prior to passage of WCA.
- U.S. Army Corps of Engineers approvals.
- Wetlands restored under conservation purposes.
- Activities involving wetlands that exist solely due to unintended actions such as blockage of culverts or beaver dam construction.
- Certain activities associated with utilities and public works; impacts limited to ½ acre.
- Forest road activities; best management practices are required.
- Certain development activities approved prior to the passage of the WCA.
- Certain "de minimis" (minimal) drain and fill impacts are allowed depending on wetland types and location within the state. The size of allowable impacts range from 400 square feet to 10,000 square feet.
- Certain wildlife habitat creation activities.

Additional detail on the exemptions included in WCA can be found at BWSR's website.

Figure 2



The exempt activities certified by LGUs have been tracked in BWSR's eLINK database since 2003. Prior to that, the LARS database was used to manage data reported by local governments. Exemptions certified during the period 2001-2003 amounted to just more than 1,700 acres. However, many WCA-exempt losses are not recorded because they require no approval by local authorities. Only when a landowner requests one will a local government issue a formal exemption certificate. The data reported by LGUs indicate that exempt wetland impacts exceed the acreage gain from the 2 to 1 replacement that is required for most other impacts.

Wetland Replacement

WCA directs that avoidance and minimization should come first in the sequence of addressing projects affecting wetlands; however, some projects do have unavoidable wetland impacts. These require

wetland replacement via approved replacement plans. Project sponsors provided an average of more than 440 acres of replacement wetlands each year from 2001-2003 (see figure 2). This count of project-specific replacement does not include acres replaced by the state on its projects (see Chapter 4) and on behalf of local government public road authorities (see Chapter 3, part B).

Wetland restoration and creation is an evolving science with complex constraints unique to each site. Theories about developing plant and animal communities that can survive in changing climatic conditions are still being explored and success is, in many cases, uncertain for several years.[1] In some cases, purchasing replacement credits at an established bank site with a wide buffer zone may be preferable to squeezing a new wetland into a developing area.

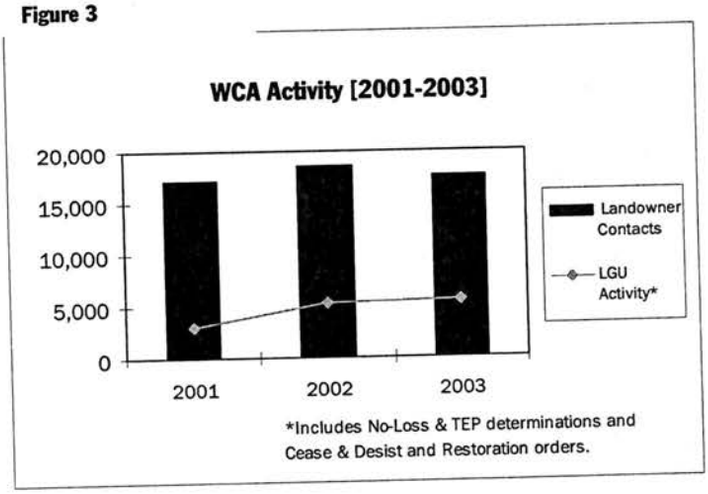
LGU Activity/Workload

Whether replaced on-site or via banking, the continued enforcement of WCA leaves local authorities with more replacement sites to track every year. Monitoring of replacement sites is not tracked in the eLINK database.

Measuring the efforts of local government to implement the WCA is a difficult task. This is because many activities required by the law are not measured, such as monitoring of replacement and bank sites, time spent on conservation projects that may get cancelled, the amount of effort required to work with project proposers to avoid and minimize impacts, review of wetland delineation reports, and bank plan proposals that may or may not end up with deposit of credits in the state Wetland Bank. With this said, local governments do report information that provides a measure of WCA workload.

Local government WCA workload and activity increased from 2001 to 2003 (see figure 3). Landowner contacts (i.e., phone calls or visits from landowners considering projects impacting wetlands), the number of no loss determinations, technical evaluation panel decisions, and cease and desist orders issued increased, as did the number of completed, WCA-related restoration projects.

Figure 3



[1] *Progress in wetland restoration ecology,* JB Zedler. 2000. Trends in Ecology & Evolution. 15(10): 402-407.

Just counting the work is, in itself, work and for some counties this task is more onerous than others. As part of its continuing effort to serve the needs of local government, BWSR implemented eLINK, which provides an improved means for LGUs to account for WCA activities.

Part B: Local Road Wetland Replacement Program

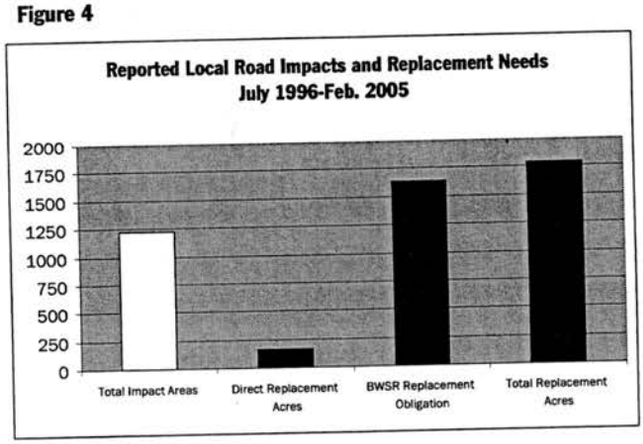
Background

As part of the 1996 legislative amendments to WCA, the state of Minnesota, through BWSR, assumed the responsibility from local governments for replacing wetlands lost through repair and rehabilitation of existing roads throughout the state. This obligation applies when the road project is necessary to meet state and federal design or safety standards, not new roads or to increase road capacity. Replacement in most areas of the state must take place at a 2 to 1 ratio (two wetland acres replaced for every one lost); in the counties with more than 80 percent of their original wetlands remaining, the replacement ratio is 1 to 1. Replacement as close as possible to the geographic location of the impact as well as the wetland type are priorities in the Road Replacement Program.

Benefits of the Local Road Wetland Replacement Program are as follows:

1. Regulatory simplification and efficient and improved wetland mitigation are achieved by eliminating the need for each local road authority to maintain its own staff expertise and budget to mitigate impacts to wetlands from road projects.
2. Fragmented impacts from road projects are consolidated in targeted areas to provide habitat, water quality, and other wetland functions away from traffic and highway runoff areas.
3. Water management goals such as improving water quality, flood control, greenway preservation, and wildlife corridor enhancement can be better addressed collectively.
4. Site selection, ranking of project proposals and setting program strategies consistent with overall state and federal wetland goals are achieved through an interagency committee process.

Figure 4



Amendments to WCA in 2002 modified the requirement on how wetland impacts in the seven-county metropolitan area are to be replaced. Under this change, wetland impacts in the metro area may be replaced, beyond the 1 to 1 minimum, in any watershed that is tributary to the seven-county area. Much of the

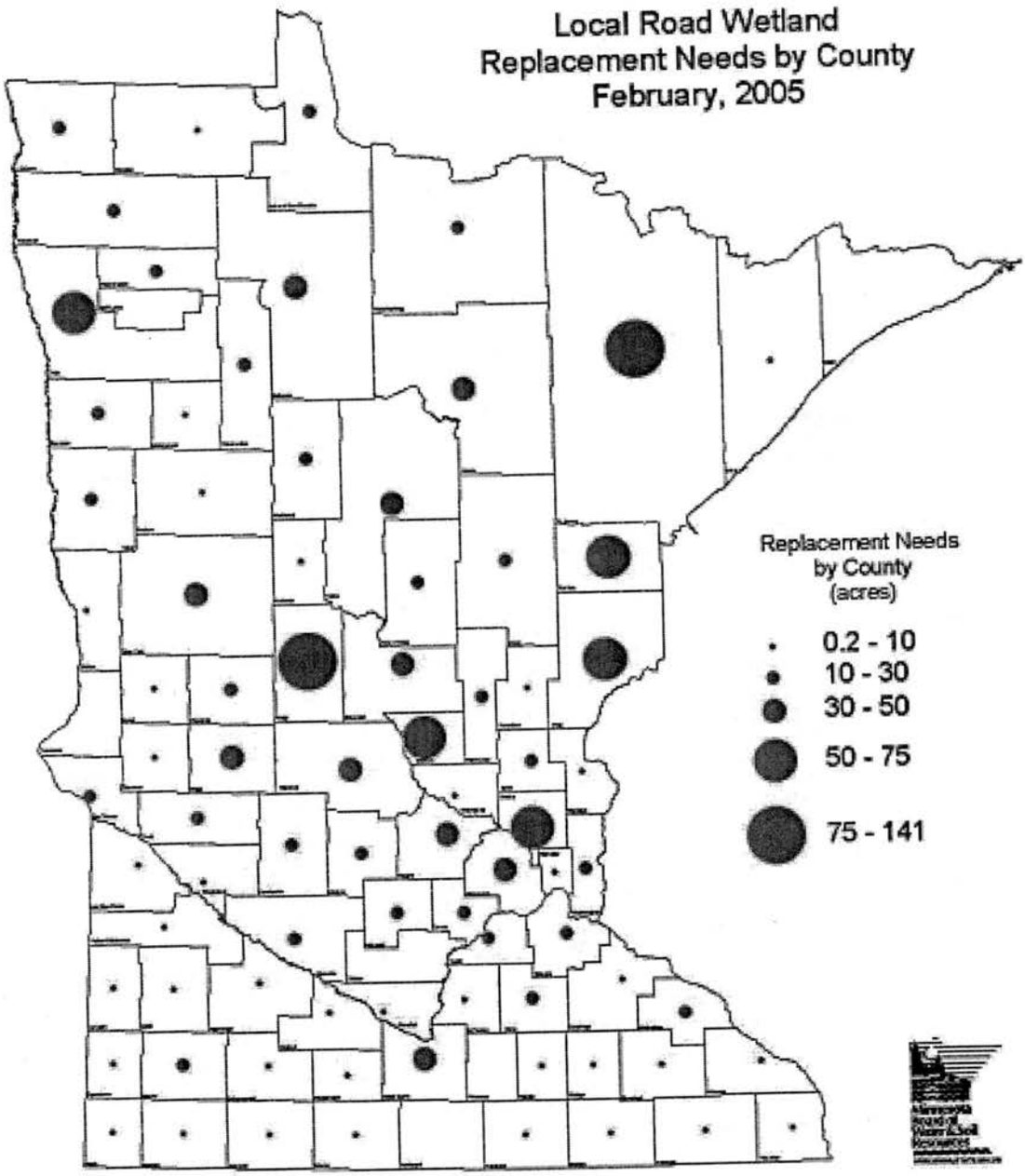
impetus for the change was the greater cost of providing mitigation in the metro area. BWSR wetland replacement costs are three times higher in the metro area compared to the rest of the state.

Local Road Wetland Impacts

The WCA provision that required the state to replace local road project impacts was approved mid-way through 1996. From then through February 2005, local road authorities have reported a total of 1,032 individual road projects that impacted a total of 1,228 acres of wetland. This level of impact requires BWSR to develop 1,632 acres of replacement wetland credits using the current 2 to 1 ratio in the less than 80 percent counties and the 1 to 1 ratio in greater than 80 percent counties. With the credits expected to be certified for deposit in 2005, the program will be in full compliance with WCA and the United States Corps of Engineers requirement to replace wetland impacts prior to or "in advance of" the impact. In 2005, BWSR, in consultation with the DNR and the U.S. Army Corps of Engineers, will map out a strategy to allocate these credits to the projects where actual debits have not yet taken place and to set regional and watershed goals for future projects established under this program.

Appendix D is a summary by county of the reported impacts, the amount of replacement developed by road authorities by county, the amount of replacement the BWSR is obligated to replace, and the total replacement for public road impacts. For the reporting period 2001-2003 there were 452 projects, 468 impacted wetland acres, 25 acres of replacement provided by the road authorities, and 656 acres of replacement wetland developed by BWSR pursuant to the statutory requirement. Figure 5 is a map showing the relative distribution of the reported impacts. Not surprisingly, the counties with much of their wetland base remaining and those near developing urban areas like the seven county metro area, Duluth, and St. Cloud have reported the most impacts.

Figure 5


Local Road Wetland
Replacement Needs by County
February, 2005
Replacement Needs
by County
(acres)
0.2 - 10
10 - 30
30 - 50
50 - 75
75 - 141

Local Road Wetland Replacement

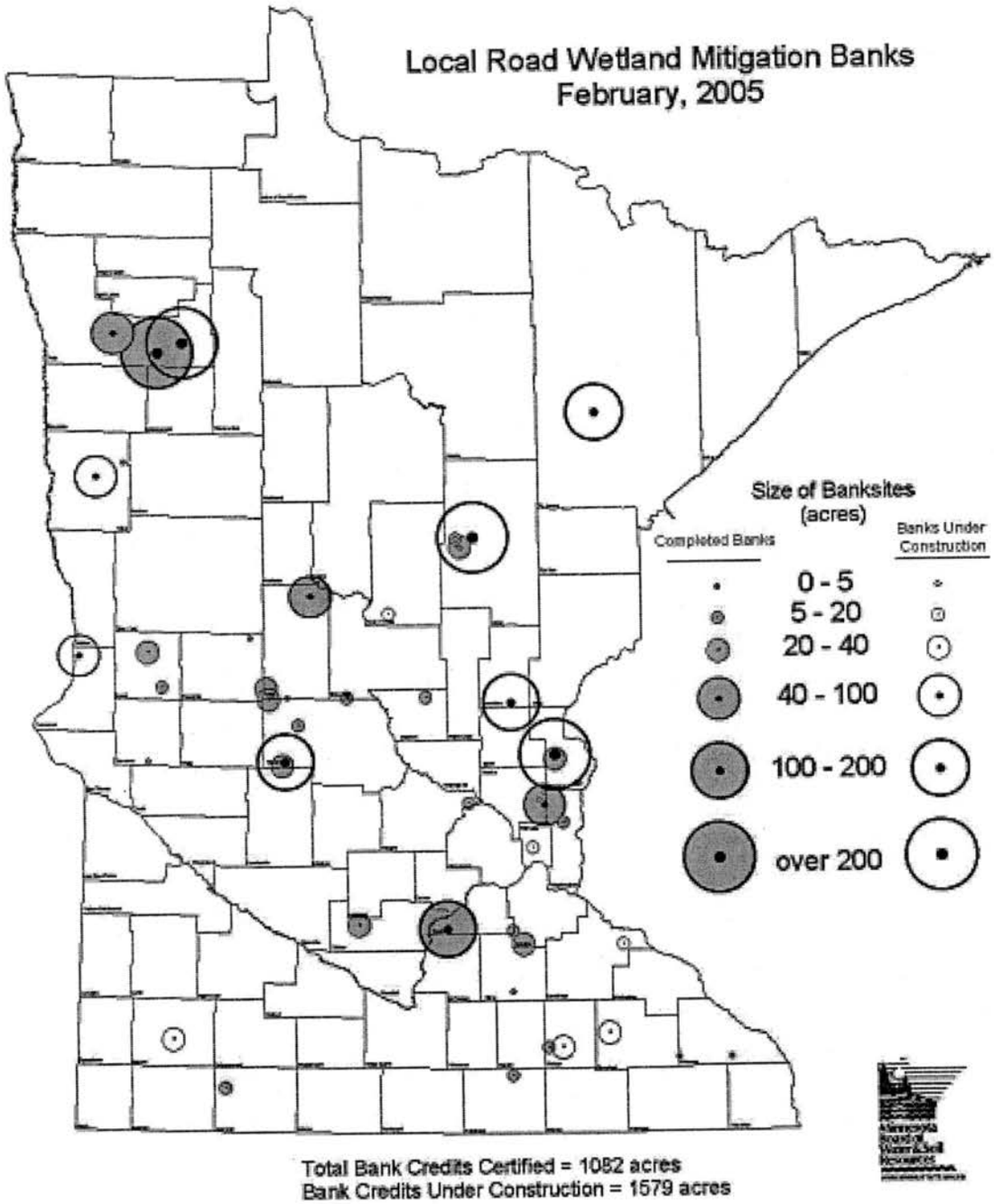
Since the program's inception, 1,082 acres of wetland credit have been established and certified at 39 individual sites around the state. At the end of 2004, BWSR began debiting from these accounts to replace wetland losses that public road authorities first started reporting to BSWR in 1996. To date, 522 acres have been debited from the system.

Fourteen additional bank sites are under various stages of development and are waiting for certification by WCA Technical Evaluation Panels. These projects represent approximately 1,579 acres of additional credits for deposit and subsequent debit against losses reported to BWSR by local road authorities. It is anticipated that approximately 1,000 of these credits will be certified for deposit during 2005. Table 4 summarizes the status of these pending projects. Figure 6 is a map showing the distribution of the existing public road mitigation projects and the projects that are under construction.

Table 4

PROJECTS UNDER CONSTRUCTION WAITING FOR CREDIT CERTIFICATION					
Project Name	**County**	**New Wetland Credit**	**Public Value Credit**	**Total Credits**	**Completion Date**
French Lake WMA	Aitkin	300.00	20.00	320.00	2005
Janet Johnson WMA	Chisago	200.00	40.00	240.00	2006
Brantner Project	Clay	66.30	2.70	69.00	2004
Clayton Eisel Project	Crow W.	6.50	2.20	8.70	2005
Vivian Johnson	Dodge	15.00	15.00	30.00	2005
Jaeger Restoration	Goodhue	8.70	6.50	15.20	2005
Jim Nelson Project	Kanabec	53.10	78.20	131.30	2004
Bader -Lake Elsie	Murray	30.00	9.00	39.00	2005
Rochester Project	Olmsted	24.00	2.00	26.00	2004
Vesledahl Phase 2 and 3	Polk	200.00	200.00	400.00	2004
Woodview Marsh	Ramsey	2.00	6.00	8.00	2004
U of M Bog Restoration	St. Louis	101.00	0.00	101.00	2004
Halverson Restoration	Stearns	63.00	63.00	126.00	2004
Beyer Restoration	Traverse	41.40	23.50	64.90	2005
Totals		**1,111.00**	**468.10**	**1,579.10**	

Figure 6


Local Road Wetland Mitigation Banks
February, 2005
Size of Banksites
(acres)
Completed Banks
Banks Under Construction
0 - 5
5 - 20
20 - 40
40 - 100
100 - 200
over 200
Total Bank Credits Certified = 1082 acres
Bank Credits Under Construction = 1579 acres

BWSR is focusing on meeting replacement needs for the program regionally and on the basis of type, rather than on a watershed or county basis. Eventually, BWSR, working with data and stakeholders, intends to focus the program so that wetland losses and replacements are judged and balanced on a statewide, rather than regional basis. This would allow for more effective and efficient replacement based on actual wetland type and function.

Comparing the map of local road credits required to the BWSR replacement sites, it is apparent that replacements for impacts are needed in the far north central, southwest, and in the St. Cloud to Twin Cities corridor.

BWSR has pursued road impact replacement using various strategies. One strategy is to form partnerships with state and local agencies to develop joint replacement sites. Another strategy involves obtaining easements from private landowners who have restored wetlands and submitted qualifying projects. The third strategy is to purchase credits from existing entrepreneurial wetland bank accounts.

To date, the Legislature has appropriated $17.526 million for this program.

Minnesota Statutes Section 103G.222 was amended in 2000 to provide a revised and streamlined reporting process to ensure proper coordination with all regulatory authorities. Consequently, a revised combined project application form was created for local road authorities to use to implement this program. It is entitled "Minnesota Local/State/Federal Application Forms for Water/Wetland Projects - Public Transportation and Linear Utility Projects" (also referred to as Public Road Combined Project Application Form) and can be accessed from the Board of Water and Soil Resources website. The rule and law from may also be reviewed on the BWSR website (Minnesota Rule Chapter 8420.0540, Subp. 5 and Minn. Stat. 103G.222).

Part C: Comprehensive Wetland Management Planning

In 1996, changes to the Wetland Conservation Act allowed local units of government to develop a Comprehensive Wetland Protection and Management Plan as an alternative to parts of the WCA rules. These local plans allow increased flexibility for some parts of the rule provided the plan results in no net loss of wetland quantity, quality, and biological diversity over the life of the plan. The plans are implemented by ordinance as part of the local government unit's official controls. After the BWSR board approval and adoption by the local government unit into ordinance, wetland decisions are made according to the plan and ordinance. The period covered by an approved plan cannot be more than 10 years; however, a procedure for updating plans is provided in statute.

Most plans require:

- maps of wetlands identified under the National Wetlands Inventory, where available;
- a summary of plans for wetlands with controlled outlets, such as plans for water-level draw downs;
- a description of the United States Corps of Engineers, Section 404 permit requirements affecting county waters;
- and the implications of wetlands for present and future water uses with special consideration for water quality, flood attenuation, wildlife, and recreation, and an assessment of those implications.

Recognizing the importance of planning in resource protection, BWSR encourages local efforts through funding, support, and, if the plan is approved, greater flexibility in WCA regulation. Funding from BWSR has been provided through a competitive Challenge Grant process.

The benefits of wetland planning accrue to wetland rich areas that desire regulatory flexibility and other areas for coordination and identification of future impacts and opportunities. BWSR has been working with the Army Corps of Engineers to achieve federal acceptance of these plans. In addition, BWSR has worked with the MPCA in order to achieve plan compliance with wetland requirements in the Water Quality Standards in Minnesota Rule 7050. The real benefits of wetland planning can only be realized if all regulatory authorities recognize these locally generated plans.

Thirty local government units have developed Comprehensive Wetland Protection and Management Plans. Appendix E provides more details on this program.

Part D: Wetland Banking

The Minnesota Wetland Banking Program, initiated in 1994, continues to provide an effective and relatively convenient avenue for wetland replacement. Under the program, landowners draining or filling wetlands have the option to purchase wetland "credits" resulting from previously restored or created wetlands, rather than finding and restoring wetland acres on their own. Generally speaking, high quality mitigation is achieved when it occurs in larger restorations rather than smaller creations.

From 1994 through 2004, approximately 4,432 acres have been deposited. Wetland restorations from approximately 45 counties have been enrolled in the program (see Appendix F-1). Deposits to the wetland bank are fundamental to its success; withdrawals are crucial to encouraging landowners to make those deposits. Deposits have increased during the past four years to a high of more than 60 applications received in 2003, with the number of approved sites averaging 30 since 2002. During

2001 and 2002 withdrawals increased significantly before coming down to historical levels in 2003 and 2004.

From 2001-2003, non-state deposits into the wetland bank totaled 1,053 acres. During the same period, 590 acres were withdrawn to mitigate impacts. Bank replacements for impacts average a ratio of about 1.5 to 1; this average includes projects in the greater than 80 percent area replaced at a 1 to 1 ratio. Since the bank program started, the average size of credit purchased is 1.047 acres. Over the past year, the largest purchase was 6.0 acres and the smallest was .0015 acres.

Figure 7

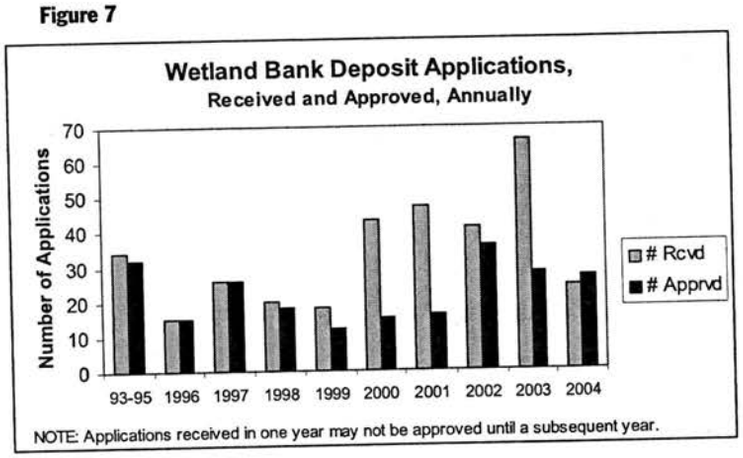
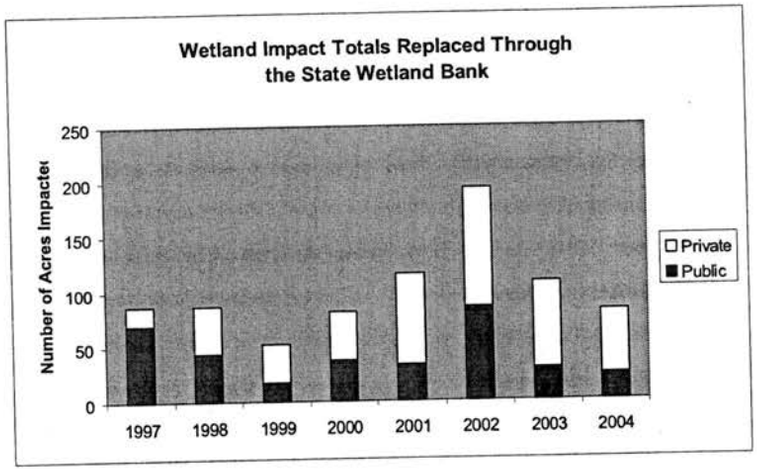


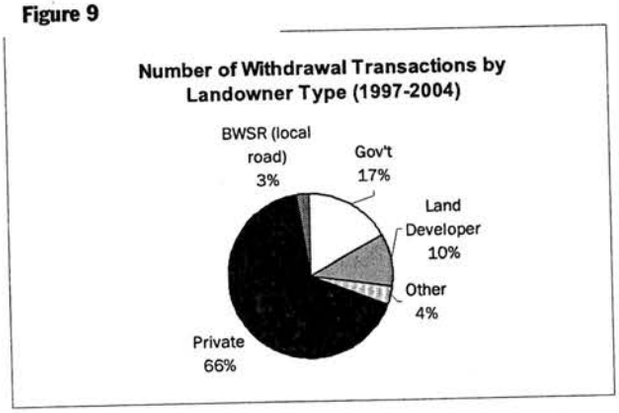
Figure 8



Private landowners are the primary users of the wetland bank, with two-thirds of purchases being made by a private entity (see figure 8). BWSR has purchased 496 acres for the local road program.

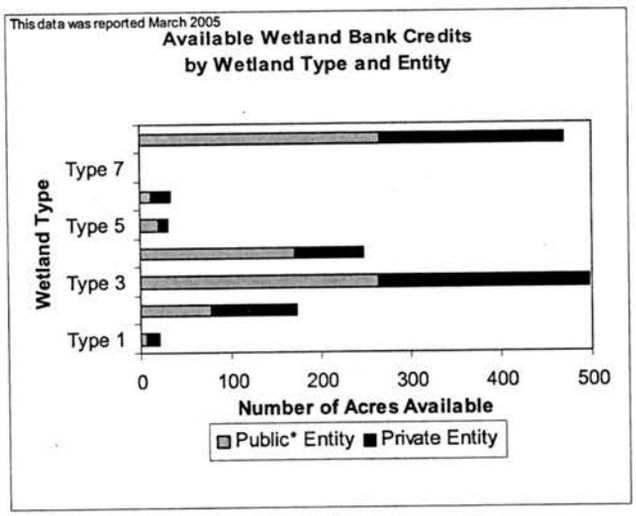
One of the challenges faced by the Wetland Bank is encouraging entrepreneurs to restore wetlands for deposit in the bank. The siting requirements for the replacement of wetland impacts generally requires replacement as close to the impacted wetland as possible (within the county or minor watershed), otherwise higher

Figure 9



replacement ratios apply. This rule has been established to reduce the local environmental impact of wetland destruction, which makes it important to have replacement bank sites located throughout the state. This rule has always been less restrictive in the northern region because of the large number of pre-statehood wetlands remaining there.

Figure 10



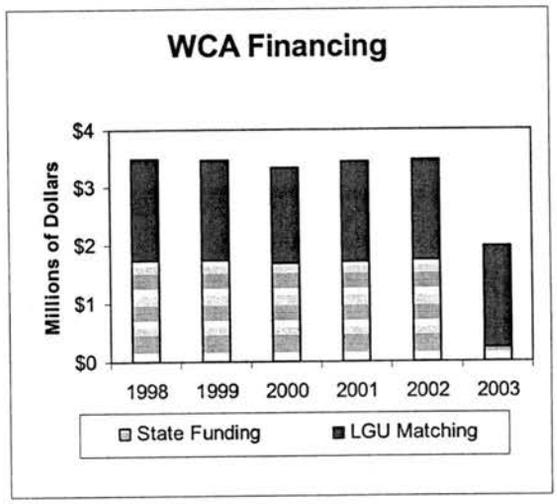
* Includes local government & highway authorities and BWSR, but not Mn/DOT. Not all private account holders make their credits available for sale to the public.

In addition to monitoring the geographic distribution of sites, it is also crucial to encourage a diversity of wetland types. Statewide, shallow marsh and deep marsh (types 3 and 4 wetlands) make up most of the restored acres deposited. Seasonally flooded basins (type 1) and wooded swamps (type 7) comprise the smallest portions of the banked wetland portfolio (see figure 10).

Upland buffer areas are important elements of a functioning wetland complex and make up a portion of the banked acres. Areas restored as upland buffer may only be applied to the portion of the replacement ratio above the 1 to 1 minimum.

The cost of wetland credits continues to vary greatly, depending upon location, land value, size, and the cost of the restoration construction. Wetland banking credits range in cost from about $1,824 to $43,560 per acre. The collected data indicate an average cost of about $11,507 per credit.

Figure 11



Part E: State and Local WCA Financing

WCA operates under a decentralized system. A small state general support system aids a much larger network of local staff to achieve both state and local goals in a cost-effective manner. A variety of local units of government—cities, townships, counties, soil and water conservation

districts, and watershed management organizations—administer WCA locally. More than 300 local governments with their staff work to administer the regulations of WCA. Local matching funds complemented 2001 and 2002 annual state funding of $1.72 million (allocated to counties as part of the Natural Resources Block Grant). Together, state and local funds provided the program with more than $3.44 million at the local level.

State funding to support local administration of WCA was reduced in 2003 to $238,569 due to an unallotment of state funds in response to a $4.2 billion state budget shortfall. To reduce the impacts of this reduction, the grant allocation cycle was moved up and state funding was increased to $2.172 million in each year of the 2004-05 biennium. This level of funding will be continued into the future.

Another factor in the financing equation to support the local delivery of WCA is the spending that occurs by local governments in addition to the match required for the state funds. Reporting to BWSR only includes limited data from cities and townships. However, the level of effort to adequately implement WCA requires the expenditure of funds by counties, cities, and townships that is not reflected in the required local match to state funds.

This funding, combined with BWSR support in training and serving on local technical evaluation panels, allows local governments to implement the program in a cost-effective manner. In many cases, WCA was incorporated or directly linked to existing planning and zoning or local water planning programs through the development of Comprehensive Wetland Protection and Management Plans.

In addition to annual LGU training sessions, BWSR provides ongoing local technical support through four wetland specialists and 14 board conservationists spread over seven regional and one metro office. Board conservationists assist local authorities in implementing WCA, applying for annual grants, and other resource conservation activities. Also, BWSR offers annual field training in wetland delineation.

As part of the BWSR support for local government implementation of WCA, it reviews local programs, and where performance issues are identified, a more formal audit. During the reporting period, 21 local government programs were reviewed and nine audited.

Part F: WCA Enforcement

Local government authorities implement WCA regulations with BWSR oversight, but both rely on Department of Natural Resources conservation officers and other peace officers to enforce WCA rules. Minnesota is the only state that allows a licensed peace officer to stop questionable work in a wetland, if necessary, without first securing a court or administrative order. Part of local communities,

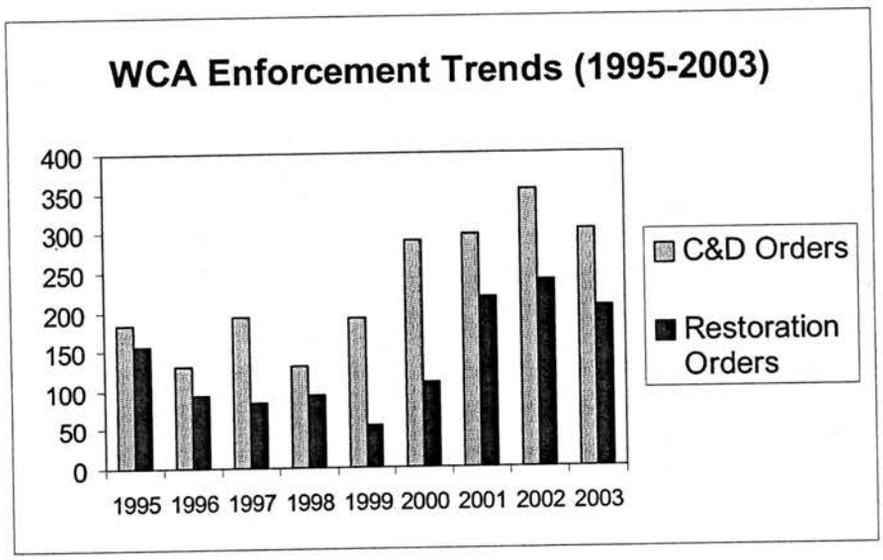
conservation officers link enforcement in the field to the day-to-day administrative work of LGUs. Their involvement lends an established relationship with the court system, increases attention to violations, and often results in expeditious resolution of violations through administrative processes. Like much resource protection work, their most successful efforts go uncounted because they resolve problems proactively.

DNR currently has six wetland enforcement officers across the state, coordinating the activities of field officers, local governments, soil and water conservation districts, BWSR, and the courts to ensure compliance with conservation laws. These wetland enforcement officers are conservation officers dedicated to enforcing Minnesota's wetland and water laws.

BWSR has tracked enforcement activities by querying LGUs for a number of years. From 2001 through 2003, an annual average of 314 cease and desist orders were issued by DNR and local government enforcement personnel. During that same time period, an average of 218 wetland restoration orders annually were issued. The DNR Enforcement Division established a wetland enforcement action tracking system in 2003 that allows the wetland enforcement officers to track the progress of each individual wetland enforcement action initiated by a field conservation officer.

Annual summaries for each year are shown in figure 12 below:

Figure 12



Court Delivers Strong Verdict in WCA Case

On April 21, 2003, the Hon. Galen J. Vaa, the presiding judge in the *State of Minnesota v. Arnold Vernon Ruther*, handed down a strong sentence in a Wetland Conservation Act violation case. Ruther

had been found guilty in a jury trial on March 6, 2003, on six counts of violating a restoration order and six counts of violating a cease and desist order related to filling 14.2 acres of wetlands in Otter Tail County. This case was a critical one in Minnesota because the Army Corps of Engineers had determined they had no jurisdiction because the impacted wetlands were isolated (i.e., not connected to navigable waters).

In handing down the sentence, Judge Vaa cited Ruther's two previous convictions for WCA violations and stated that the purpose of the sentence was fourfold:

1. To serve as punishment for violating the law,
2. To serve as an example for others,
3. To restore and pay damages of the violation, and
4. To maintain public safety by ensuring that intentional violation of the law does not go unpunished.

The sentence included a) serving 365 days in jail (180 days was served, with 185 days stayed), b) paying a fine of $6,000 ($500 for each count) plus $480 for fees and c) Ruther was ordered to pay restitution of $123,310 to the court within 30 days and d) probation.

The court victory was the culmination of several years of investigation by Otter Tail County staff, BWSR wetland specialists, DNR conservation officers, and the East Otter Tail SWCD. The restitution money has been the focus of an agreement between the BWSR and Pheasants Forever intended for wetland restoration in Otter Tail County. Several potential wetland mitigation sites have been screened and a suitable 160-acre parcel has been identified for purchase and restoration. The plans are to restore wetlands on the site in 2005 and plant native vegetation before putting the parcel into public ownership.

Part G: WCA Appeals

The act has an administrative appeals provision (MN Statute 103G.2242) allowing applicants and certain other parties to appeal local government decisions regarding replacement plans, public road project notices, banking plans, exemptions, no-loss, and wetland boundary or type to be appealed to the BWSR. As part of the rules amendments approved in 2002, landowners were granted the additional ability to appeal replacement and restoration orders.

In 2001 and 2002, 19 appeals were filed; in 2003, 22 appeals were filed (see table 5). Most appeals involve replacement plans and exemptions. Eight appeals of restoration orders were filed in the first year this option was available to landowners (2003); preliminary data from 2004 indicate this has increased to 16. The number of appeals of restoration orders is significant for a new class of appeal.

The increased workload resulting from restoration appeals will need to be watched in the coming years. However, even without restoration appeals, the incidence of appealing LGU decisions is increasing.

Table 5

WCA ACTIONS APPEALED TO BWSR				
WCA Actions	**2001**	**2002**	**2003**	**Total**
Replacement Plan	5	11	6	22
Exemption	11	4	2	17
No Loss	1	2	1	4
Exemption/No Loss	0	0	4	4
Restoration Order	0	0	8	8
Cease and Desist	0	1	0	1
Boundary/Delineation	0	1	1	2
Wetland Bank Credit	1	0	0	1
Watershed District Permit	1	0	0	1
Total	**19**	**19**	**22**	**60**

The number of hours spent on appeals administration by BWSR staff and BWSR Dispute Resolution Committee members was 700 in 2001, 750 in 2002, and 850 in 2003. This includes 150 hours in 2001, 160 hours in 2002, and 180 hours in 2003 from the Attorney General's Office. This effort has been increasing as the number of appeals has also increased. For instance, in 2000 the number of hours spent on appeals administration by staff and the BWSR Wetland Committee was 550 and 100 hours for the Attorney General's Office.

Figure 13

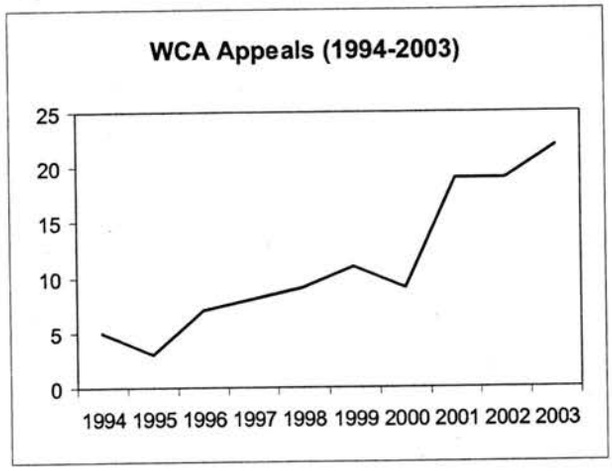


Table 6

RESULTS OF WCA APPEALS TO BWSR							
WCA Appeals	**1997**	**1998***	**1999**	**2000**	**2001**	**2002**	**2003**
Denied/ not accepted	3	2	4	5	4	8	7
Dismissed/ settled	2	3	3	2	9	4	8
Remanded	2	0	2	1	6	6	4
Affirmed	1	1	0	0	0	0	3
Reversed	0	1	1	0	0	0	0
Pending / abeyance	0	2	1	1	2	1	0
Total	**8**	**9**	**11**	**9**	**19**	**19**	**22**

* In 1998, two BWSR decisions were subsequently appealed to the Court of Appeals. BWSR prevailed in one case and the other was settled and dismissed.

Individuals wishing to appeal the decision of the LGU must pay a $200 fee to BWSR. The purpose of the fee is not to cover BWSR's costs to manage the appeals, but to deter frivolous appeals.

CHAPTER IV: OTHER STATE AND FEDERAL REGULATORY PROGRAMS

Part A: Department of Natural Resources

Public Waters Work Permit Program

Through the Public Waters Work Permit Program, the Department of Natural Resources regulates alteration of the course, current, or cross-section of types 3, 4, and 5 wetlands that are included on the Public Waters Inventory completed in the early 1980s. In general, public waters are all water basins and watercourses that meet the criteria set forth in Minnesota Statutes Section 103G.005, subd. 15. Public waters wetlands include all types 3, 4, and 5 wetlands that are 10 acres or more in size in unincorporated areas or 2½ acres or more in size in incorporated areas.

Projects that impact public waters or public waters wetlands may be permitted under a general permit or by an individual permit. General permits are "pre-issued" permits issued on a statewide or county level. If work proposed in public waters or public waters wetlands meets the requirements of a specific general permit, an individual permit is not required. Currently there are five categories of general permits, as follows:

- Emergency repair of public flood damages;
- Multiple purposes;
- Bridge and culvert projects;
- Dry hydrants; and
- Bank/shore protection or restoration.

Figure 14

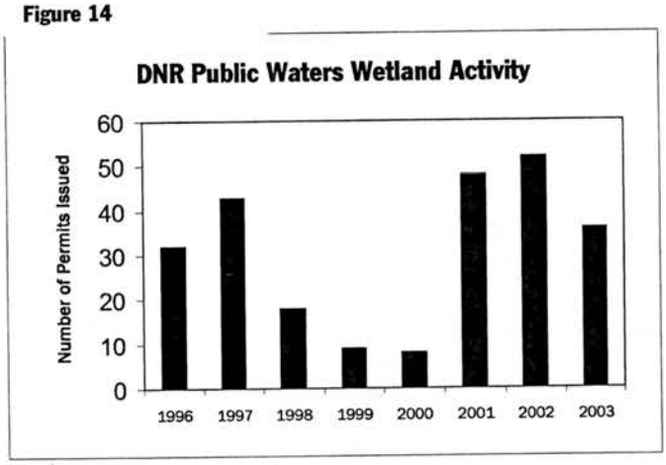
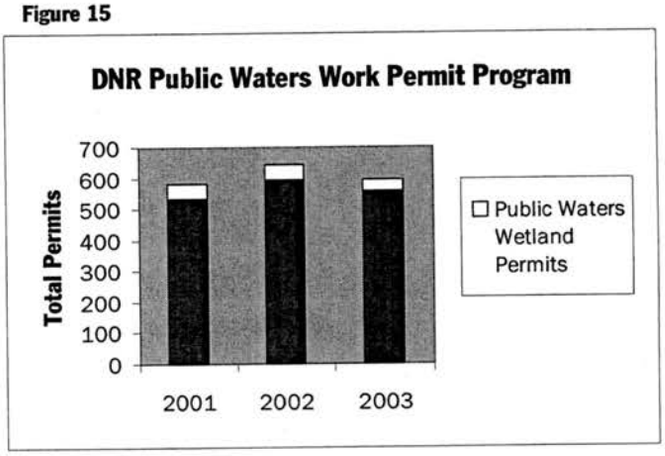


Figure 15



Individual permits are required if the proposed work does not meet the requirements of a specific general permit.

The Public/Protected Waters Work Permit Program in 2001 issued 48 permits for projects impacting public waters wetlands. In 2002, 52 permits were issued, and in 2003, 36 permits

were issued. In 2003, one project was reported authorizing impacts to 0.69 acres that required 1.38 acres of replacement. Historically, almost half of the DNR authorizations are for bridge and culvert projects, and an additional quarter of the projects are for shore protection or stabilization. The remaining projects encompass a wide variety of access, development and other public infrastructure projects. Under the Public Waters Work Permit Program, impacts to public waters wetland are prohibited for private developments.

Under rules adopted by the DNR in 2002, projects regulated under the Public Waters Work Permit Program may be waived to the WCA LGU. The DNR estimates that 50 projects annually are waived to an LGU.

The DNR is developing an internet-based water permit database with a proposed implementation date of July 2005. The database will improve the ability of the DNR to manage the Public Waters Permit Program and more effectively manage program data.

Mining Impacts (Regulated by DNR Division of Lands and Minerals)

Because mining projects occur over long time periods, wetland impacts are not typically tracked by year. Since full implementation of the Wetland Conservation Act (in 1994), mining projects regulated by the Division of Lands and Minerals have impacted 1,133 acres of wetlands. As mitigation for these impacts, 1,161 acres of wetland have been restored or created. An additional 426 acres of wetlands have been restored or created in anticipation of future mining impacts, currently projected to affect nearly 1,300 additional wetland acres.

Wetland impacts due to metallic mining are anticipated to be fairly significant in the next five to 10 years. As interest in mining in northeast Minnesota grows, so does the potential for wetland impacts. Current estimates from the DNR indicate that between 2,500 and 3,000 acres of wetlands will be impacted due to mining projects in the next 10 years.

Other DNR Wetland Activities

The DNR is required to replace wetland impacts resulting from its capital improvement projects. The DNR Division of Parks impacted 0.48 acres of wetland during the reporting period, restored 97.7 acres and enhanced 5.5 acres. The DNR Division of Trails and Waterways reported impacts to 25.1 acres, which was offset by 43.5 acres of wetland replacement.

Part B: Minnesota Pollution Control Agency

Minnesota Pollution Control Agency water quality standards applicable to wetland protection are contained in Minnesota Rule 7050. Water quality standards are applicable to all waters/wetlands of

the state and require sequencing and mitigation. These requirements apply to the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) permit program that is a delegated federal permit administered by the MPCA and includes the General Construction Storm Water (CSW) NPDES permits.

If a project involves altering a wetland by draining, filling, excavation, or inundating and that impact is not addressed (mitigated) by either the U.S. Army Corps of Engineers Section 404 program, DNR Public Waters Work Permit Program, or WCA permits or other determinations, then the project proposer must demonstrate compliance with Minnesota Rule 7050.

In the past, 7050 requirements were often applied through the Section 401 Water Quality Certification process. The 401 Water Quality Certification program is an element of the Federal Clean Water Act and has been delegated to the MPCA. Under this program, the MPCA reviewed all federal permits, including Clean Water Act Section 404 permit applications, for compliance with state water quality standards primarily contained in Minnesota Rule 7050. The MPCA can approve, deny, or waive 401 certifications. If denied, the federal permit, usually the Corps of Engineers Section 404 permit, cannot be issued. The MPCA is not currently implementing the Section 401 program on a regular basis; nearly all certifications are being waived. However, this should not be viewed as a waiver from the requirements of 7050. Projects affecting wetlands as described above must still comply with state water quality standards.

Part C: St. Paul District U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers has responsibility for implementing Section 404 of the federal Clean Water Act, which regulates the filling of wetlands. Corps permits fall into the following four categories:

Individual Permit

Individual permits authorize proposed projects that have potentially greater individual and cumulative impacts that can't be authorized by existing general permits or letters of permission. The process of public and interagency coordination is extensive and the time required to get the final permit can exceed 120 days.

Letters of Permission

Letters of permission (LOP) are a type of individual permit that go through an abbreviated permit process. A written application is required and a written LOP is necessary before the proposed work can be done. The process includes varying levels of interagency and public coordination depending on the

nature of the project. LOPs typically cover projects with total water and wetland impacts of 2 acres or less (5-acre limit for improvement of existing roads).

General Permit

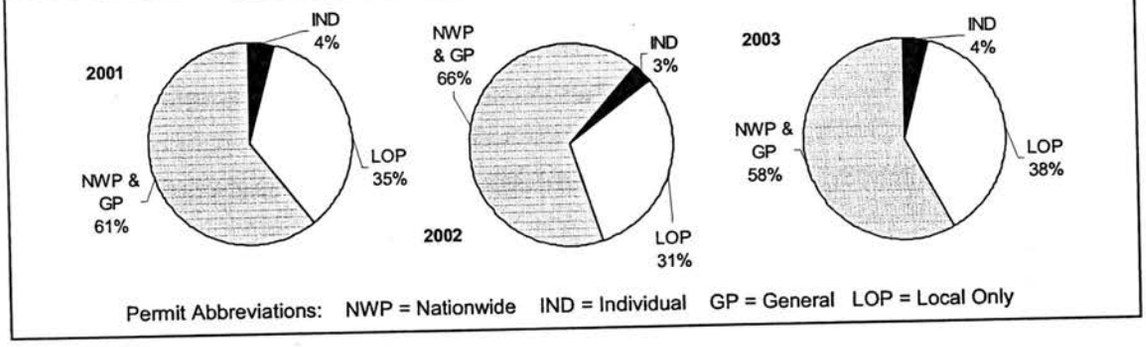
General permits (GP) are issued at the national or regional level for classes of activities that are similar in nature and that have minimal individual and cumulative impact.

Nationwide Permits

Nationwide permits (NWPs) are issued periodically by the Corps headquarters for a list of specific activities with minor impacts. In Minnesota, the Corps uses NWPs only for impacts in Section 10 (navigable) waters. The St. Paul district has issued a non-reporting regional GP in Minnesota that authorizes most impacts of less than 400 square feet, and up to 1/3 acre for hazardous spill cleanup, bank protection road maintenance, and utility maintenance without application to or written permission from the Corps. Additionally, GP-1, a programmatic general permit, authorizes work already permitted by DNR in order to avoid duplication of the state's permit program.

Figure 16

Section 404 Applications (Percent by Type)

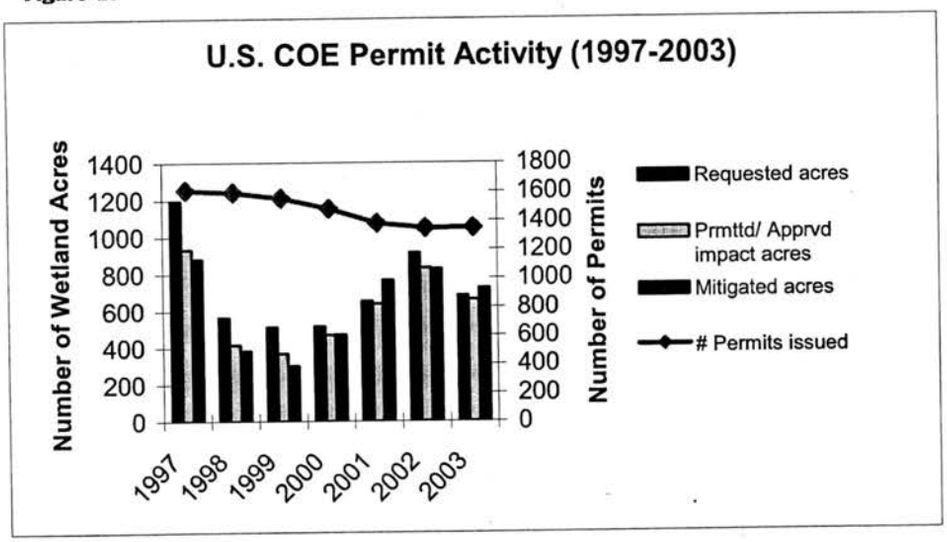


Permit Abbreviations: NWP = Nationwide IND = Individual GP = General LOP = Local Only

In 2001, the Corps took action on a total of 1,382 permits, including 59 individual permits, 485 LOPs, 801 GPs, and 37 NWPs. In 2002, the total was 1,348 permits, including 44 individual permits, 412 LOPs, 854 GPs, and 38 NWPs. In 2003, the total number of permits was 1,350, including 58 individual permits, 508 LOPs, 740 GPs, and 44 NWPs.

In two of the past three years wetland acres restored or created to mitigate impacts approved by Corps permitted projects have exceeded impacted acres. More significantly, the data, taken as a whole, reflects a net wetland gain as a result of Corps regulated projects over the period of 2001-2003 (see figure 17 below). However, the available information does not include wetlands impacted by projects the Corps does not regulate due to their being exempt or outside of the Corps' authority.

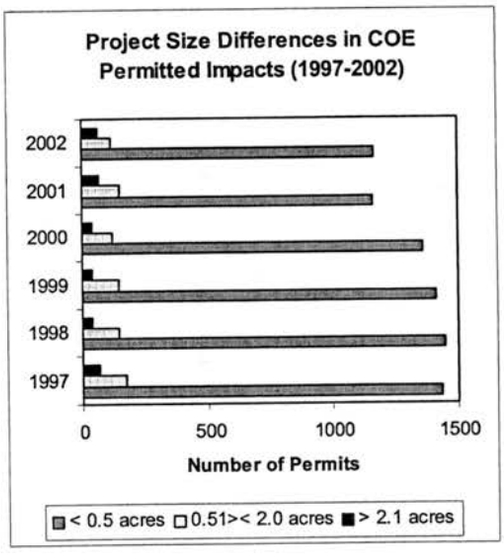
Figure 17



Most permitted projects are small, less than 0.5 acres (see figure 18). This experience is similar to that of WCA reported impacts and indicates success in the sequencing process to avoid and minimize wetland impacts before mitigating them.

A definitive study examining the frequency of regulatory duplication between the Section 404 Program and the WCA has not been conducted. The amount of duplication is significant in that a large majority of projects regulated under WCA are also regulated under 404, and vice versa. In recognition of this duplication, efforts have been underway almost since the passage of the WCA to reduce the differences between these programs and to institute procedures to reduce the burden on applicants. These efforts continue to this day, as BWSR, the Corps, and other agencies are developing Wetland Mitigation Guidelines that will reduce programmatic differences and chart a road map to bring the programs into further alignment in the future.

Figure 18



Part D: Minnesota Department of Transportation

Mn/DOT is required to mitigate any wetland losses or impacts that occur in conjunction with state highway projects under both the WCA and Section 404 of the Clean Water Act. The agency reported impacts to 31.35 acres with the replacement of 56.79 wetland acres in 2001. In 2002, Mn/DOT replaced impacts to 56.44 acres with 89.17 acres. In 2003, Mn/DOT projects impacted 107.34 acres that were replaced by 205.8

acres. From 1992 to 2000, MnDOT has impacted 609.13 wetland acres and replaced them with 992.76 acres. This includes repair on existing roads as well as new roads or capacity improvements.

To mitigate losses, Mn/DOT purchases some credits from private accounts in the State Wetland Bank; the majority of replacement, however, comes from on-site mitigation projects and other restoration sites established by Mn/DOT itself. From 2001-2003, Mn/DOT has used 35.59 acres of privately developed wetland bank credits to mitigate impacts.

CHAPTER V: STATE AND FEDERAL WETLAND CONSERVATION PROGRAMS

Part A: Board of Water and Soil Resources

The main state-funded program for wetland-related conservation and restoration is the Reinvest in Minnesota (RIM) Reserve Program. The RIM program has several components, including two federal partnerships, which are described below. All serve to protect water quality and reduce soil erosion. The other state program, Permanent Wetland Preserves, protects existing wetlands.

BWSR provides administrative support and oversight to soil and water conservation districts (SWCDs), which implement the various programs at the local level. Recently the Conservation Reserve Enhancement Program (CREP I) was completed that resulted in over 50,000 acres of wetland and associated upland being restored and protected in the Minnesota River Watershed. New federal program partnerships (CREP II and the Wetland Reserve Enhancement Program) will create new restoration opportunities beginning in 2005.

Reinvest in Minnesota (RIM) Reserve Programs

"Regular" RIM

The original component of the RIM Reserve Program pays landowners to restore drained wetlands and adjacent uplands to their native condition. Eligible land includes cropland subject to high erosion, riparian agricultural land, pastured hillsides, and sensitive groundwater areas. In conjunction with the wetland restoration, the state acquires a perpetual conservation easement on the land. Since the start of the Minnesota River Conservation Reserve Enhancement Program (CREP I) in 1998, all state funding has been appropriated for RIM/CREP and not RIM as a separate program.

Conservation Reserve Enhancement Program (CREP)

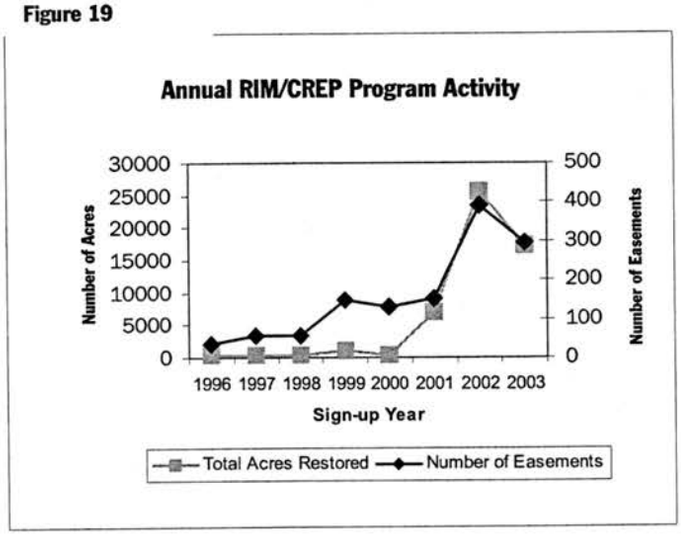
CREP pays landowners to take environmentally sensitive cropland out of production. It is a federal-state partnership where each state's unique agreement with USDA reflects the state's environmental priorities. Minnesota's CREP combines the federal CRP, administered by the U.S. Department of Agriculture Farm Services Agency, with the state's RIM program.

Minnesota's first CREP agreement focused on improving water quality and enhancing wildlife habitat in the Minnesota River Basin, which includes all or parts of 37 counties. It combined 15-year CRP contracts with mostly permanent RIM easements. The CREP payments supplemented regular CRP payments to encourage farmers to restore wetland and upland habitat and add buffer strips along the Minnesota River main stem and tributaries.

The Minnesota Legislature appropriated $81 million in state funds that matched $164 million in federal funds to fully finance the CREP I program. This federal/state partnership resulted in 2,445 easements and 100,465 acres.

More than one-half of the final acres were wetland and adjacent habitat restorations.

Figure 19



CREP enrollments are counted along with "Regular" RIM enrollments. Together, from 2001 to 2003, they have secured 838 easements on 49,956 acres of environmentally sensitive cropland across the state. The wetland component of the program enrolled 2,612 acres of wetland in 2001. This number increased significantly in 2002 to 10,173 wetland acres, and further increased in the year leading up to the conclusion of CREP in 2003 to 16,493 acres. The average wetland size for BWSR enrolled easements is 13 acres.

Figure 20

CREP II



CREP II will set aside 120,000 acres in the Red River watershed in the northwest, the lower Mississippi River watershed in the southeast, and the Missouri River and Des Moines River watersheds in the southwest (see figure 20). Of this amount, 24,000 acres will be wetland restorations protected by perpetual easements. To fully fund this proposal will require the state to provide $50.1 million to match $200 million in federal funds. The 2005 Legislature appropriated $23 million as a first installment in this initiative.

RIM/Wetlands Reserve Program

The RIM/WRP program combines RIM with the federal Wetlands Reserve Program administered by the U.S. Department of Agriculture Natural Resources Conservation Service. RIM/WRP aims to restore wetlands and place them first in a 30-year WRP easement, followed by a perpetual RIM Reserve easement. Unlike wetland banking, where landowners take entrepreneurial initiative to restore wetlands with their own funds and then recoup the money by selling credits after the project is complete, this program supplies restoration planning expertise and funding up front as well as additional easement payments. The RIM/WRP Program, has restored 6,686 acres of wetland and upland through 188 easements since 1996. The total over the three years of 2001-2003 are 1,467 acres of wetlands restored, 1,516 acres of upland on 45 easements.

Permanent Wetland Preserves (PWP) Program

This program, established as part of the Wetland Conservation Act, protects existing (not drained) wetlands through easement acquisition. Like RIM Reserve, it is administered by BWSR and implemented by SWCDs at the local level.

Since the program began in 1992, it has acquired 294 easements, perpetually protecting 11,459 acres of at-risk existing wetlands and surrounding upland at a cost of $7,386,869 (average cost = $645/acre). Activity in this program has declined since 1996, from 15 easements and 700 acres of easements to 5 easements and under 300 acres in 1999. No state funds have been allocated to this program since 1999.

Part B: Department of Natural Resources

Wildlife Management Areas (DNR Division of Fish and Wildlife)

The DNR actively acquires land to add to existing state wildlife management areas. During the years 2001-2003 the DNR acquired almost 13,000 acres and restored a total of 741 acres of wetland over that time (see table 7).

Table 7

DNR WETLAND RESTORATION ACTIVITY IN WMAs				
	2001	2002	2003	Total
No. Parcels Acquired	46	30	32	108
Acres Acquired	6,713	3,119	3,081	12,913
No. Wetlands Restored	24	33	13	70
Acres Wetlands Restored	314	158	269	741
Avg. Restoration Size (acres)	13.0	4.8	20.7	10.6

Part C: U.S. Fish and Wildlife Service, Department of the Interior

The United States Fish and Wildlife Service (USFWS) administers several programs aimed at restoring wetlands on private and public lands. USFWS places high priority on projects that will benefit migratory waterfowl and strives to restore sites to a condition as close as possible to their former status (e.g., restoring a partially drained wetland to its pre-drainage condition).

A significant program operated by the USFWS is the Partners for Fish and Wildlife Program. The Partners for Fish and Wildlife program is a voluntary program that helps private landowners restore wetlands and other important fish and wildlife habitat on their lands. Under this program, the USFWS enters into agreements with landowners for 10 years.

Due to a change in their database, the USFWS has a limited ability to provide details of data in 2001. In 2001, USFWS restored, enhanced or maintained 1,981 wetland acres on 370 sites. In 2002, the USFWS restored 6,058.3 acres of wetland and 903 acres of upland. In 2003, approximately 5,328 wetland acres and 5,337 acres of upland were restored.

Table 8

U.S. FISH AND WILDLIFE SERVICE	Maintenance		Enhancement		Restoration/Establishment	
Partners in Fish & Wildlife Program	Acres	Sites	Acres	Sites	Acres	Sites
2001 - Wetland	19	2	253.5	12	539.4	81
2002 - Wetland	144	16	358.9	22	6,058.3	903
2002 - Upland	11	1	503	5	2,540.4	75
2003 - Wetland	227	12	456.2	30	5,332.93	729
2003 - Upland	0	0	0	0	5,337.6	44

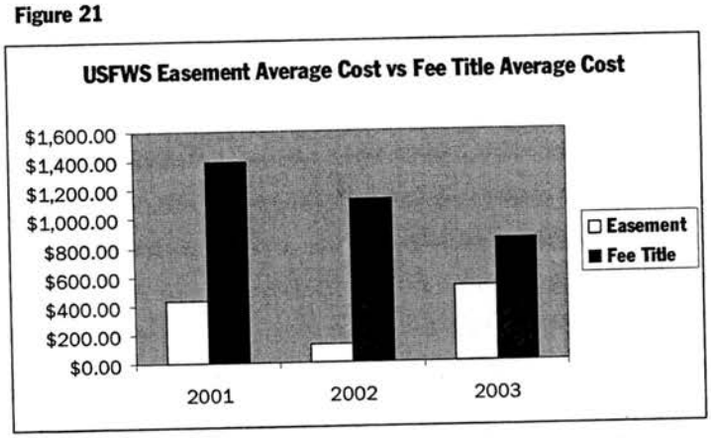
The USFWS is also active in acquiring, either through purchase or easement, additional land for national wildlife refuges through its Waterfowl Production Area (WPA) Program. Activity has fluctuated during the report period, from 5,998 total acres in 2001, to 7,644 total acres in 2002, to 3,131.23 total acres in 2003 (see table 9).

Table 9

U.S. FISH AND WILDLIFE SERVICE	Easements		Fee Title/Exchange	
Year	Wetland Acres	Total Acres	Wetland Acres	Total Acres
2001	552.00	3,054.97	409.08	2,943.03
2002	788.64	5,144.94	659.82	2,499.12
2003	102.55	877.34	488.10	2,253.89
Totals	1,443.19	9,077.25	1557.00	7,696.04

Spending by the USFWS on these programs has been decreasing. Spending in 2001 was $4,101,475; in 2002, it was $2,735,232; and in 2003, $2,362,107. The cost of purchasing an easement is less expensive than outright purchase, although the costs of each have fluctuated during the period 2001-2003 (see figure 21).

Figure 21



Part D: United States Department of Agriculture, Farm Service Agency

USDA Farm Service Agency's (FSA) Conservation Reserve Program (CRP) is a voluntary program available to agricultural producers to help them safeguard environmentally sensitive land. Producers enrolled in CRP plant long-term, resource-conserving cover to improve the quality of water, control soil erosion, and enhance wildlife habitat. In return, FSA provides participants with rental payments and cost-share assistance. Contract duration is between 10 and 15 years.

The Food Security Act of 1985, as amended, authorized CRP. The program is also governed by regulations published in 7 CFR, part 1410. The program is implemented by FSA on behalf of USDA's Commodity Credit Corporation.

CRP provides more then 30 conservation practice options, of which five relate to wetlands. The main CRP practices resulting in the restoration of wetlands and upland on enrolled land are as follows:

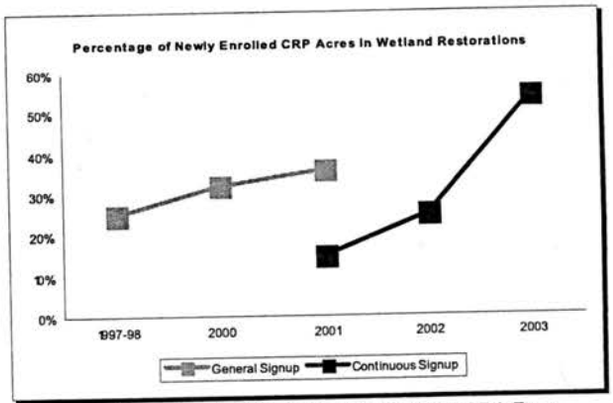
CP23: Restoration of wetlands in floodplain, includes wetland and associated buffer generally at a ratio of 4 upland acres to 1 wetland acre

CP27: Farmable Wetland Pilot (wetland)

CP28: Farmable Wetland Pilot (upland)

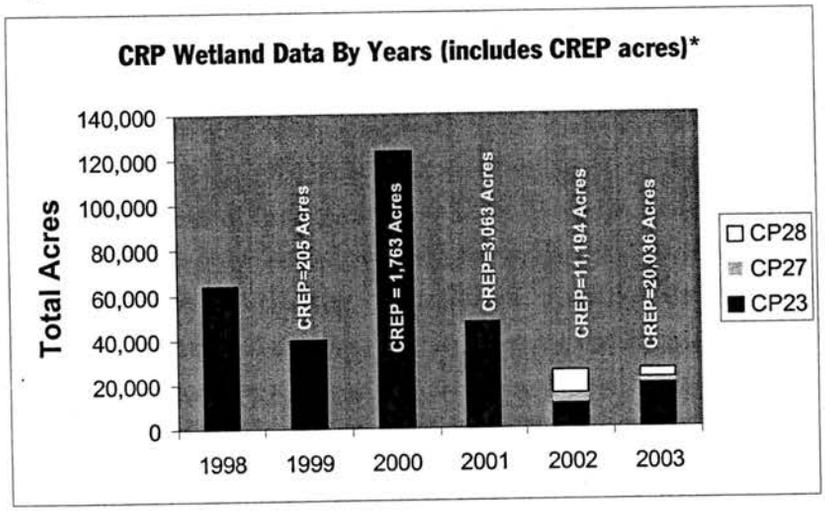
Recent trends have shown an increase in the percentage of enrolled CRP acres in wetlands (see figure 22).

Figure 22



Minnesota Department of Agriculture, based on USDA Farm Service Agency data

Figure 23



*Note: To avoid potential double counting of wetland restorations, the CREP acres must be subtracted from the CRP yearly totals.

Part E: United States Department of Agriculture Natural Resources Conservation Service (NRCS)

In Minnesota, NRCS has restored wetlands and enrolled existing wetlands in temporary and permanent easements through the Wetlands Reserve Program (WRP) since 1992. As of 2003, WRP has recorded 278 easements with 38,373 acres. During the three years included in this report the totals are: 7,958 acres of wetland, 11,136 acres of upland, and 133 easements. Most of these are restored wetlands.

A new federal-state partnership was announced by Governor Pawlenty on Oct. 25, 2004, when Minnesota became the second state to participate in the USDA's Wetlands Reserve Enhancement Program (WREP). Minnesota's WREP plan is a three-year, $16.2 million plan. Under the plan, the USDA will provide $3.8 million in federal fiscal year 2005, and a total of $15 million over three years. The state will provide $1.2 million toward the effort, allocated over three years. Under this partnership, Minnesota will develop a long-range wetland restoration strategic plan in coordination with USDA.

The targeted restoration funds will focus on approximately 7,250 acres throughout Minnesota. The regions and acreage include:

- 3,000 acres in the five Presidentially Declared Flood Disaster Counties of Dodge, Faribault, Freeborn, Mower, and Steele counties in southern Minnesota;
- 1,750 acres along the Red River of the North main stem;
- 1,500 acres in the Buffalo-Red River Watershed in northwestern Minnesota; and,
- 1,000 acres in the Grand Marais Creek Subwatershed in northwestern Minnesota.

CHAPTER VI: SWANCC ANALYSIS

Preliminary assessment of geographic scope of federal wetland regulatory changes in Minnesota based on Jan. 10, 2003, post-SWANCC guidance and Jan. 15, 2003, ANPRM

Originally published by the Minnesota Board of Water and Soil Resources, March 27, 2003

On Jan. 9, 2001, the U.S. Supreme Court issued a decision *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)* (SWANCC) that limits the scope of the United States Army Corps of Engineers (Corps) Clean Water Act (CWA) regulatory permitting program (Section 404 of the CWA) as applied to "isolated" waters. In the aftermath of the SWANCC decision, the Corps was forced to continue making regulatory decisions for individual projects without program-wide policy on the issues raised by SWANCC to guide them. On Jan. 10, 2003, the Corps and the Environmental Protection Agency (EPA) issued guidance for the regulation of isolated wetlands and also summarized pre- and post-SWANCC court decisions on a number of ancillary regulatory issues raised by the SWANCC decision. The Jan. 10, 2003, post-SWANCC guidance was made public as part of an Advanced Notice of Preliminary Rule-Making (ANPRM) on Jan. 15, 2003, *(FR 68*(10) 1991-1998), which also solicited comments on changes to federal jurisdiction that extended beyond just revisiting the issue of isolated wetlands as required by the SWANCC decision.

In SWANCC, the Court invalidated use of the "Migratory Bird Rule" as the sole basis for asserting Clean Water Act jurisdiction over non-navigable, isolated, and intrastate waters/wetlands. Left unclear was whether other tests could be applied to assert jurisdiction over these waters/wetlands. The Corps and EPA continue to evaluate other tests in view of the decision, with project-by-project decisions to regulate isolated waters undergoing lengthy review. The courts SWANCC decision did affirm that navigable waters and their tributaries, plus wetlands adjacent to either, are regulated under the Clean Water Act.

Working definitions and use of terms like "isolated," "navigable," "adjacent," and "tributary" have been implemented by the Corps as they have made post-SWANCC regulatory decisions – these post-SWANCC regulatory decisions have now undergone a cycle of test cases in the courts, which has been summarized in the ANPRM. The working definitions and recent guidance on regulating isolated wetlands are steps in a rule-making process that the federal government expects to lead to new regulations. Judging from the large volume of comments already received by the federal government on the preliminary phase of this process (in excess of 40,000), it is unlikely that a final federal rule is close at hand.

Currently, many non-navigable and intrastate waters/wetlands are still within Clean Water Act jurisdiction because they are adjacent to navigable waters (e.g., regulated under Section 10 of the

Rivers and Harbors Act), or a tributary to navigable waters. However, the extent of adjacent connectivity was not addressed by the court, nor was the nature of the connection (geographic or hydrologic). We are not aware of court challenges to federal jurisdiction that specifically address adjacent connectivity. The EPA and Corps' Advanced Notice of Preliminary Rule Making in the Jan. 15, 2003, Federal Register also raised the issue of whether all tributaries to navigable waters should be regulated by the CWA. The Jan. 10, 2003, guidance notes that there have been no successful challenges to federal regulation of tributary waters, whether intermittent, ephemeral, or perennial in flow.

By decreasing the number of water and wetland areas subject to federal regulation, the post-SWANCC guidance also narrows the areas and activities subject to Clean Water Act Section 401 water quality programs, which require state certification for federally permitted activities. The post-SWANCC guidance also partially narrows the areas and activities subject to State Coastal Zone Management consistency review and it partially limits the areas and activities addressed by State 404 "assumption" programs and by State Programmatic Permits. Other state-administered programs may also be limited in geographic scope – the ANPRM raised this issue and solicited comments on whether the scope of other parts of the CWA should be limited in the same way that Section 404 jurisdiction is limited by the SWANCC decision. The SWANCC decision affirmed the "primary responsibilities and rights of the States" over land and waters and shifted more of the economic burden for regulating wetlands to states and local governments. According to some states, this Supreme Court decision removed nearly 80 percent of their wetlands from EPA's and the Corps' jurisdiction.

The Wetland Conservation Act (WCA), DNR Public Waters (PW) Program, and MPCA Water Quality Standards in concept provide a "seamless coverage" for regulation of all wetlands in Minnesota, except for those on federal or tribally owned land. However, there are some gaps exposed by SWANCC in that some activities exempt from state regulations[1] were protected only by federal regulation and are now without any regulatory controls for non-navigable, intrastate, or isolated wetlands. These exposures are not yet quantified, but the reality is that fewer wetlands will be regulated by the USACOE in the prairie pothole/agricultural area of the state (where there are also fewer wetlands remaining on the landscape) and less change will occur in the wetland abundant areas of the state (northeast quadrant) since many of those wetlands are not isolated and many are on government-owned land.

In addition to soliciting comments on the issue of jurisdiction over isolated wetlands, the ANPRM requests comments on the possibility of reducing CWA jurisdiction over surface watercourses to some subset of waters currently regulated, e.g., regulating only perennial watercourses. Restricting CWA jurisdiction to a subset of tributaries to navigable waters, such as deregulation of intermittent and ephemeral watercourses, could mean significant change in the scope of federal regulation under the

CWA in the drier areas of the great plains and western U.S. where annual precipitation is relatively low and surface drainage areas required to support perennial flows are quite large.

This study is a preliminary assessment of changes in Minnesota federal jurisdiction resulting from the Jan. 10, 2003, guidance on isolated wetlands and also an assessment of the additional losses of federal jurisdiction that could occur if the extent of CWA jurisdiction over tributary watercourses was also reduced.

Methodology

In order to evaluate the potential impact of the SWANCC decision, the Minnesota Board of Water and Soil Resources used a combination of techniques recommended by the Association of State Wetland Managers, Ducks Unlimited, and Indiana's Department of Environmental Management. Our goal was to summarize the acreage of National Wetlands Inventory (NWI) mapped wetlands that might be considered "adjacent" to "navigable" watercourses by the Corps using varying buffer distances from streams or other navigable waters.

Our analysis was conducted using a stratified random sample of 31 USGS 7.5 minute quadrangles throughout the state. Because of the wide geologic and geographic variation within Minnesota, these sample quads were selected proportionally from seven distinct ecoregions. A 12.2-meter error buffer was used on the DNR 24K stream layer to reflect the uncertainty of horizontal positional accuracy in this dataset. The error buffered stream network was then used to select all touching NWI polygons in the quad. Using this initial selection, an iterative process of 12.2-meter error buffering of selected wetlands was undertaken until no more additional wetland polygons could be selected. We considered this final selection of wetlands to be directly connected to the stream network.

The combination of watercourse selection and directly connected wetland polygons was used as the starting point for estimating adjacent wetlands. The buffer widths chosen for analysis were 25 meters, 50 meters, and 100 meters. Wetland polygons within the various buffers were assumed to be regulated under Section 404 for the various scenarios, while areas outside the buffer were assumed to be isolated and therefore not regulated under Section 404 of the CWA. Two separate analyses were made to assess potential changes in jurisdiction based on stream water regime, with the buffer widths described above around 1) all streams mapped (perennial and intermittent), and 2) only streams mapped as perennial.

The wetland layer used in this analysis was National Wetland Inventory (NWI). The stream layer was digitized by the Minnesota Department of Natural resources (MDNR) and based on streams mapped by the United States Geological Survey on 7.5'-minute topographic quadrangle maps. Thirty-one quadrangles throughout the state were sampled, with sample size based on staff time available to do

the analysis. The total area of the state sampled within the 31 quads was approximately 1,030,022 acres (1,609 square miles).

Results

Table 10 contains the results of the GIS analysis by ecoregion, buffer width, and watercourse hydrology. Table 11 shows the estimated percent of wetlands mapped that would no longer be under federal regulatory control under: a) the current regulatory (best-case) scenario where both intermittent and perennial are typically regulated under the CWA and there is a broad interpretation of what wetlands are regulated as adjacent; and b) a worst-case scenario where the federal government would regulate as tributaries only the streams and ditches with perennial flows and any wetlands regulated as adjacent would have to be directly-connected to the stream. Figures 24, 25, 26, and 27 show estimated percentage of wetlands in each ecoregion that would remain under CWA jurisdiction under current post-SWANCC guidance, based on a) current regulatory scenario where both intermittent and perennial are typically regulated under the CWA, and b) a revised scenario of regulating only perennial streams tributaries. A discussion of the results by ecoregion follows.

In the **driftless area ecoregion** of southeastern Minnesota (n=2), most wetlands are closely associated with perennial streams, rivers or ditches. Only 4.5 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. We estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 94.3 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and directly-connected wetlands, 95.2 percent with 25-meter buffers, 96.8 percent with 50-meter buffers, and 97.1 percent with 100-meter buffers.

We estimate that if assuming 404 jurisdiction over **only perennial** streams, 93.0 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 93.7 percent with 25-meter buffers, 95.3 percent with 50-meter buffers, and 95.6 percent with 100-meter buffer widths.

The **Red River valley ecoregion** of northwestern Minnesota (n=3) is extremely flat, and historically had a large number of depressional and floodplain wetlands. Many of those wetlands have been drained by extensive drainage and levee systems. 10.1 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. In the Red River Valley ecoregion, we estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 54.0 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and directly-connected wetlands, 59.4 percent with 25-meter buffers, 65.5 percent with 50-meter buffers, and 68.2 percent with 100-meter buffers.

We estimate that if assuming 404 jurisdiction over **only perennial** streams, 39.6 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 42.6 percent with 25-meter buffers, 43.0 percent with 50-meter buffers, and 43.7 percent with 100-meter buffer widths.

The **northern glaciated plains ecoregion** of southwestern Minnesota (n=5) is has an area of prairie couteau pothole wetlands in the north and a southern area dominated by streams with few wetlands. A number of the wetlands in the ecoregion have been drained. Only 3.0 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. In the northern glaciated plains ecoregion we estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 52.6 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and directly-connected wetlands, 54.7 percent with 25-meter buffers, 58.8 percent with 50-meer buffers, and 60.7 percent with 100-meter buffers.

We estimate that if assuming 404 jurisdiction over **only perennial** streams, 8.0 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 10.0 percent with 25-meter buffers, 10.2 percent with 50-meter buffers, and 10.2 percent with 100-meter buffer widths.

The **northern Minnesota peatlands ecoregion** of north central Minnesota (n=3) is a region of extensive organic soil wetlands, of which only portions have been drained 78.7 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. In the northern Minnesota peatlands ecoregion, we estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 96.7 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and directly-connected wetlands, 96.9 percent with 25-meter buffers, 98.1 percent with 50-meter buffers, and 98.5 percent with 100-meter buffers.

We estimate that if assuming 404 jurisdiction over **only perennial** streams, 96.4 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 96.5 percent with 25-meter buffers, 98.0 percent with 50-meter buffers, and 98.4 percent with 100-meter buffer widths.

The **north central hardwood forest ecoregion** of central Minnesota (n=5) is an area of undulating topography known for its lakes, depressional wetlands, and rivers. There has been substantial drainage in some parts of this region. 20.1 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. In the north central hardwood forest ecoregion, we estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 56.4 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and

directly-connected wetlands, 58.3 percent with 25-meter buffers, 62.0 percent with 50-meter buffers, and 68.1 percent with 100-meter buffers.

We estimate that if assuming 404 jurisdiction over **only perennial** streams, 37.0 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 37.8 percent with 25-meter buffers, 40.6 percent with 50-meter buffers, and 44.2 percent with 100-meter buffer widths.

The **western cornbelt plains ecoregion** of southern Minnesota (n=5) is a region of flat to undulating topography that historically had a large number of depressional wetlands. Many of those wetlands have been drained. Only 3.4 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. In the western cornbelt plains ecoregion we estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 48.7 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and directly-connected wetlands, 50.0 percent with 25-meter buffers, 51.6 percent with 50-meter buffers, and 53.7 percent with 100-meter buffers. We estimate that if assuming 404 jurisdiction over **only perennial** streams, 28.0 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 28.7 percent with 25-meter buffers, 30.1 percent with 50-meter buffers, and 31.5 percent with 100-meter buffer widths.

The **northern lakes and forests ecoregion** of northeast and north central Minnesota (n=8) is known for its lakes, rivers, and depressional wetlands. The wetlands in this region have not been extensively drained. Approximately 38.6 percent of the area sampled in this ecoregion was mapped as wetland by the NWI. In the northern lakes and forests ecoregion we estimate that if assuming 404 jurisdiction over **intermittent and perennial** streams and ditches, 87.2 percent of the wetlands sampled would be regulated as adjacent using buffer widths of 0 meters beyond watercourses and directly-connected wetlands, 88.4 percent with a 25-meter buffer, 89.7 percent with 50-meter buffers, and 92.3 percent with 100-meter buffers.

We estimate that if assuming 404 jurisdiction over **only perennial** streams 85.4 percent of the wetlands sampled would be regulated under the CWA using buffer widths of 0 meters to estimate adjacency, 87.7 percent with a 25-meter buffer, 88.9 percent with 50-meter buffers, and 91.4 percent with 100-meter buffer widths.

Of the entire group of 31 USGS/NWI quads sampled, we found that 22.7 percent of the area sampled was mapped as wetland by NWI. Of the wetland area sampled in the study we estimated that the percent of that NWI-mapped wetland area regulated by the COE under the latest SWANCC guidance (adjacent to **perennial and intermittent streams and ditches**) would be 82.8 percent with a 0-meter

buffer, 83.9 percent with a 25-meter buffer, 85.8 percent with a 50-meter buffer, and 88.2 percent with a 100-meter buffer. When we assumed that the CWA would regulate wetlands adjacent to **perennial watercourses only**, we estimated that the percent of NWI-mapped wetland area regulated by the COE would be 77.0 percent with a 0-meter buffer, 78.3 percent with a 25-meter buffer, 79.8 percent with a 50-meter buffer, and 81.6 percent with a 100-meter buffer.

Discussion

Implications of eliminating 404 jurisdiction over isolated wetlands – Our estimates of statewide decrease in federal jurisdiction in Minnesota due to post-SWANCC guidance on isolated wetlands range from 11.4 percent to 17.8 percent of NWI-mapped wetland acres, depending on the buffer widths used to estimate which wetlands should be assumed to be adjacent perennial and intermittent watercourses. The areas with the greatest historic wetland losses appear to be most likely to be regulated only by state law based on the current federal guidance on the regulation of isolated wetlands.

Prior to the SWANNC ruling, it was assumed that federal regulatory and incentive programs would protect wetlands in the agricultural regions of Minnesota. On the basis of the data presented above for the full range of jurisdictional scenarios (from 0-meter, 25-meter, 50-meter, and 100-meter buffers), it appears that there will be substantial decreases in federal regulatory protection of wetlands in the agricultural regions of Minnesota that include the Red River Valley ecoregion (31.8 percent best-case reduction, Table 11), Northern glaciated plains (39.3 percent best-case reduction, Table 11), western cornbelt plains ecoregion (46.3 best-case reduction, Table 11), and portions of the north central hardwood forest ecoregion (31.9 percent best-case reduction, Table 11). The agricultural areas of these ecoregions would have the protections afforded wetlands by federal farm program. In areas of the north central hardwood forest ecoregion **not** enrolled in federal agricultural programs, areas isolated from watercourses regulated by the CWA could have no federal protection. With the changes to CWA jurisdiction that will result from the Jan. 10, 2003, guidance from the Corps and EPA, it appears likely that at least some of the smaller, drier wetlands (type 1 and type 2) in the agricultural regions of Minnesota would be protected solely by incentive programs implemented by the current federal farm bill.

Implications of deregulating intermittent streams – The ANPRM also requests comments on the idea of restricting jurisdiction under the CWA to streams that are "navigable in fact." Our analysis eliminated intermittent streams from consideration as jurisdictional as a quick way to assess the wetland regulatory importance of this proposal. We estimate that the additional reduction in federal jurisdiction (beyond reduction due to SWANCC) that would result from deregulation of intermittent streams would range from 5.6 percent to 6.6 percent of NWI-mapped wetlands on a statewide basis, depending on the buffer width chosen to estimate adjacent connectivity. However, the effects of

deregulating intermittent streams would vary more widely among ecoregions, ranging from 0.3 percent of NWI-mapped wetlands deregulated in the northern Minnesota peatlands ecoregion to 43.0 percent additional deregulation in the northern glaciated plains.

Implications of deregulating both isolated wetlands and intermittent watercourses –
The implications of not regulating most isolated wetlands and additionally not regulating wetlands unless adjacent to waters judged to be navigable in fact are significant. On a statewide basis in Minnesota, we estimate that roughly 20 percent of the wetlands regulated under the CWA before the SWANCC ruling would no longer be regulated under the CWA if the CWA no longer applied to waterways mapped as intermittent on 7.5' USGS topographic quadrangles. The variation in estimated scope of deregulation ranges from 1.5 percent loss of federal jurisdiction in the northern Minnesota peatlands ecoregion to 92 percent loss of federal jurisdiction in the northern glaciated plains ecoregion (Table 11). Among ecoregions, potential for decrease in federal regulatory jurisdiction is greatest in the ecoregions with the greatest historical wetland losses, including potential losses ranging from 72 percent in the western cornbelt plains and 63 percent in the north central hardwood forest, to 92 percent in the northern glaciated plains. The U.S. Fish and Wildlife Service (USFWS) (Tiner, Bergquist, DeAlessio, & Starr. 2002) analysis showed that a range of 34 percent to 35 percent (Scenario 3 for Big Lake and Lake Alexander study areas) of NWI-mapped wetlands in their sample from Minnesota's north central hardwoods ecoregion appeared to be geographically isolated - the comparable estimate from our analysis of 5 quads in the same ecoregion was that 42 percent of NWI-mapped wetlands appeared to be geographically isolated (using 25-meter buffer around streams). For a South Dakota portion of the northern glaciated plains ecoregion (Clark study area), the USFWS estimated that as many as 98 percent of NWI-mapped wetlands were isolated, while the comparable estimate from our analysis of five quads showed that 45 percent of NWI-mapped wetlands were geographically isolated.

The earlier study by USFWS did not specifically attempt to simulate regulatory decision-making, while this study did specifically attempt to assess the scope of potential changes in federal jurisdiction on the regulatory wetland landscape as represented by the National Wetland Inventory maps for the quads sampled. This difference in GIS decision-making protocols accounts for some of the variation between the results reported here and those in the USFWS study, along with the natural variation among the various study sites selected. The important point in comparing the current results with DU and USFWS results is that there is clearly potential for a marked decrease in the area of wetland under federal regulation in several ecoregions in Minnesota. It is also important to note that the ecoregions where the greatest deregulation appears likely in Minnesota are also ecoregions that extend into adjacent states like Iowa, South Dakota, and North Dakota. In general all three studies that assessed some portion of the prairie pothole region have concluded that a significant portion of wetlands mapped in that region may be geographically isolated. Although the USFWS and DU studies

were completed before the issue of deregulating some tributaries to navigable waters was raised, it appears from our analysis and knowledge of this glaciated pothole region, that deregulating intermittent streams would exclude an additional and significant proportion of mapped wetland from federal regulation.

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Tiner, R.W., H. C. Bergquist, G. P. DeAlessio, and M. J. Starr. 2002. Geographically Isolated Wetlands: A Preliminary Assessment of their Characteristics and Status in Selected Areas of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Northeast Region, Hadley, MA.

[1] These WCA exemptions include: agricultural activities when the owner is participating in the federal farm program, agricultural activities on types 1, 2, and 6 wetlands, permanent forest roads, activities in incidental wetlands, certain activities for utilities and public works, grandfathered approved development, or certain *de minimus* activities.

Table 10. Percent of wetlands mapped by NWI that would be regulated by section 404 based on current post-SWANCC guidance. Estimates were developed using different buffer widths to approximate distances from mapped watercourses that might include wetlands as "adjacent". In addition, two different scenarios for are included for each buffer width to estimate additional decreases in federal jurisdiction intermittent streams or other upper parts of water courses were not regulated. Areas within the buffer assumed to be regulated and areas outside the buffer assumed to be isolated and therefore not regulated under Section 404 of the CWA.

	No. of NWI/USGS quads sampled	% of quads sampled mapped as wetland	0-meter buffer		25-meter buffer		50-meter buffer		100-meter buffer	
			Perennial and intermittent	*Perennial only*	*Perennial and intermittent*	*Perennial only*	*Perennial and intermittent*	*Perennial only*	*Perennial and intermittent*	*Perennial only*
Minnesota Ecoregions										
Driftless Area	2	4.5	94.3	93	95.2	93.7	96.8	95.3	97.1	95.6
Red River Valley	3	10.1	54	39.6	59.4	42.6	65.5	43	68.2	43.7
Northern Glaciated Plains	5	3	52.6	8	54.7	10	58.8	10.2	60.7	10.2
Northern Minnesota Peatlands	3	78.7	96.7	96.4	96.9	96.5	98.1	98	98.5	98.4
North Central Hardwood Forest	5	20.1	56.4	37	58.3	37.8	62.0	40.6	68.1	44.2
Western Cornbelt Plains	5	3.4	48.7	28	50	28.7	51.6	30.1	53.7	31.5
Northern Lakes and Forest	8	38.6	87.2	85.4	88.4	87.7	89.7	88.9	92.3	91.4
Total for Minnesota	31	22.7	82.8	77	83.9	78.3	85.8	79.8	88.2	81.6

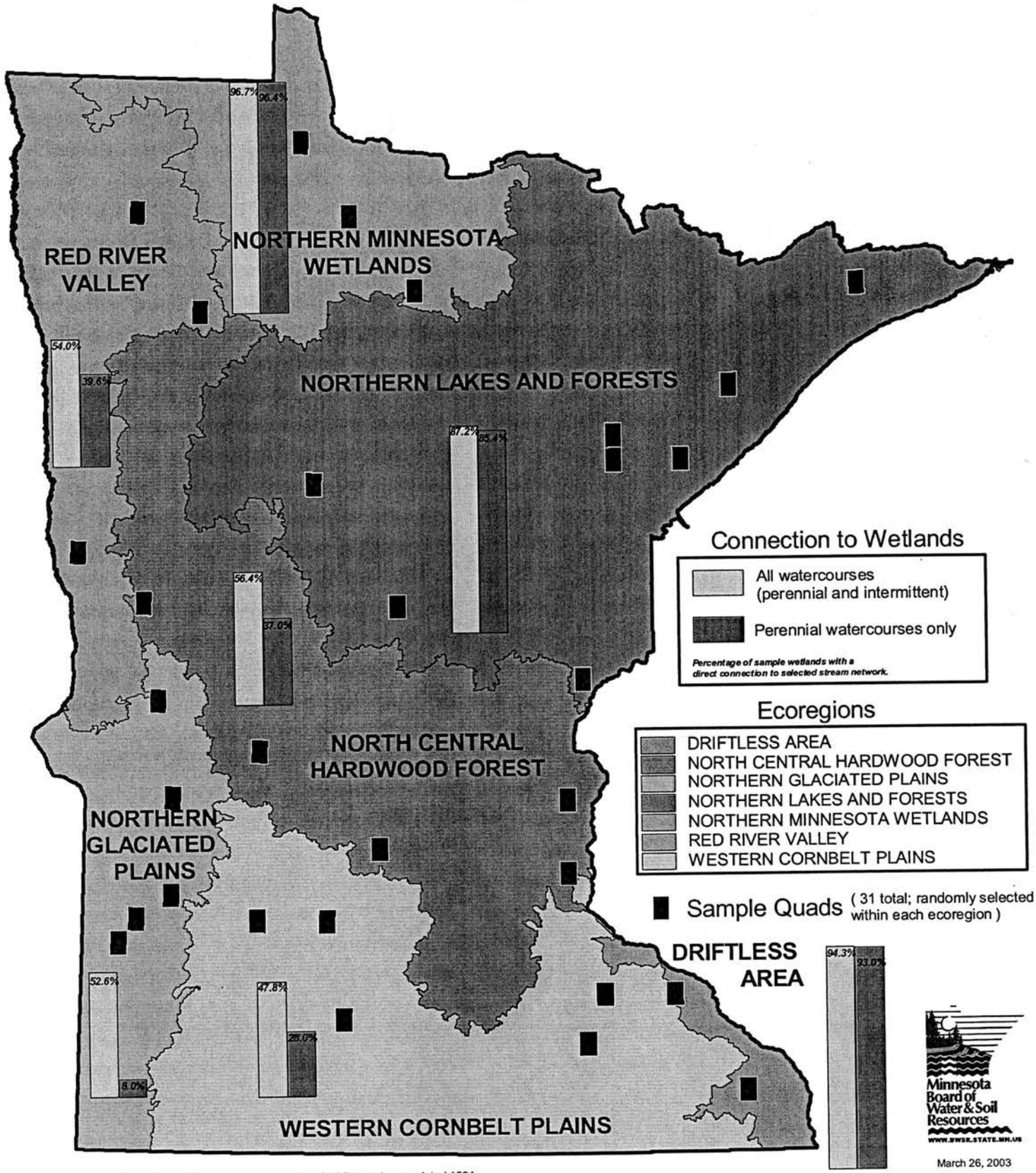
Table 11. Predicted loss of federal regulatory protection due to post-SWANCC guidance, and possible changes in CWA authority over tributaries to navigable waters. Numbers are percent of wetland acres mapped that would not be regulated. Best case scenario assumes continued federal regulation of both perennial and intermittent tributaries with a broad geographic scope of adjacent connectivity to navigable waters (100-meter buffer around directly-connected waters). Worst case scenario assumes federal jurisdiction is limited to perennial tributaries only, and that only directly-connected wetlands are adjacent and thereby regulated.

	BEST-CASE	WORST-CASE
	Broad post-SWANCC jurisdiction - wetlands inside broad geographic buffers around either perennial or intermittent streams are federally regulated.	Narrowest post-SWANCC jurisdiction - only wetlands directly-connected to perennial tributaries are federally regulated.
Minnesota Ecoregions		
Driftless Area	-2.9%	-7.0%
Red River Valley	-31.8%	-60.4%
Northern Glaciated Plains	-39.3%	-92.0%
Northern Minnesota Peatlands	-1.5%	-3.6%
North Central Hardwood Forest	-31.9%	-63.0%
Western Cornbelt Plains	-46.3%	-72.0%
Northern Lakes and Forest	-7.7%	-14.6%
Total for Minnesota	**-11.8%**	**-23.0%**

Figure 24.

Preliminary assessment of the percentage of Minnesota wetland area retaining federal jurisdiction after SWANCC decision

to estimate direct connectivity to selected watercourses



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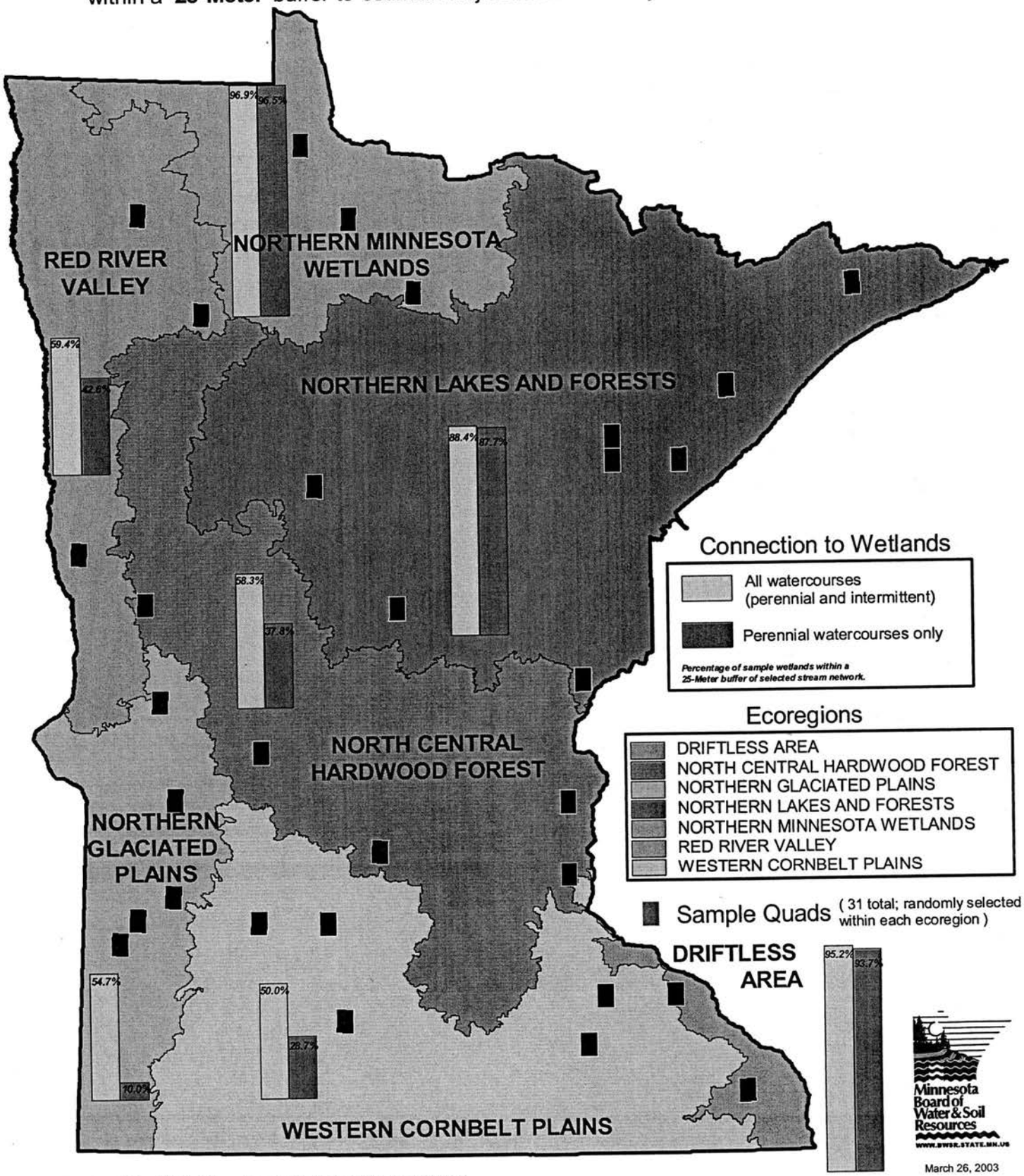
March 26, 2003

Based on National Wetlands Inventory mapping for Minnesota completed 1994.

Figure 25.

Preliminary assessment of the percentage of Minnesota wetland area retaining federal jurisdiction after SWANCC decision

within a **25-Meter** buffer to estimate adjacent connectivity to selected watercourses



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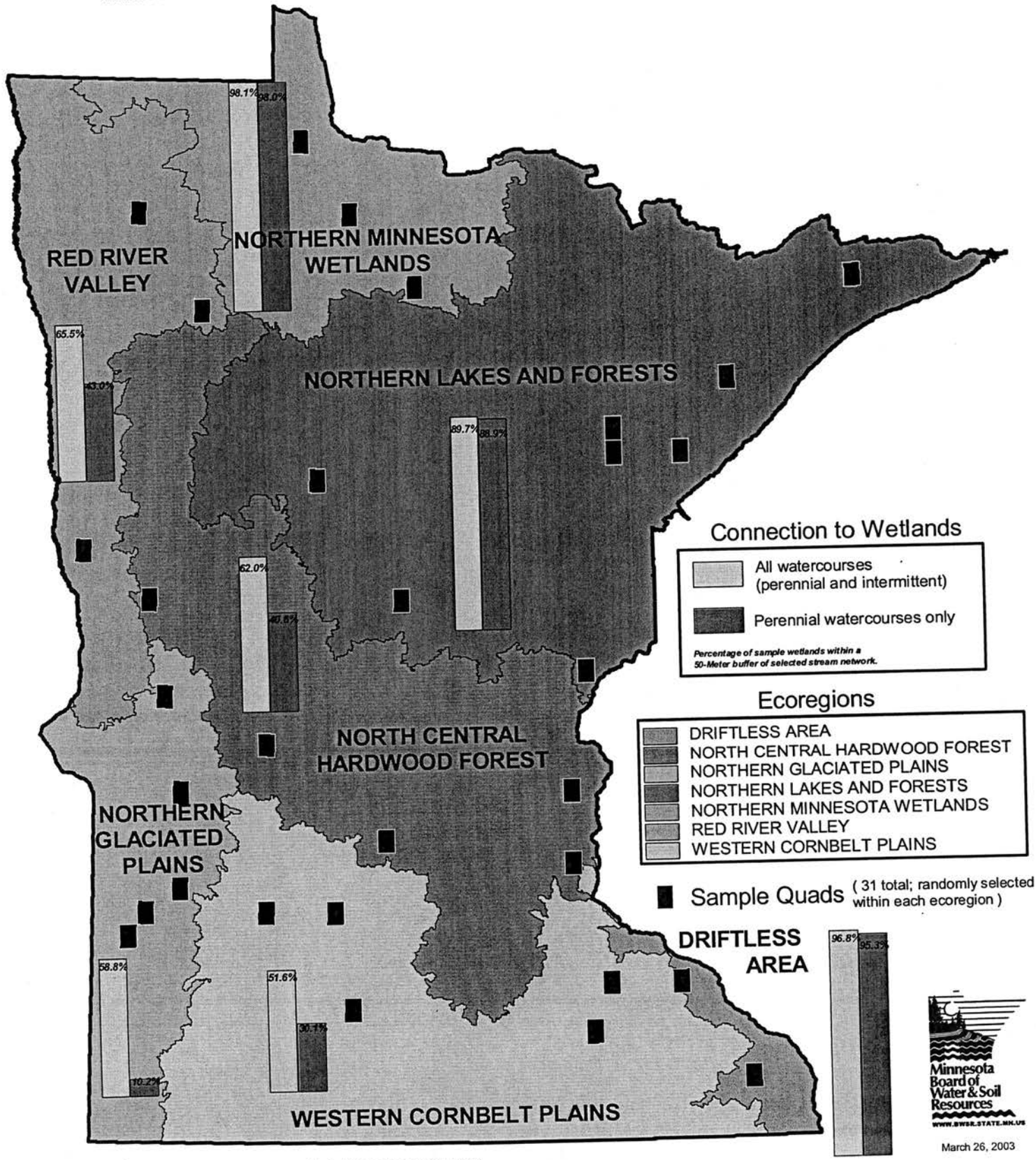
March 26, 2003

Based on National Wetlands Inventory mapping for Minnesota completed 1994.

Figure 26.

Preliminary assessment of the percentage of Minnesota wetland area retaining federal jurisdiction after SWANCC decision

within a **50-Meter** buffer to estimate adjacent connectivity to selected watercourses



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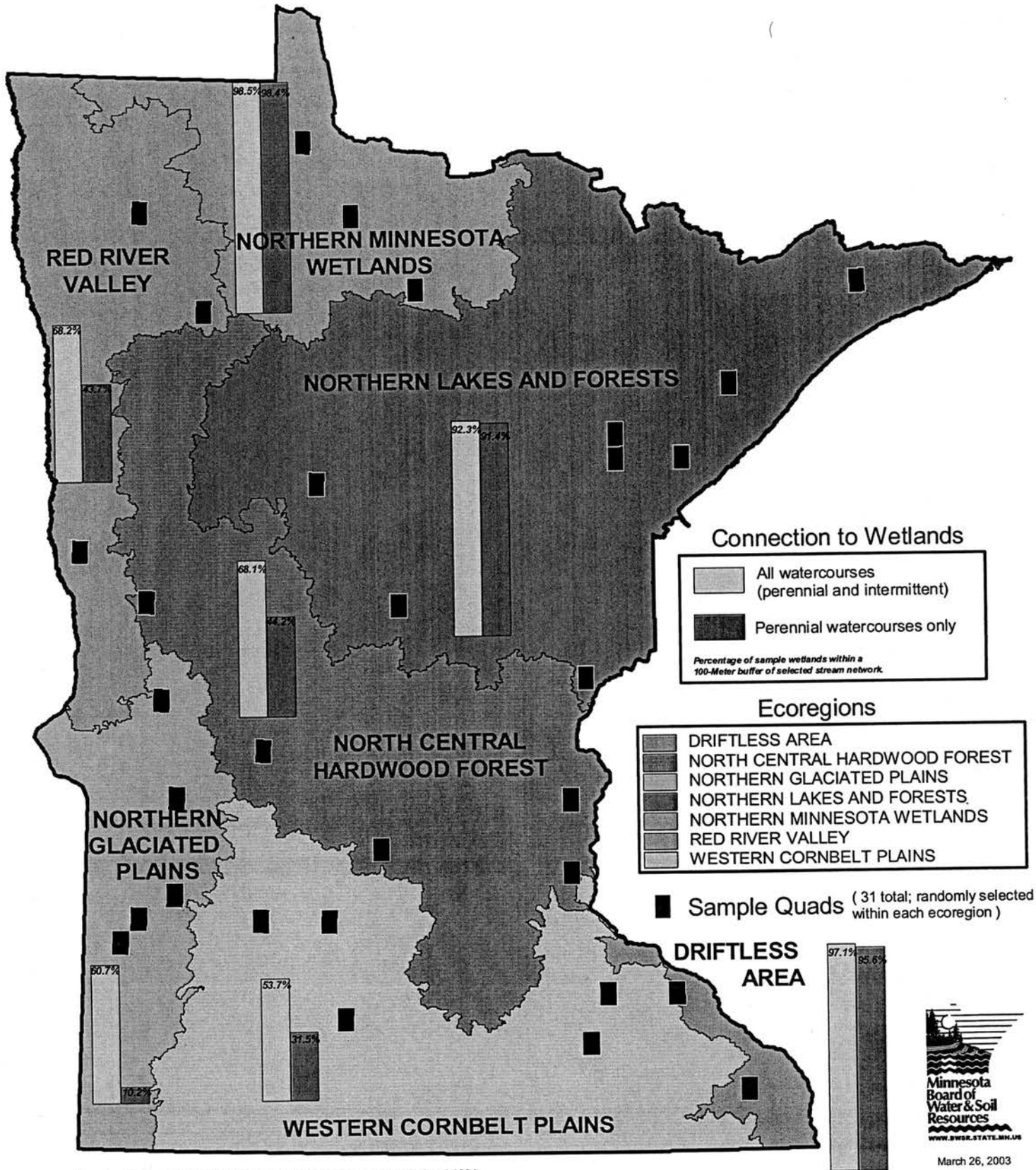
March 26, 2003

Based on National Wetlands Inventory mapping for Minnesota completed 1994.

Figure 27.

Preliminary assessment of the percentage of Minnesota wetland area retaining federal jurisdiction after SWANCC decision

within a **100-Meter** buffer to estimate adjacent connectivity to selected watercourses



Based on National Wetlands Inventory mapping for Minnesota completed 1994.

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CHAPTER VII: EMERGING ISSUES AND INITIATIVES

Part A: Minnesota Wetland Mitigation Guidelines and Interagency Mitigation MOU

The Interagency Wetland Group (IWG) has been working over the past year to develop a set of wetland mitigation guidelines aimed at reconciling the sometimes conflicting or inconsistent requirements of the various state and federal wetland regulatory programs.[1] To the extent possible, the objective is to develop a uniform set of mitigation provisions that meets all regulatory program requirements.

Most of the discussion centers on the mitigation provisions of the WCA and the Clean Water Act Section 404 program, including such aspects as mitigation ratios, the location of mitigation relative to the impact, and the types of activities eligible to receive mitigation credit. The task of reconciling these programs is complicated by several factors:

- WCA mitigation provisions reflect a Minnesota perspective, honed through years of often contentious legislation and rulemaking, while the Section 404 program reflects national priorities and experience;
- WCA mitigation provisions are largely embodied in statute and rule, which are not easily revised. To date, Section 404 mitigation requirements have been largely based on formal and informal agency policy. This provides the St. Paul District some flexibility in local application, but they are not free to deviate too substantially from national directives. Very recently, the Corps of Engineers and the U.S. EPA announced that they intend to promulgate formal Section 404 mitigation regulations, which could make it more difficult to align the respective programs.

The agencies have made considerable progress toward identifying a set of commonly accepted mitigation provisions, at least in concept. Among the conceptually agreed-upon items:

- Mitigation ratios that are generally consistent and that recognize the variable wetland distribution in the state;
- Details regarding the use of wetland preservation as a mitigation option in rare circumstances;
- A wetland classification system based primarily on wetland plant communities for use in evaluating "in-kind" vs. "out-of-kind" replacement;
- Limitations on the use of primary cell storm water ponds as wetland mitigation

[1] Primarily – Federal Clean Water Act Section 404 (U.S. Army Corps of Engineers, St. Paul District); Minnesota Wetland Conservation Act (Minnesota Board of Water and Soil Resources); Public Waters Permit Program (Minnesota Department of Natural Resources) and Water Quality Certification and Stormwater Permits (Minnesota Pollution Control Agency).

- Use of the BWSR local road replacement program for mitigation of wetland impacts due to local transportation projects.

Remaining areas of disagreement include:

- Consideration of county boundaries in the analysis of wetland replacement relative to the impact, i.e., the Corps proposes to recognize only watershed boundaries, while the WCA recognizes both county and watershed boundaries.
- Wetland bank service areas proposed by the Corps are inconsistent with WCA provisions for the location of wetland replacement
- How much credit is allowed for establishing or maintaining upland buffers around replacement wetlands

Discussion of these issues is continuing through the IWG, along with direct negotiations between BWSR and the St. Paul District. Eventually, the agencies will open the draft mitigation guidelines for public comment, most likely through the Corps' public notice process. Fully implementing the conceptual agreements made so far will require changes in the way that both programs are currently implemented. Statute and rule amendments to the WCA would be required, which would entail additional opportunities for public input.

The final mitigation guidelines will describe the common mitigation requirements between the various regulatory programs and identify where differences remain. The goal is to identify for permit applicants the "bottom line" mitigation requirements that, if followed, will help ensure that mitigation proposals are approved in a timely manner by all of the applicable regulatory agencies.[2] The final guidelines would be made available to the public in a published and on-line document. Implementation of the guidelines by the agencies would be formalized in a Memorandum of Understanding similar to the MOU on Regulatory Simplification and Banking signed by all of the agencies in 1994. While the MOU cannot obligate the agencies to administer their programs in a manner that conflicts with their respective statutes, rules and regulations, it can serve as a vehicle to facilitate interagency cooperation in reviewing permit applications, leading to more efficient use of agency staff, more timely processing for permit applicants, and greater effectiveness in achieving program goals for wetland protection.

[2] It's important to note that the Mitigation Guidelines pertain only to the compensatory mitigation requirement of the various regulations, which is the last step of the mitigation sequence of avoid, minimize and replace. The Guidelines only come into play *after* the regulators have determined that an activity can be authorized and issuance of a permit is likely if appropriate compensatory mitigation will occur.

B. Wetland Quality

As noted previously in this report, state wetland policy calls for achieving no net loss and an increase in the quantity, quality, and biological diversity of the state's wetlands. As steady progress is made toward stemming the loss and perhaps even increasing wetland acreage, the issue of wetland quality is gaining increased attention. A number of wetland benefits, particularly fish and wildlife habitat and recreational opportunities, are dependent on maintaining diverse, high quality wetland ecosystems. Following are several emerging issues related to wetland quality.

Upland buffers. Numerous studies have demonstrated the importance of establishing and maintaining undisturbed areas of native vegetation surrounding wetlands. These buffer areas filter out sediment and pollutants that otherwise degrade the wetlands and are also critical for many wetland wildlife species, including waterfowl, reptiles, and amphibians. State and federal wetland regulatory programs and incentive-based conservation programs recognize the importance of upland buffers. The Minnesota Wetland Conservation Act and the Federal Clean Water Act Section 404 Program both allow upland buffers established around mitigation wetlands to count toward a project's overall mitigation requirement. Conservation programs such as the Conservation Reserve Program, the Wetland Reserve Program, and others have all been very successful in establishing upland habitats associated with wetlands (see Table 1). These efforts are critical, particularly in the Prairie Pothole Region of the state, where wetland-grassland complexes are essential for successful waterfowl production. The Minnesota Department of Natural Resources, Minnesota Board of Water and Soil Resources, and the Minnesota Department of Agriculture are currently working with federal agencies and non-governmental conservation organizations on a "Working Lands Initiative" to promote interagency cooperation toward more and better-targeted wetland/grassland restorations in the Prairie Pothole Region.

Invasive/Non-native Plant Species. Some wetland managers consider the invasion of wetlands by invasive/non-native plant species to be the greatest threat to maintaining wetland quality and biological diversity. Species such as reed canary grass (*Phalaris arundinacea*), hybrid cattail (*Typha x glauca*), purple loosestrife (*Lythrum salicaria*), garlic mustard (*Alliaria petiolata*), and buckthorns (*Rhamnus cathartica* and *R. frangula*) can displace nearly all native species in a wetland, forming monocultures with low habitat value and diversity. Most of these species spread readily and are extremely difficult to control. Lots of time and money are spent on controlling invasive species in restored wetlands with little guarantee of long-term success. Biological control using insects has been demonstrated to be effective against purple loosestrife, and the Minnesota Department of Natural Resources, Ecological Services Division is currently working on developing biological controls for

buckthorn and garlic mustard. Reed canary grass and hybrid cattail, however, remain as serious threats, with no imminent solutions.

Fish in Wetlands. Some wetlands provide habitat for fish, year-round for some species and as spawning/nursery habitat for others. In Minnesota, thousands of wetlands are used commercially for raising fish, mostly white suckers for baitfish and walleye for stocking. Naturally occurring populations of fathead minnows are harvested as baitfish from many more wetlands. The growing use of wetlands for raising fish and the manipulation of wetlands to sustain introduced and naturally occurring fish populations has raised questions about the impacts on other wetland-dependent species, particularly waterfowl. Studies have demonstrated that fathead minnows compete for the same invertebrate food sources as waterfowl and can change the trophic status of wetlands from a clear-water, rooted plant-based system, to a turbid, algae-dominated system. While fathead minnows and other fish naturally occur in many wetlands, they frequently suffer winterkill under natural conditions, keeping their populations in check. There is concern that fish populations in Minnesota wetlands are unnaturally high due to introduction of white suckers and walleye, the artificial aeration used to maintain these introduced populations, and the increased connectivity of wetlands due to ditching and tiling that allows fish to access formerly fishless basins. The DNR is conducting research on these issues and is starting a task force to develop ecological criteria to be considered when licensing wetlands for raising and harvesting fish.

Hydrologic Modification and Sedimentation. Wetland quality can be adversely affected by artificial modification of the hydrologic regime (depth, duration, and timing of inundation) and by an influx of sediment. The natural hydrologic regime of many wetlands in Minnesota has been modified by partial drainage (ditching and tiling) and by receiving too much water through tile and stormwater outlets. Such changes can alter the wetland plant community and degrade habitat value. In some cases, unnaturally high water level fluctuations can destroy nests of over-water nesting bird species. Sediment eroded from surrounding uplands or delivered to wetlands via stormwater conduits can also have significant adverse effects. A recent study of prairie pothole wetlands showed that 0.5 cm of sediment caused a 91.7 percent reduction in seedling emergence and a 99.7 percent reduction in emergence of invertebrates. Local governments, resource agencies, regulators, and land managers are beginning to put greater emphasis on maintaining natural wetland hydrologic regimes and protecting high quality wetlands from sedimentation.

Part C: Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy

Minnesota's no-net-loss policy for wetlands has been an effective rallying point for wetland protection and conservation. However, after more than a decade of a comprehensive wetland regulatory program in Minnesota, we are still unable to fully and accurately ascertain whether the wetland no-net-loss

directive has in fact been met, much less whether the state is making significant strides toward increasing the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands in accordance with Minnesota Statutes 103A.201

In 2003, the Board of Water and Soil Resources, Department of Natural Resources, and the Minnesota Pollution Control Agency requested funding from the U.S. Environmental Protection Agency to develop a comprehensive strategy that if implemented would provide an ongoing assessment of the status and trends in the quantity and quality of Minnesota's wetlands.

The EPA funded the proposal, and work to develop the comprehensive strategy began in November 2004. Staffing for the Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy (CWAMMS) has been provided by the MPCA and the DNR. Strategy direction and recommendations have been provided by an interagency steering committee comprised of technical staff from the BWSR, DNR, MPCA, the Minnesota Department of Agriculture, and the U.S. Fish and Wildlife Service. Additional technical input is being provided by a diverse group of experts in wetlands, remote sensing, and other appropriate fields. Managers from the aforementioned agencies provide general oversight of the development effort. The strategy is scheduled to be completed by the end of 2005.

Goal of the Comprehensive Wetland Assessment, Monitoring, and Mapping Strategy

- Overall goal: Develop a broadly understood, open, scientifically sound strategy for ongoing monitoring and assessment of the statewide status and trends in wetland quantity and quality.

Objectives

1. Estimate with a high degree (90 percent) of confidence the status, changes, and trends in Minnesota wetlands quantity and quality by National Wetland Inventory wetland class. The status, changes, and trends of wetlands will be assessed within four geographic regions, which are approximated by the province level of the Ecological Classification System (ECS). These four regions are the: Prairie Parkland, Eastern Broadleaf Forest, the Laurentian Mixed Forest, and the Paleozoic Plateau. An additional "demographic" sampling strata is proposed to be urbanizing and developing urban areas of the state where it is anticipated the greatest wetland changes may be occurring.

2. Relate changes or trends in wetland quantity and quality to specific influences or causes of wetland resource change.

3. Provide reports of status and trends in wetland quantity and quality within a different geographic region every two years and a cumulative statewide report at least every 10 years. The reports will provide a sound basis for future state wetland policy and management decisions.

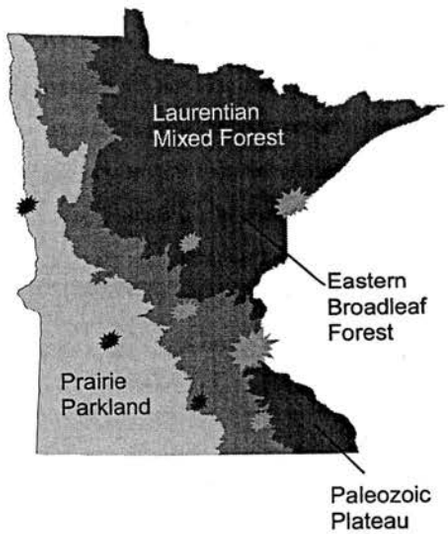
4. Contribute to the long-term understanding of Minnesota's wetland: health (functions), distribution, structure, and processes.

5. Integrate the monitoring and assessment of Minnesota's wetland resource with wetland regulatory and non-regulatory programs to provide measures of program effectiveness and outcomes.

Wetland Quantity

Addressing the question of no net loss of wetlands is far more complex than simply counting acres proposed to be filled/drained and replaced under regulatory programs and acres being restored under various conservation-based and voluntary wetland restoration programs. Many factors should be considered. Wet and dry cycles have a significant influence on wetland extent. Success of mitigation and wetland restoration projects is highly variable. Changes to project impacts occurring following plan reviews, temporary projects, and unreported activities can all affect the wetland accounting system. Declining budgets limit the ability of local government and state agencies to conduct on-site reviews to actively track actual gains and losses. Wetland quality evaluations have barely evolved past methods development.

Figure 28 Proposed geographic and demographic strata for random sample survey



The strategy for assessing status and trends in the quantity of wetlands is expected to comprise three distinct components:

1. A random sample survey using methods developed by the U.S. Fish and Wildlife Service for their national wetland status and trends program. In this approach all wetlands occurring within several hundred randomly selected 4 mi^2 plots would be located and mapped using color infrared photographs. Sampling would be stratified

within four geographic regions of Minnesota and include a demographic sampling strata of major urbanizing areas (see figure 28).

2. Updating Minnesota's National Wetland Inventory (NWI): the first generation NWI is based on remote imagery that is roughly 25 years old. Statewide NWI updates should be undertaken on a regular basis, ideally every 10 years. New methodologies for updating the NWI using modern remote sensing technologies are under development and being tested in several pilot project areas.
3. Developing and employing an internet-based, geographically-referenced database for tracking wetland permits and restoration activities. Tracking wetland regulatory actions will be enhanced by incorporating an electronic permitting function into the system. Tracking wetland activities in terms of their geographic location, as well as the amount and type of wetland involved and the responsible parties, will enable projects and activities to be tracked more accurately and will assist in evaluating the effectiveness of the various programs.

Wetland Quality

Compared to wetland quantity, far less is known about wetland quality trends in Minnesota, other than a general understanding that there are many anthropogenic stressors that are adversely affecting the quality of wetlands. Assessing the quality of wetlands is challenging and currently no clear statewide assessment approach exists for wetland quality or condition.

The Environmental Protection Agency recommends states develop wetland quality assessment techniques at three scales or intensity levels. Level I methods employ landscape scale monitoring and assessment methods using remote sensing techniques and geographic information systems. Level II monitoring methods assess wetland quality using field-based rapid assessment methods, often utilizing professional judgment and observation. Level III assessment methods encompass intensive field sampling approaches, which require data processing beyond field observations. The CWAMMS steering committee is following this recommendation and proposing an integrated three level approach to assessing wetland quality.

For landscape scale, level I assessments, two primary approaches are being considered and tested. The first would use statewide land-use data. A mathematical constant, calculated for each discrete land-use factor based on the amount of energy required to develop and maintain that factor, would be multiplied against the extent of each land-use factor associated with wetlands targeted for assessment. This GIS intensive approach has been effectively used in Florida to assess the quality of surface waters. A second landscape level assessment approach undergoing consideration and being tested would use multi-spectral remote sensing imagery to estimate wetland plant community richness and/or diversity and correlate this with field-based measures. The initial development phase

for this work is underway in cooperation with the University of Minnesota Remote Sensing Laboratory using high resolution hyperspectral airborne imagery. Following the development phase, it is hoped that implementation can be done using cost effective satellite imagery. Large-scale image processing requirements may be the challenging issue to overcome, however this approach would benefit greatly from an updated statewide NWI update.

For Level II rapid wetland assessment methods the Minnesota (wetland) Routine Assessment Method (MnRAM) shows great potential. Many local governments and the consulting community are using the MnRAM to make functional assessments of wetlands for regulatory and non-regulatory applications. Large-scale wetland assessments using the MnRAM could readily be used as part of a targeted or random survey sample design.

Level III assessment methods provide potentially the most accurate assessment of wetland quality. Because of the time required to sample individual wetlands, the strategy needs to include an appropriate design to utilize best the available level III resources. A two-phased random sample survey is the mostly likely design. In this approach, individual wetlands identified within randomly selected primary sample units (plots referenced above associated with assessing changes in wetland quantity) would be randomly selected for field assessments. Field assessment methods could be the Index of Biological Integrity (IBI) for depressional wetlands developed by the MPCA, the Minnesota Routine (wetland) Assessment Method (MnRAM), or the Floristic Quality Assessment which is being developed by the MPCA.

Several pilot projects are underway to test these different approaches. It is not yet known how these indicators can best be integrated with one another, but a lot has been learned so far and additional insights are expected to be gained before the CWAMMS is finalized.

It is expected that regional reports of wetland quantity and quality will be released every two years with complete integrated statewide reports on wetland quantity and quality available every 10 years. Data and analysis resulting from implementation of the monitoring strategy will provide improved evaluations of the effectiveness of wetland protection and conservation programs within the state. Long-term trend data will be important in understanding the affect on water quality, wildlife habitat conditions, and many other wetland related concerns facing the state's conservation and environmental communities.

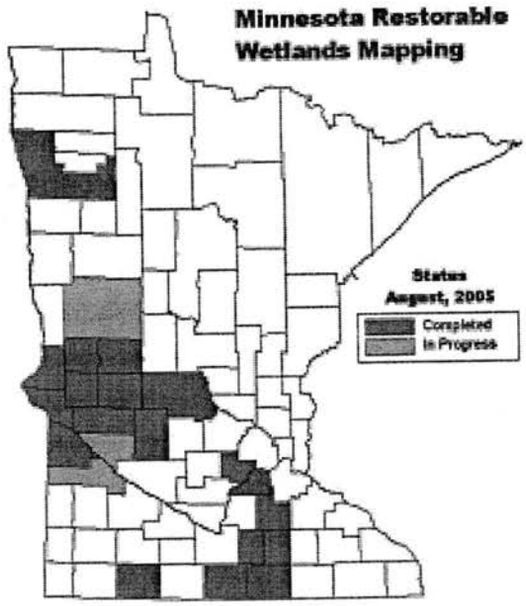
The DNR's budget, starting in fiscal year 2006, contains an agency appropriation for $250,000 per year for implementing the monitoring and assessment strategy. In addition, the U.S. EPA has awarded

Minnesota a three-year, $900,000 grant to begin implementation of the strategy. Initial implementation is scheduled to begin during 2006.

Part D: Restorable Wetlands Initiative

In October 2000, a Restorable Wetlands Working Group formed to begin mapping all of the restorable wetlands in the glaciated tallgrass Prairie Pothole Region of Minnesota and Iowa. Today, fewer than 10 percent of the original wetlands – once of unparalleled importance to continental waterbird populations – are left in existence. Fortunately, wetlands once drained for agriculture may be restored to many of their historic functions. Restoration of multiple wetland functions is of utmost effectiveness when focused at priority restoration landscapes, therefore data on the historic distribution of wetlands is an integral part of developing strategic regional habitat restoration plans.

Figure 29



Opportunistic wetland restorations often fail to attain our expectations for wetland function. Nevertheless, between $70 million to $100 million are spent annually in Minnesota for wetland restoration. A strategic plan for wetland restoration can make these expenditures more effective; however, a strategic wetland restoration plan requires a priori information on the distribution and extent of restorable wetlands. The collective goal of the Restorable Wetlands Working Group is the eventual development of a set of multi-agency decision support tools that collectively comprise a comprehensive environmental management plan for wetlands – all based on the same base data layers and developed in joint consultation. An effort is underway to delineate restorable wetlands in all intensively farmed areas of Minnesota and Iowa.

A pilot project determined the best technique to map drained wetlands in agricultural landscapes was photo interpretation. This pilot project evaluated the accuracy of three potential delineation techniques: digital hydric soils databases, digital elevation models, and manual stereoscopic photo interpretation on high-altitude color infrared aerial photographs. The project covered nearly 4,000 square miles of different landforms and wetland characteristics. After mapping was completed, some

1,500 drained wetlands were observed in the field to assess the accuracy of each technique. Only photo interpretation provided reliable results.

One area that fell into the pilot study was the Okabena quadrangle in east-central Jackson County in Minnesota. Okabena vividly illustrates the potential of humans to alter the natural landscape. While Okabena historically encompassed more than 8,940 acres of depressional wetland – 27 percent of the total area of Okabena – after nearly 100 years of agricultural drainage only 1,280 acres of those original wetlands remain, representing an 86 percent reduction. When empirical models used to estimate duck pairs on individual wetlands are applied to the change from historic to current wetland habitat within Okabena, they estimate a 92 percent reduction in the habitat potential for common dabbling duck species.

The Okabena quadrangle's wetland density once exceeded that of most of the remaining U.S. Prairie Pothole Region. Without strong incentives for wetland conservation and effective methods to delineate high-priority landscapes for restoration, the Okabena quadrangle foretells one possible future for much of the mixed-grass Prairie Pothole Region farther west.

The Restorable Wetlands Working Group includes: Minnesota Board of Water and Soil Resources; Ducks Unlimited, Inc.; Red River Basin Institute; Minnesota Pollution Control Agency; Pheasants Forever; U.S. Fish and Wildlife Service; Minnesota Department of Transportation; The Nature Conservancy; Greenway on the Red; The North American Waterfowl Management Plan; Prairie Pothole Joint Venture: Upper Mississippi River and Great Lakes Region Joint Venture; Natural Resources Conservation Service; Minnesota Department of Natural Resources; and U.S. Army Corp of Engineers.

CHAPTER VIII: APPENDIX

List of Appendices

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Appendix B — Minnesota Counties and 81 Major Watersheds (map and index)

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Appendix D — Local Road Impacts and Replacement Needs

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Appendix F-2 — Wetland Banking in Minnesota (fact sheet)

Appendix G — RIM Reserve (fact sheet)

Appendix H-1 — Wetland Data from Anderson and Craig (list)

Appendix H-2 — Wetland Comparison, with percent wet, deep, upland, and total area (list)

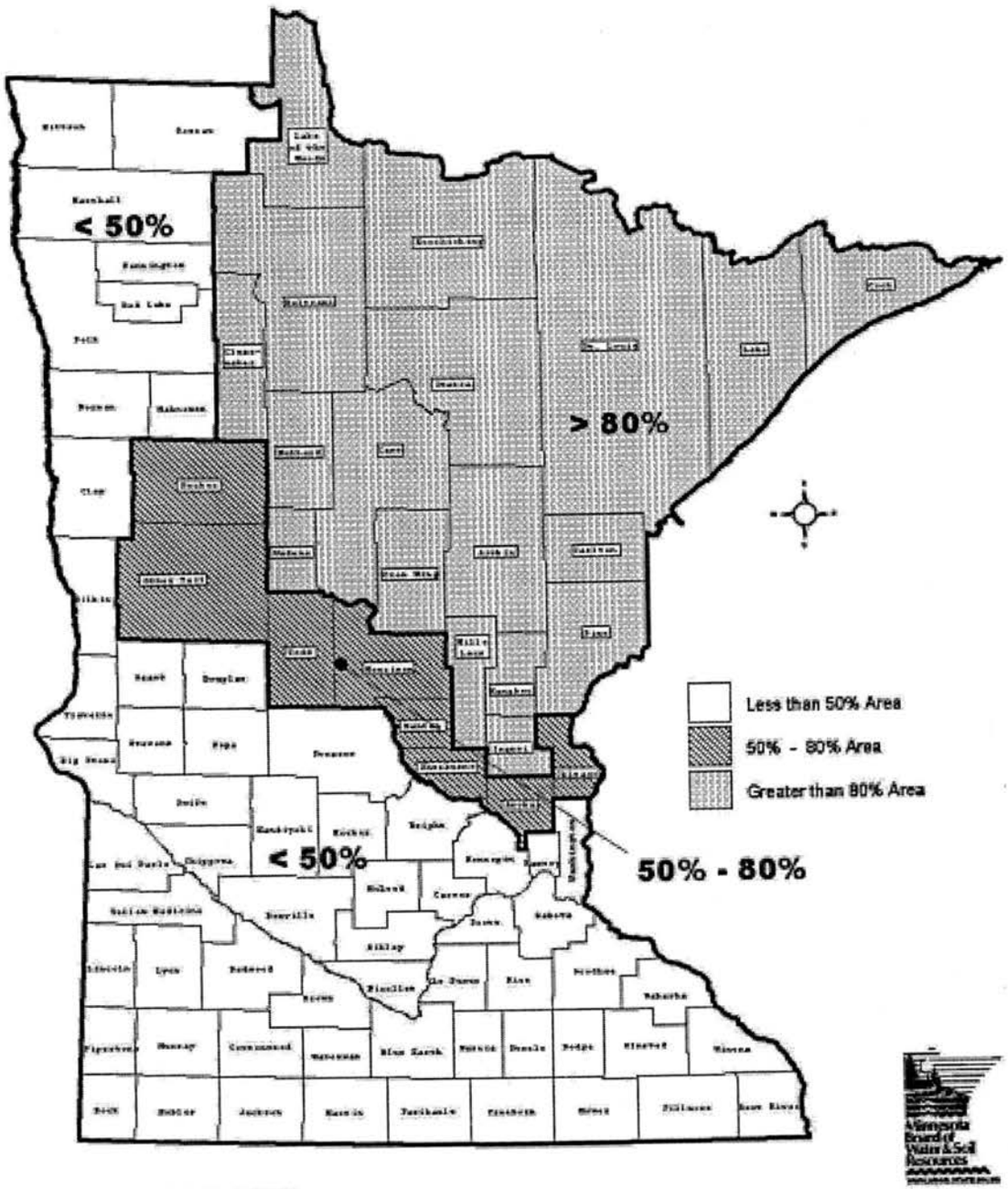
Appendix H-3 — Wetland Comparison, including Circular 39, by County (list)

Appendix I — Summary of Minnesota Wetland Activity 2001-2003

Appendix J — Wetland Restorations on Private Farmland

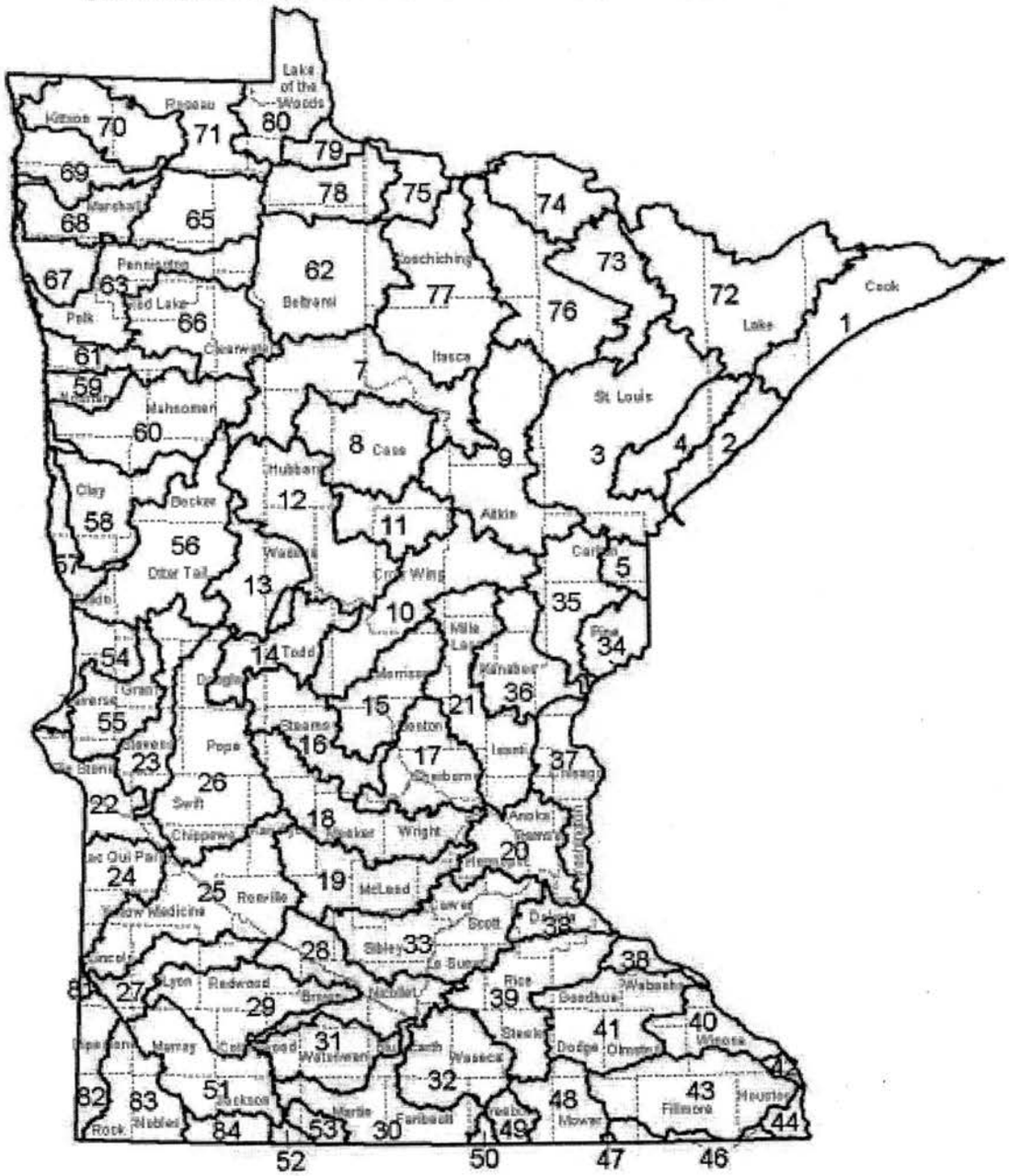
Appendix K — Wetland-related Web Sites

Minnesota Wetland Conservation Act
Pre - Statehood Wetland Areas



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Minnesota Counties and Watersheds



County Names and Index

Aitkin	E-4	Martin	A-2
Anoka	C-4	McLeod	B-3
Becker	E-1	Meeker	C-2
Beltrami	G-2	Mille Lacs	D-3
Benton	D-3	Morrison	D-3
Big Stone	C-1	Mower	A-4
Blue Earth	A-3	Murray	A-1
Brown	A-2	Nicollet	B-3
Carlton	E-4	Nobles	A-1
Carver	B-4	Norman	F-1
Cass	E-3	Olmsted	A-5
Chippewa	C-1	Otter Tail	E-1
Chisago	C-4	Pennington	G-1
Clay	E-1	Pine	D-4
Clearwater	F-2	Pipestone	A-1
Cook	G-6	Polk	F-1
Cottonwood	A-2	Pope	C-2
Crow Wing	E-3	Ramsey	C-4
Dakota	B-4	Red Lake	G-1
Dodge	A-4	Redwood	B-2
Douglas	D-2	Renville	B-2
Faribault	A-3	Rice	B-4
Fillmore	A-5	Rock	A-1
Freeborn	A-4	Roseau	H-1
Goodhue	B-4	Scott	B-4
Grant	D-1	Sherburne	C-3
Hennepin	C-4	Sibley	B-3
Houston	A-5	St. Louis	F-4
Hubbard	F-2	Stearns	C-2
Isanti	C-4	Steele	A-4
Itasca	F-3	Stevens	C-1
Jackson	A-2	Swift	C-1
Kanabec	D-4	Todd	D-2
Kandiyohi	C-2	Traverse	D-1
Kittson	H-1	Wabasha	B-5
Koochiching	G-3	Wadena	E-2
Lac Qui Parle	C-1	Waseca	A-3
Lake	F-5	Washington	C-4
Lake of the Woods	H-2	Watonwan	A-2
Le Sueur	B-3	Wilkin	E-1
Lincoln	B-1	Winona	A-5
Lyon	B-1	Wright	C-3
Mahnomen	F-1	Yellow Medicine	B-1
Marshall	G-1		

Major Watersheds – Numbers

Big Fork – 77
Big Sioux (Medary Creek) – 81
Big Sioux (Pipestone) – 82
Blue Earth – 30
Bois de Sioux – 54
Buffalo – 58
Cannon – 39
Cedar – 48
Chippewa – 26
Clearwater – 66
Cloquet – 4
Cottonwood – 29
Crow Wing – 12
East Fork des Moines – 53
Grand Marais Creek – 67
(Red River of the North)
Kettle – 35
Lac Qui Parle – 24
Lake of the Woods – 80
Lake Superior North – 1
Lake Superior South – 2
Le Sueur – 32
Leech Lake – 8
Little Fork – 76
Little Sioux – 84
Long Prairie – 14
Marsh – 59
Minnesota (Granite Falls) – 25
" (Headwaters) – 22
" (Mankato) – 28
" (Shakopee) – 33
Mississippi (metro) – 20
" (Red Wing/Lk Pepin) – 38
" (Brainerd) – 10
" (Grand Rapids) – 9
" (Headwaters) – 7
" (La Crescent) – 42
" (Reno) – 44
" (Sartell) – 15
" (St. Cloud) – 17
" (Winona) – 40
Mustinka – 55
Nemadji – 5
North Fork Crow – 18
Ottertail – 56
Pine – 11
Pomme de Terre – 23
Rainy (Baudette) – 79
" (Headwaters) – 72
" (Manitou) – 75
" (Rainy Lake) – 74
Rapid – 78
Red Lake – 63
Red River of the North – 57
Redeye – 13
Redwood – 27
Rock – 83
Root – 43
Roseau – 71
Rum – 21
Sandhill – 61
Sauk – 16
Shell Rock – 49
Snake – 68
Snake – 36
South Fork Crow – 19
St. Croix (Stillwater) – 37
St. Croix (Upper) – 34
St. Louis – 3
Tamarac – 69
Thief – 65
Two – 70
Upper Iowa – 46
Upper/Lower Red Lake – 62
Vermillion – 73
W Fork Des Moines (headwtrs) – 51
W Fork Des Moines (lower) – 52
Wapsipinican – 47
Watonwan – 31
Wild Rice – 60
Winnebago – 50
Zumbro – 41

WCA Data Reported by Local Government Units: 2001, 2002, 2003

Appendix C

			# of Contacts that resulted in wetlands being:			Sum of Wetland Acres:										# C&D Orders issued					
Reporting Year	County	Landowner Contacts	Avoided	Minimized	# of Contacts resulting in A/M	Acres Avoid	Acres Minimized	Total acres replaced	Acres drain/fill	% Replaced**	1:1 County?	Exempt Applctns Approved^	# Acres Exempt^^	# No Loss Determinations	# TEP Req'd	by DNR	by LGU	# Restoration orders	Primary Wetland Type Impacted	# WCA Projects
2001	Aitkin	230	219	11	230	100	4.00	2.85	2.85	100%	Y	2	1.30	1	14	9		8	6	8
2002	Aitkin	1220	1085	56	1141	206	10.00	0.94	0.94	100%	Y	1	0.46	0	14		9	7	6	5
2003	Aitkin	945	400	195	595	350	8	3.00	2	150%	Y	14	1.6	0	25	10	10	10	3	17
2001	Anoka	762	520	90	610	269.5	38.33	34.68	23.93	145%	N	19	1.14	0	10	23		10	2	163
2002	Anoka	817	339	215	554	95.4	72.59	43.21	21.49	201%	N	28	3.08	1	17	15		3		34
2003	Anoka	793	749	6	755	13	12.41	75.75	30.51	248%	N	22	1.94	2	19	4	0	3	3	191
2001	Becker	173	40	15	55	13	1.66	0.52	0.26	200%	N	15	1.40	12	2	3		2	3	15
2002	Becker	165	12	26	38	9.1	15.00	1.42	0.71	200%	N	18	0.62	18	7	8		2	3	26
2003	Becker	185	34	27	61	16.6	17	2.31	1.11	208%	N	16	2.5	4	12	4	0	0	4	27
2001	Beltrami	550	200	110	310	20	17.00	1.31	1.44	91%	Y	28	0.31	2	22	16		12	2	74
2002	Beltrami	550	180	120	300	22	20.00	36.70	36.70	100%	Y	35	0.30	5	25		4	7	2	77
2003	Beltrami	550	200	150	350	31	16	4.47	3.15	142%	Y	25	0.12	1	20	6	0	1	3	86
2001	Benton	72	4	4	8	0.55	0.08	9.60	4.80	200%	N	23	6.23	1	11	4		0	2	32
2002	Benton	64	13	0	13	0.23	0.00	7.07	7.20	98%	N	16	4.41	2	22	7	0	5	6	22
2003	Benton	403	4	1	5	2.95	0.02	0.60	2.56	23%	N	19	2.26	1	7	2	0	1	3	156
2001	Big Stone	20	1	0	1	0.5	0.00		0.00		N			3	2	0		0	2	1
2002	Big Stone	17	5	0	5	1.6	0.00		0.00		N			1	1				3	0
2003	Big Stone	13	7	2	9	1.65	0.25		0		N	1	0.01	0	0	1	0	0	5	6
2001	Blue Earth	77	22	32	54	5	10.00	13.05	4.77	274%	N	11	9.35	1	13	0		9	1	33
2002	Blue Earth	1	1		1	0.4					N									1
2003	Blue Earth	72	28	23	51	2.36	5.75	10.67	5.14	208%	N	9	1.96	1	26	0	0	1	1	29
2001	Brown	9	2	0	2	1	0.00		0.00		N	1	0.00	3					3	1
2002	Brown	9	2		2	1					N	1	0.00	3					3	1
2003	Brown				0						N									
2001	Carlton	100	85	15	100	2	2.00	8.85	8.13	109%	Y	13	1.14	0	5	5		2	6	20
2002	Carlton	100	50	22	72	5	2.00	10.57	9.94	106%	Y	15	1.73	1	8	13		12	7	29
2003	Carlton	0	80	25	105	10	5	0.09	8.6	1%	Y	13	2.11	0	2	12	0	11	7	22
2001	Carver	397	342	59	401	234	15.87	17.23	13.79	125%	N	9	1.64	6	24	4	0	4	3	38
2002	Carver	357	245	49	294	53.7	13.67	25.25	15.10	167%	N	13	5.85	13	18	3		2	2	63
2003	Carver	378	236	68	304	73.5	14.5	3.00	1.5	200%	N	9	2.8	15	10	5	0	2	3	118
2001	Cass	213	172	11	183	35	3.20	0.95	2.75	35%	Y	25	1.80	1	6	5	0	5	6	31
2002	Cass	213	172	11	183	35	3.20	0.95	0.36	264%	Y	25	1.80	1	6		5	5	6	213
2003	Cass	271	174	29	203	21.3	14		3.4	0%	Y	13	2.33	0	4	6	0	3	4	28
2001	Chippewa	8	5	1	6	2.6	0.04		0.00		N	1	0.04	0	1	0		0	3	3
2002	Chippewa	8	5	2	7	2	0.20	4.00	3.80	105%	N	1	2.00		2			1	3	3
2003	Chippewa	59	5	0	5	10	0		0		N	0	0	0	0	1	0	1	4	1
2001	Chisago	105	28	5	33	242.1	6.70	15.67	3.12	502%	N	18	2.43	15	9	12		11	2	86
2002	Chisago	125	35	7	42	305.06	4.24	10.29	5.10	202%	N	16	1.27	13	12		4	3	2	124
2003	Chisago	669	10	9	19	7.53	2.5	26.92	9.9	272%	N	23	3.04	35	8	6	0	6	3	52
2001	Clay	49	6	5	11	16.5	0.50	0.70	0.32	219%	N	2	0.05		9	0		1	3	14
2002	Clay	67	13	5	18	42.6	0.97	1.68	0.57	295%	N		0.95		12				3	5
2003	Clay	78	5	2	7	0.75	0.1	0.22	0.16	138%	N	4	0.26	2	3	1	0	0	4	12
2001	Clearwater	86	1	1	2		23.55	11.50	11.50	100%	Y	26	2.45	11	3	13		1	2	20
2002	Clearwater	87	11	6	17	2.23	0.54	0.60	0.60	100%	Y	14	5.04	4	13			3	6	11
2003	Clearwater	68	18	16	34	8	3.92	6.96	6.96	100%	Y	15	6.96	6	8	0	0	1	3	17
2001	Cook	7	3	2	5	3	2.00		0.13	0%	Y	1	0.80	0	0	0		0	5	4
2002	Cook	18	6	9	15		4.00				Y	3	0.50		2	3	1		6	9
2003	Cook	33	8	11	19	15	1		0		Y	1	0.2	0	2	2	1	2	7	12
2001	Cottonwood	5	1	0	1	0.9	0.00		0.00		N	0	0.00	0	0	1		0	1	0
2002	Cottonwood	7	1		1	0.8					N								1	0
2003	Cottonwood	8	5	0	5	2	0	1.30	0.97	134%	N	0	0	0	3	0	0	0	4	3
2001	Crow Wing	819	796	6	802	27	0.51	0.56	1.05	53%	Y	13	0.54	3	16	3	0	1	6	19
2002	Crow Wing	1210	1187	6	1193	27	0.51	1.05	1.05	100%	Y	10	0.54	3	16		3	1	6	16
2003	Crow Wing	1033	1012	8	1020	11.5	19.93	10.30	10.17	101%	Y	10	0.91	4	16	2	3	6	4	16
2001	Dakota	200	50	50	100	10	10.00	10.64	5.32	200%	n	17	0.75	5	10	5		2	2	30
2002	Dakota	200	25	25	50	5	5.00	23.00	13.10	176%	N	12	1.50	3	10	3	0	3	2	25
2003	Dakota	90	10	20	30	2	5	19.00	18.42	103%	N	23	9.3	6	13	1	0	0	3	37
2001	Dodge	11	5	0	5	1	0.00		0.00		3	0	0.00	0	4	0		0	2	2
2002	Dodge	18	2		2	1			0.00		N	1	0.02	1	4	3	0	0	2	2
2003	Dodge	25	3	1	4	22	0.49	0.96	1.48	65%	N	1	0.04	4	18	4	0	4	3	5

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Appendix C

2001	Douglas	284	207	38	245	37.2	23.20	4.56	2.06	221%	N	0	0.68	137	7	2		2	2	52
2002	Douglas	328	306	22	328	44.7	17.30	0.12	0.06	200%	N	0	0.43	209	6			2	2	90
2003	Douglas	362	344	18	362	26.3	9.6	3.90	1.9	205%	N	0	1.2	186	11	0	0	1	3	333
2001	Faribault	25	0	0	0	0	0.00		0.00		N	0	0.00	4						0
2002	Faribault	25			0						N			4						0
2003	Faribault	15	0	3	3	0	1.5		0		N	2	15	1	0	0	0	0	1	3
2001	Fillmore	24	6	1	7	17			0.00		N	8	33.00	1	1	1		0	2	7
2002	Fillmore	31	16	2	18	14	1.00		0.00		N	4	7.00	1	1	0	0	0	2	31
2003	Fillmore/Root Rive	31	7	2	9	7	0.1	0.00	0		N	8	5.2	3	3	3	2	3	3	14
2001	Freeborn	12	7	11	18	3	1.20		0.00		N	3	0.50	2	3	0		0	4	6
2002	Freeborn	14	11	3	14	2	1.60		0.00		N	2	0.50	0	2	2	0	0	2	1
2003	Freeborn	21	6	6	12	32	26	0.00	0		N	2	5	1	3	1	0	1	3	3
2001	Goodhue	130	65	25	90	80	8.50	8.50	3.00	283%	N	25	3.00	40	15	3		2	2	70
2002	Goodhue	227	18	6	24	25.5					N	9	1.10	18	10	1	0	1	2	47
2003	Goodhue	169	21	5	26	17.4	2.5	0.68	1.39	49%	N	11	0.34	20	14	4	4	4	3	13
2001	Grant	25	25	0	25	100	0.00		0.00		N	0	0.00	0	10	0		1	3	5
2002	Grant	19	10	1	11	2.6	0.01				N		0.01		6	1		1	3	5
2003	Grant	181	173	1	174	50	5	4.00	2	200%	N	0	0	0	3	0	0	1	1	2
2001	Hennepin	220	45	34	79	10	8.00	22.01	7.42	297%	N	14	2.30	6	14	7	0	6	2	92
2002	Hennepin	185	45	25	70	15	9.00	2.00	2.00	100%	N	5	6.20	3	17	0	7	3	2	80
2003	Hennepin	1568	133	54	187	32.96	9.25	10.02	8.47	118%	N	34	23.89	29	33	4	7	8	3	56
2001	Houston	25	6	3	9	2	1.00	0.02	0.01	200%	N	4	1.00	2	4	0		1	1	6
2002	Houston	25	0	1	1	0	1.00		0.00		N	5	3.30	0	4	0	0	1	2	5
2003	Houston				0						N									
2001	Hubbard	122	12	2	14	22	0.80	0.69	0.69	100%	Y	26	1.76	8	75	10		10	2	33
2002	Hubbard	100	16	7	23	4.41	0.51	0.21	0.12	175%	Y	26	2.02	5	14	15	0	14	2	30
2003	Hubbard	114	16	4	20	0.32	3.5	1.34	1.27	106%	Y	24	1.08	12	6	7	0	7	7	28
2001	Isanti	48	5	2	7	2	0.75	0.91	0.75	121%	Y	13	5.38	2	0	0		0	1	15
2002	Isanti	56	7	2	9	4		4.00	2.00	200%	Y	30	28.00	2					1	30
2001	Itasca				0						Y									0
2002	Itasca	78	10	21	31	24.89	1.78	2.26	2.26	100%	Y	22	5.58	12	11		5	5	7	78
2003	Itasca	203	34	44	78	7.8	7.4	7.88	7.13	111%	Y	74	6.8	11	2	11	7	14	8	90
2001	Jackson^	40	3	0	3	15	0.00		0.00		N	1	0.00	0	3	0	0	0	2	0
2002	Jackson	45	6		6	2.5					N			2	2				2	0
2003	Jackson	20	20	0	20	16.1	0		0		N	0	0	2	2	0	0	0		0
2001	Kanabec	21	3	1	4	10	3.00		0.00		Y	18	14.00	4	1	1		0	2	18
2002	Kanabec	36	1	1	2	0.75	3.50				Y	18	10.00	4	1	1			2	18
2001	Kandiyohi	169	80	24	104	220	15.00	8.40	1.00	840%	N	5	12.00	30	5	4	0	7	2	92
2002	Kandiyohi	169	48	19	67	177	9.00	1.00	4.00	25%	N	27	21.00	29	4	12	5	12	2	86
2003	Kandiyohi				0						N									
2001	Kittson	2	1		1	2.5					N	2	0.40	0	1	0		0	2	3
2002	Kittson	6	5	0	5	5	0.00		0.00		N	1	0.00	0						0
2003	Kittson	3	0	0	0	0	0		0		N	0	0	0	1	0	0	0	7	3
2001	Koochiching	275	50	25	75	4	5.00	9.00	9.00	100%	Y	17	3.00	4	1	0		0	6	32
2002	Koochiching	178	22	28	50	16	7.00	3.00	3.00	100%	Y	14	3.50		3	1	1	1	6	58
2003	Koochiching	144	25	11	36	9	3	14.66	14.66	100%	Y	2	0.4	2	2	0	0	1	7	144
2001	Lac Qui Parle	419	0	0	0	0	0.00	1.25	0.50	250%	N	1	2.00	0	1	0		0	1	419
2002	Lac Qui Parle	261	8	0	8	72.4	0.00				N				1				2	0
2001	Lake	32	11	21	32	0.5	0.20	0.17	0.16	106%	Y	5	1.70	0	3	2		1	6	6
2002	Lake	45	12	7	19	4.5	2.20	3.30	3.30	100%	Y	5	5.00	6	2		2		6	9
2003	Lake	38	9	5	14	3	1.5	2.20	2.2	100%	Y	4	2.2	1	2	0	0	0	7	5
2001	Lake o.t. Woods	45	10	5	15	4	1.00	0.34	0.57	60%	Y	3	0.36	1	1	3		8	6	5
2002	Lake o.t. Woods	449	21	11	32	112.8	23.90	0.30	0.17	176%	Y	1	0.05	0	4	4	0	5	7	2
2003	Lake o.t. Woods	80	16	7	23	36	1.2	0.94	0.75	125%	Y	6	0.83	0	2	2	0	0	8	7
2001	Le Sueur	125	3	1	4	13.8	0.50		0.55	0%	N	2	0.55	4	4	0	0	0	3	14
2002	Le Sueur	103	6	1	7	12.2	2.00				N			1	1	1	1	1	3	7
2003	Le Sueur	62	7	0	7	6.77	0		0		N	11	7.32	0	1	1	0	1	4	18
2001	Lincoln	318	30	0	30	58	0.00		0.00		N	1	0.10	1	2	5		3	3	9
2002	Lincoln	425	28		28	75		0.70	0.30	233%	N	1	0.01		2	1		1	2	5
2003	Lincoln	270	60	0	60	135	0		0		N	2	3.4	1	3	1	0	1	3	60
2001	Lyon	106	9	1	10	5	1.00	57.50	7.00	821%	N	12	0.00	5	9	0		1	2	8
2002	Lyon	110	10	2	12	25	3.00	1.50	0.50	300%	N	35		10	10				2	3
2003	Lyon	179	21	1	22	30	2	10.10	4.9	206%	N	0	0	13	6	0	0	1	1	5
2001	Mahnomen	5	2	0	2	3	0.00		0.00		N	0	0.00	0	3	0		0	3	2
2002	Mahnomen	10	4		4	1.25					N			1	2	0	0	0	2	1
2003	Mahnomen	8	0	0	0	0	0		0		N	0	0	0	2	3	0	1	4	2

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2001	Marshall	293	22	0	22	19.8	0.00		0.00		N	0	0.00	0	1	3	0	2	7	5
2002	Marshall	175	6	2	8	4	0.44	0.00	0.00		N	2	0.35	1	7	2	0	0	2	10
2003	Marshall	249	26	0	26	36	0		0		N	1	0.5	0	2	2	0	1	3	4
2001	Martin	32	25	2	27	10	0.50		0.00		N	1	0.10	0	3	1		0	3	1
2002	Martin	9	3	1	4	8.4	1.00	0.84	0.14	600%	N	0	0.00	1	3	0	0	0	1	1
2003	Martin	0	0	0	0	0	0	0.00	0		N	0	0	0	0	0	0	0		0
2001	McLeod	147	12	10	22	6.3	2.50	0.80	0.40	200%	N	11	2.50	8	20	2		2	2	101
2002	McLeod	117	19	12	31	3.5	3.10	4.62	2.25	205%	N	7	2.00	6	17	0	0	0	2	22
2003	McLeod	131	20	25	45	8	4	0.86	0.42	205%	N	22	3.5	4	15	1	0	1	3	100
2001	Meeker	47	37	5	42	3.5	0.50		0.00		N	6	0.37	0	1	8		5	3	6
2002	Meeker	43	39	1	40	7.8	0.10	1.90	0.40	475%	N	2	0.40	0	5	6	0	1	3	2
2003	Meeker	35	26	5	31	6	4	2.50	1.5	167%	N	8	1.5	6	7	3	0	4	4	11
2001	Mille Lacs	205	70	56	126	35	20.00	1.00	0.50	200%	Y	27	15.00	3	11	10		7	2	29
2002	Mille Lacs	220	107	42	149	22	8.00	1.20	2.00	60%	Y	11	2.75	2	6	10		2	2	13
2003	Mille Lacs	223	10	21	31	3.1	5.2	0.40	6.4	6%	Y	25	3.8	4	9	4	0	3	3	29
2001	Morrision	185	34	50	84	27.87	12.30	0.93	1.86	50%	N	112	16.00	55	2	11		11	2	91
2002	Morrision	290	34	50	84	27.87	12.30	0.93	1.86	50%	N	112	16.00	55	2		11	11	2	91
2003	Morrison	195	42	5	47	130.02	3.4	22.24	24.3	92%	N	142	12.1	4	12	12	0	12	4	181
2001	Mower	1808	1200	8	1208	800	0.00		0.00		N	7	1.70	2		1	0	0	2	20
2002	Mower	397	8	3	11	0	1.07	16.58	7.10	234%	N	10	0.80	9	9	2		2	2	52
2003	Mower	225	11	4	15	20	2	5.00	2	250%	N	8	16	9	4	3	0	1	3	25
2001	Murray	13	2	0	2	6	0.00		0.00		N	1	2.00	1	2	1	0	1	2	19
2002	Murray	9			0						N	1	0.20		1				2	9
2003	Murray	12	1	0	1	1	0		0		N	0	0	0	0	0	0	0	3	0
2001	Nicollet	15	2	0	2	0.5	0.00		0.00		N	1	3.00	2	1	0		0	2	4
2002	Nicollet	28	5	1	6	24.5	1.70		0.00	#DIV/0!	N	1	5.20	1	3	1	0	1	2	9
2003	Nicollet	0	0	0	0	0	0		0		N	0	0	0	0	0	0	0		0
2001	Nobles	282	10	0	10	200	0.00		0.00		N	1	0.50	0	2	0		0	1	2
2002	Nobles	291	12		12	210	1.00	0.90	0.90	100%	N				2	2	3	3	1	2
2003	Nobles	350	15	4	19	35	11	0.94	0.47	200%	N	0	0	0	3	0	0	0	3	1
2001	Norman	178	178	0	178	30	0.00		0.00		N	0	0.00	0	2	0		0	1	178
2002	Norman	42	40	2	42	12.5	1.50	0.90	0.90	100%	N				5				2	42
2003	Norman	87	85	2	87	15	0.8		0		N	0	0	0	5	0	0	0	3	87
2001	Olmsted	116	21	10	31	10.5	0.50	7.10	4.50	158%	N	13	1.32	11	49	2	0	0	2	22
2002	Olmsted	116	21	10	31	10.5	0.5	7.10	4.5	158%	N	13	1.32	11	49	0	2	0	2	22
2003	Olmsted	84	22	10	32	5	3	43.29	25.16	172%	N	20	3.37	18	40	5	0	3	3	41
2001	Otter Tail	299	178	77	255	15	5.00	0.81	0.40	203%	N	0	0.90	1	18	8		5	6	1
2002	Otter Tail	300	275	25	300	55	2.50	0.40	0.20	200%	N	15	2.50	4	55	18		12	3	25
2003	Ottertail	278	90	54	144	199	4	0.57	1.94	29%	N	11	1.94	1	57	11	0	10	7	15
2001	Pennington	15	3	1	4	3.5	0.50		0.00		N	1	0.10	3	2	0		0	2	15
2002	Pennington	23	9	1	10	18	0.40				N				1				2	1
2003	Pennington	22	6	0	6	6	0		0		N	1	0.5	12	1	0	0	0	7	2
2001	Pine	408	307	40	347	300	32.00		0.00		Y	70	8.00	3	3	2		0	2	70
2002	Pine	389	274	200	474	250	45.00	3.00	5.00	60%	Y	93	8.80	2	20	5		7	2	140
2003	Pine	488	11	27	38	57.13	12.48	28.59	20.04	143%	Y	38	16.95	4	27	7	0	5	3	47
2001	Pipestone	30	10	2	12	10	0.50		5.00	0%	N	0	0.00	5	1	0		0	1	17
2002	Pipestone	90	16		16	8					N								1	0
2003	Pipestone	175	25	25	50	10	30		0		N	1	0.5	1	1	0	0	0	1	0
2001	Polk	68	15	2	17	9	2.50		0.00		N	1	0.02	14	4	1		1	2	23
2002	Polk	112		2	2		0.04				N	5	0.23	11	2	2	2	1	4	0
2003	Polk	111	4	2	6	60.05	0.06	0.18	0.15	120%	N	2	2.03	0	1	0	0	0	3	4
2001	Pope				0						N									0
2002	Pope	74	30	32	62	58.4	0.20		0.00		N	0	0.00	0	1		1	1	3	74
2003	Pope	74	25	51	76	96.2	40.6	0.46	76.2	1%	N	58	76.2	0	4	2	0	2	4	100
2001	Ramsey	16	3	0	3	0.21	0.00	5.97	2.32	257%	N	4	0.12	1	2	5		3	2	16
2002	Ramsey	36	1		1	0.01		2.33	1.73	135%	N	17	1.07	8	1	6		2	3	36
2003	Ramsey	31	1	7	8	0.05	1.29	6.51	3.51	185%	N	13	0.17	3	20	5	0	6	3	40
2001	Red Lake	3	2		2	0.1					N				1	0		0	1	3
2002	Red Lake	8			0						N			1						0
2003	Red Lake	5	2	0	2	0.3	0		0		N	0	0	0	0	0	0	0	1	1
2001	Redwood	98	4	4	8	10	10.00	0.00	0.00		N	98	0.50	0	0	0	0	0	1	6
2002	Redwood	87	3	2	5	2.2	1.40	0.60	0.60	100%	N	82		1	1	1	1	1	1	87
2003	Redwood	114	8	2	10	10.5	3		0		N	2	5.2	0	1	0	1	0	1	17
2001	Renville	132	3	0	3	3	0.00	3.37	1.69	199%	N	0	0.00	95	0	0		0	2	0
2002	Renville	509	20		20	17		3.37	1.69	199%	N	0	0.00	0	1	1	0	0	2	1
2003	Renville	250	25	0	25	10	0		0		N	1	0.8	10	0	1	0	0	3	1
2001	Rice	49	8	5	13	10.97	5.20	19.18	9.59	200%	N	10	2.64	21	9	10		9	2	21
2002	Rice	110	6	5	11	8.37	3.08	6.34	3.17	200%	N	8	1.88	10	10	29	0	24	2	32
2003	Rice	270	23	9	32	11.5	4.55	1.86	0.93	200%	N	11	0.27	17	9	23	0	22	3	12

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2001	Rock	9	9	0	9	13	0.00	0.00	0.00		N	0	0.00	0	0	0	0	0	2	0
2002	Rock	12	11	1	12	11	0.95				N				1				2	10
2003	Rock	12	8	0	8	16.25	0		0		N	4	4.36	0	3	0	0	1	1	11
2001	Roseau	21	15	2	17	5	4.50		0.00		N	2	0.50	0	4	0		0	6	19
2002	Roseau	35	15	10	25	16	3.00				N	3	0.50		2				6	25
2003	Roseau	44	12	7	19	20	1		0		N	0	0	0	2	0	0	0	7	18
2001	Scott	316	285	31	316	140	50.00	25.90	11.20	231%	N	13	15.00	5	17	6		4	2	79
2002	Scott	169	101	72	173	170	60.00	29.00	9.00	322%	N	15	29.00	26	30	3	0	4	2	34
2003	Scott	460	120	50	170	650	65	34.52	20	173%	N	30	2.45	27	20	3	0	3	3	25
2001	Sherburne	449	15	3.5	18.5	10.5	3.00	47.44	23.70	200%	N	34	33.37	7	28	9	0	4	2	47
2002	Sherburne	1216	19	12	31	5.36	1.94	5.10	2.86	178%	N	68	2.38	10	45	10	0	9	2	52
2003	Sherburne	1430	18	15	33	5.03	2.69	4.23	1.84	230%	N	50	23.99	12	64	3	0	1	4	58
2001	Sibley	86	2	1	3	1.5	0.90		0.00		N	1	0.10	1	0	0		0	2	2
2002	Sibley	92	2	0	2	25	0.00	0.00	0.00		N	2	0.00	2	2	0	0	0	2	0
2003	Sibley	43	4	1	5	8	0.07	1.81	0.63	287%	N	2	0.5	0	2	2	0	0	3	4
2001	St. Louis	3424	264	279	543	2.88	7.70	60.78	46.77	130%	Y	61	10.24	35	100	23	0	20	1	104
2002	St. Louis	3227	354	14	368	33	5.49	29.10	26.4	110%	Y	56	11	34	125	20	27	36	6	188
2003	St. Louis	1645	130	40	170	28.86	6.01	21.10	19.96	106%	Y	38	6.45	8	124	12	4	10	8	67
2001	Stearns	987	13	1	14	42	0.58	15.91	7.94	200%	N	10	0.17	0	6	10	0	10	2	88
2002	Stearns	977	9	0	9	1	0	1.70	0.84	202%	N	10	0.12	0	4	0	10	10	2	84
2003	Stearns	280	54	12	66	7.2	1.3	9.49	5.86	162%	N	30	1.4	1	8	10	0	6	3	40
2001	Steele	172	35	5	40	42	15.00		0.00		N	2	1.00	1	1	0		0	2	20
2002	Steele	172	35	5	40	42	1.50				N	2	1.00	1	1				2	20
2003	Steele	66	17	3	20	51	6		0		N	3	0.75	9	0	3	0	3	3	17
2001	Stevens	7	1	0	1	1.3	0.00		0.00		N	0	0.00	4	1	0		0	1	1
2002	Stevens	35	3		3	2.08					N			6	3	1		1	2	3
2003	Stevens	25	21	3	24	0.5	0.17		0		N	0	0	1	3	1	0	1	3	0
2001	Swift	10	10	0	10	0	0.00		0.00		N	0	0.00	0	1					0
2002	Swift	8			0				1.00	0%	N	1	1.00						1	1
2003	Swift	14	0	0	0	0	0	0.49	1.35	36%	N	3	1.35	0	3	0	0	0	3	3
2001	Todd	174	25	4	29	31.8	2.76	0.20	0.10	200%	N	63	368	1	6	7	0	3	2	64
2002	Todd	174	25	4	29	31.8	2.76	0.20	0.10	200%	N	63	368	1	6		7	3	2	174
2003	Todd	290	14	27	41	8.55	40.25	2.50	1.24	202%	N	102	161.04	0	5	4	0	2	3	106
2001	Traverse				0						N									
2002	Traverse	23	1		1	0.1					N	1	0.09		3					
2003	Traverse	19	7	1	8	6	0.4		0		N	0	0	0	0	0	0	0	4	2
2001	Wabasha	7	4	2	6	2	2.45	28.95	2.60	1113%	N	2	3.00	2	1	1		1	2	6
2002	Wabasha	11	3	3	6	1					N	4	10.00	4	1	1	0	2	3	9
2003	Wabasha	14	4	3	7	3	3		0		N	3	2.49	4	1	2	0	2	3	12
2001	Wadena	95	12	5	17	4.85	1.35		0.00		Y	11	1.10	0	5	0		1	2	17
2002	Wadena	72	14	4	18	4.85	0.65				Y	19	2.90		4	2	0	0	6	19
2003	Wadena	98	3	10	13	1	3.15		0		Y	18	9	0	2	0	0	0	3	18
2001	Waseca	48	45	4	49	80	6.00	8.20	1.76	466%	N	11	0.80	15	3	1		0	1	32
2002	Waseca	48	45	4	49	80	6.00	8.20	1.76	466%	N	11	0.80	15	3		1		1	32
2003	Waseca	68	66	2	68	34	13.3		0		N	2	0.5	5	3	1	0	0	3	2
2001	Washington	148	26	17	43	10	8.00	27.20	13.50	201%	N	10	0.15	8	11	4		2	2	30
2002	Washington	195	50	29	79	3	2.00	21.18	13.05	162%	N	14	0.55	18	23	3	4	2	3	31
2003	Washington	239	5	5	10	6.3	1.5	13.01	5.76	226%	NN	11	0.89	6	13	1	3	1	3	16
2001	Watonwan	71	2	1	3	2.5	1.00		3.00	0%	N	1	3.00	64	4	0	0	1	1	4
2002	Watonwan	130			0	2					N	1	2.00	3	5	3			2	8
2003	Watonwan	8	7	1	8	12	2		0		N	1	2	0	4	3	0	1	3	8
2001	Wilkin	3	3	0	3	6	0.00		0.00		N	0	0.00	0					3	3
2002	Wilkin	4			0						N				1				1	0
2003	Wilkin	3	3	0	3	4	0		0		N	0	0	0	0	0	0	0	1	3
2001	Winona	50	45	10	55	10	5.00	26.00	13.00	200%	N	4	3.90	0	4	2		0	2	4
2002	Winona	50	45	10	55	1	3.00		100.00	0%	N	8	19.90	4	6	2	0	1	2	13
2003	Winona	25	21	0	21	30	0	0.19	0.9	21%	N	1	0.81	3	5	8	0	0	3	7
2001	Wright	174	49	26	75	22.25	6.92	13.73	6.07	226%	N	17	1.50	6	42	28		14	2	30
2002	Wright	173	23	21	44	5.75	5.25	16.74	7.69	218%	N	25	1.98	2	34	14		2	2	44
2003	Wright	179	32	24	56	8	6.5	23.13	11.25	206%	N	30	4.1	4	45	14	0	2	3	45
2001	Yellow Medicine	31	0	0	0	0	0.00		0.00		N	0	0.00	0	0	0	0	0	1	0
2002	Yellow Medicine	31	1		1	1					N	1		1					2	31
2003	Yellow Medicine	49	1	0	1	40	0		0		N	2	0.99	2	4	0	0	0	3	4
2001 Statewide Totals		17,086	6,088	1,275	7,363	3,531	412	535	273	196%		990	610	689	692	297		216		2,688
2002 Statewide Totals		18,507	5,683	1,298	6,981	2,641	411	347	330	105%		1,097	619	626	792	238	116	239		2,701
2003 Statewide Totals		17,561	4,905	1,211	6,116	2,670	480	445	383	116%		1,092	479	538	821	250	42	199		2,805

WCA Data Reported by Local Government Units: 2001, 2002, 2003

Appendix C

Reporting Year	Region	%LO contacts resulting in A/M	% of drain/fill replaced	# Exempt Appl.	Acres Exempt^	Sum AMR Acres	Acres Drained/Filled	Acres Avoided/ Minimized	# Wca Projects	Total Loss (exmptions^plus drain/fill)	Acres Replaced	Percent replaced vs. total loss
2001	< 50 %	33%	220%	265	428.48	372.32	34.24	372.32	336	463	75.17	16%
2002	< 50 %	23%	141%	308	395.33	473.16	18.03	473.16	514	413	25.41	6%
2003	< 50 %	10%	138%	363	206.87	439.54	42.89	439.54	595	250	59.37	24%
2001	> 80%	42%	115%	359	68.875	696.29	86.286	696.29	505	155	98.906	64%
2002	> 80%	50%	104%	398	89.97	912.71	93.835	912.71	945	184	97.18	53%
2003	> 80%	46%	96%	320	61.74	704.3	106.69	704.3	633	168	101.93	61%
2001	50-80 %	37%	291%	280	91.392	2070.71	74.76	2070.71	1399	166	217.22	131%
2002	50-80 %	19%	55%	287	86.086	1160.96	142.17	1160.96	939	228	78.79	35%
2003	50-80 %	34%	84%	267	169.35	1119.87	144.76	1119.87	1094	314	122.03	39%
2001	7-County	75%	185%	86	21.1	803.91	77.48	803.91	448	98.6	143.63	146%
2002	7-County	62%	193%	104	47.249	504.37	75.468	504.37	303	123	145.969	119%
2003	7-County	41%	184%	142	41.44	886.76	88.17	886.76	483	130	161.81	125%
2001 Statewide Totals		***43%***	***196%***	***990***	***610***	***3943***	***273***	***3943***	***2688***	***883***	***535***	***61%***
2002 Statewide Totals		***38%***	***105%***	***1097***	***619***	***3051***	***330***	***3051***	***2701***	***948***	***347***	***37%***
2003 Statewide Totals		***35%***	***116%***	***479***	***3150***	***383***	***3150***	***2805***	***862***	***445***	***2***	***1%***

APPENDIX D

REPORTED LOCAL ROAD IMPACTS AND REPLACEMENT NEEDS JULY 1996 TO FEBRUARY 2005				
County	Impact Acres	Direct Replacement Acres	BWSR Replacement Obligation	Total Replacement Acres
Aitkin	24.84	2.00	22.88	24.88
Anoka	42.66	6.39	68.77	75.16
Becker	3.54	3.54	3.54	3.54
Beltrami	41.23	9.66	31.57	41.23
Benton	36.97	0.00	73.94	73.94
Big Stone	14.00	0.71	27.30	28.01
Blue Earth	19.42	0.89	36.40	37.29
Brown	1.49	0.00	2.98	2.98
Carlton	64.23	3.51	60.72	64.23
Carver	13.04	11.91	14.18	26.09
Cass	36.49	0.39	35.13	35.52
Chippewa	0.10	0.00	0.20	0.20
Chisago	5.88	3.43	8.36	11.79
Clay	8.48	0.00	16.96	16.96
Clearwater	24.52	0.00	24.52	24.52
Cottonwood	0.31	0.00	0.63	0.63
Crow Wing	24.03	5.07	24.14	29.21
Dakota	9.21	0.00	18.42	18.42
Dodge	3.91	0.00	7.82	7.82
Douglas	8.42	0.00	16.83	16.83
Fillmore	0.97	0.00	1.06	1.06
Freeborn	1.32	0.00	2.64	2.64
Goodhue	3.29	0.00	6.57	6.57
Grant	1.02	0.00	2.03	2.03
Hennepin	22.26	0.76	43.44	44.20
Houston	4.65	2.50	6.80	9.30
Hubbard	17.91	2.42	15.71	18.13
Isanti	14.07	0.00	13.94	13.94
Itasca	51.31	14.35	38.04	52.39
Jackson	0.74	0.00	1.48	1.48
Kanabec	6.61	0.00	6.25	6.25
Kandiyohi	9.00	1.45	16.87	18.32
Kittson	14.90	3.30	26.50	29.80
Koochiching	21.06	4.43	16.63	21.06
Lac Qui Parle	0.32	0.00	0.65	0.65
Lake	8.08	0.83	7.25	8.08
Lake of the Woods	15.14	0.00	15.14	15.14
Le Sueur	1.47	0.00	2.94	2.94
Lincoln	2.63	0.00	5.26	5.26
Lyon	4.06	1.32	7.76	9.08

Mahnomen	1.07	0.00	2.14	2.14
Marshall	21.24	1.91	27.63	29.54
Martin	0.82	0.00	1.64	1.64
McLeod	6.20	0.00	12.40	12.40
Meeker	10.56	0.00	21.12	21.12
Mille Lacs	22.86	0.35	22.52	22.86
Morrison	20.51	0.00	37.48	37.48
Mower	1.66	0.00	3.32	3.32
Murray	5.99	0.00	11.98	11.98
Nicollet	2.64	0.28	5.00	5.28
Nobles	0.20	0.00	0.39	0.39
Norman	13.88	3.19	23.65	26.84
Olmsted	4.63	1.74	7.51	9.25
Otter Tail	23.13	1.25	44.26	45.51
Pennington	11.06	0.00	11.06	11.06
Pine	62.79	0.00	62.79	62.79
Pipestone	0.78	0.00	1.56	1.56
Polk	26.61	0.00	52.62	52.62
Pope	17.28	0.00	34.60	34.60
Ramsey	6.23	6.23	6.23	6.23
Redwood	1.30	0.00	2.60	2.60
Renville	7.77	0.00	15.54	15.54
Rice	8.05	0.00	16.10	16.10
Rock	2.00	0.00	4.00	4.00
Roseau	1.09	0.00	2.17	2.17
Scott	13.84	0.00	28.29	28.29
Sherburne	5.22	1.36	8.67	10.03
St. Louis	189.59	56.17	140.57	196.74
Stearns	24.43	0.15	47.72	47.86
Steele	0.97	0.00	1.94	1.94
Stevens	1.62	0.00	3.25	3.25
Swift	10.23	2.11	18.35	20.46
Todd	64.12	1.66	126.46	128.12
Wabasha	10.89	0.60	21.15	21.75
Wadena	3.13	0.00	3.13	3.13
Washington	9.41	2.29	16.73	19.02
Watonwan	4.55	0.00	9.10	9.10
Wilkin	0.63	0.00	1.26	1.26
Winona	0.39	0.25	0.66	0.91
Wright	25.01	8.14	42.06	50.20
Yellow Medicine	1.94	0.00	3.88	3.88
Totals	**1,227.94**	**166.53**	**1,631.88**	**1,788.63**

COMPREHENSIVE WETLAND PROTECTION AND MANAGEMENT PLANS (Updated February 2005)

METRO REGION						
LGU	**BC**	**BWSR GRANT**	**AREA COVERED BY PLAN**	**NOTICE TO AGENCIES**	**BWSR APPROVAL**	**DATE LGU ADOPTION**
Bloomington	Brad Wozney	No	24,570 acres	8-05-96	8-23-97	6-16-97
Burnsville	Les Lemm	$7.5K	17,097 acres	1-97	1-99	1-99
Carnelian Mar.WD	Les Lemm	No	29,767 acres*	10-13-04	Expected, 2005	----------
Chanhassen	Brad Wozney	No	14,651 acres	----------	None sought	94 Ordinance
Coon Rapids	Les Lemm	No	15,063 acres	2003	2004	2004
Eden Prairie	Brad Wozney	No	22,524 acres	1-00	3-24-00	00 Ordinance
Minnehaha WD	Brad Wozney	$15k	115,840 acres	10-98	None Sought	Painters Cr Plan
Minnetonka	Brad Wozney	No	18,042 acres	10-08-96	None sought	97 Ordinance
Plymouth	Brad Wozney	$15k	22,595 acres	1-14-97	None Sought	97 Ordinance
Ramsey Washington Metro WD	Les Lemm	No	33,280 acres	1996	5-28-97	6-97
Rice Creek WD CD 10-22-32	Les Lemm	No	4,600 acres*	2004	Expected - Autumn 2005	----------
Rice Creek WD CD 53-62	Les Lemm	No	4,200 acres*	2004	Expected - Autumn 2005	----------
Rice Creek WD Columbus Twp	Les Lemm	No	23,040 acres*	2004	Expected - Autumn 2005	----------
Rice Creek WD Village Meadows	Les Lemm	No	1,00 acres*	2004	Feb 04	Feb 04
Rosemount	Les Lemm	$15k	22,469 acres	June 97	7-98	6-98-Update 05
St Louis Park	Brad Wozney	No	6,983 acres	3-01		
Savage	Les Lemm	LCMR Grant	10,563 acres	11-99	1-00	00 Ordinance
So. Washington WD	Les Lemm	No		August 98	4-01	
Lakeville	Les Lemm	No	24,002 acres	Done	Approved	2003 Ordinance
Vadnais Lakes Area WMO	Les Lemm	$7,500	15,040 acres	August 99	Summer 00	Not yet adopted

NORTHERN REGION						
LGU	**BC**	**BWSR GRANT**	**AREA COVERED BY PLAN**	**NOTICE TO AGENCIES**	**BWSR APPROVAL**	**DATE LGU ADOPTION**
Aitkin County	Keith Grow	No	1,275,776 acres	February 2001	October, 2004	January, 2005
Beltrami County	Bill Best	$15k	1,954,918 acres	10-15-97	Spring 2000	Spring 2000
Cass County	Dan Steward	Yes (challenge)	1,544,136 acres	June 97	9-24-97	12-97
City of Cloquet	Mark Nelson	No	23,004 acres	2002	October, 2003	2003
Koochiching Co.	Mark Nelson	No	2,017,035 acres	July 98	Spring 2000	Spring 2000
Lake County	Mark Nelson	$7.5k	1,463,547 acres	Done	4-28-99	Spring 1999
Lake of the Woods County	Bill Best	Yes (challenge)	1,138,951 acres	July 2001	Summer 2003	Fall 2003
St. Louis County	Mark Nelson	$15k	4,312,077 acres	Done	4-28-99	Spring 1999

SOUTHERN REGION						
LGU	**BC**	**BWSR GRANT**	**AREA COVERED BY PLAN**	**NOTICE TO AGENCIES**	**BWSR APPROVAL**	**DATE LGU ADOPTION**
Martin County	Chris Hughes	No	466,603 acres	August 1998	December, 2002	August, 2002

Accounts: Exclude BWSR | **Account Balance:** ALL | **County:** ALL | **Major Watershed:** ALL APPENDIX F-1

Account Listing / Status (Available Credits)

Minnesota Wetland Bank

March 31, 2005

Acct No	County	Major Watershed	Balance by Subgroup	Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
104	01 Aitkin	10 Mississippi						1.37	Y	Thompson, Thomas A. (218) 927-3320
			A	1.37 NWC	Y	6	Isolated			
1107	01 Aitkin	10 Mississippi						10.72	Y	Gilbert, Jeff (218) 729-8960
			A	10.72 NWC	Y	6	Isolated			
1134	01 Aitkin	10 Mississippi						0.50	Y	McNutt, Richard (218) 729-0206
			A	0.50 NWC	Y	2	Isolated			
1148	01 Aitkin	10 Mississippi						2.00	Y	Gustafson, Jim (Itasca SWCD Acct Mgr) (218) 326-0017
			A	2.00 NWC	Y	6	Isolated			
1169	01 Aitkin	10 Mississippi						0.40	Y	Premier Three Developers, Inc., c/o Jack Johnson (218) 391-3117
			A	0.40 NWC	Y	2	Isolated			
1170	01 Aitkin	10 Mississippi						0.30	Y	Premier Three Developers, Inc., c/o Jack Johnson (218) 391-3117
			A	0.20 NWC	Y	1	Isolated			
			B	0.10 NWC	Y	3	Isolated			
	County - Number of Accounts: 6						**County SubTotal:**	**15.29**		
116	02 Anoka	20 Mississippi						11.02	Y	Robjent, Lyndon (Anoka CHD Acct Mgr) (763) 862-4237
			A	8.74 NWC	Y	3	Flow-through			
			B	2.28 PVC	Y	1	Flow-through			
1022	02 Anoka	20 Mississippi						0.27	Y	Vargo, Mark (D. Rehbein's Acct Mgr) (763) 784-0657
			A	0.00 NWC	Y	4	Isolated			
			B	0.27 NWC	Y	5	Isolated			
			C	0.00 PVC	Y	U	Upland			
	County - Number of Accounts: 2						**County SubTotal:**	**11.29**		
1143	03 Becker	58 Buffalo						18.03	Y	Paakh, A. Bruce (218) 849-4886
			A	5.97 NWC	Y	3	Isolated			
			B	12.06 PVC	Y	U	Upland			
1154	03 Becker	58 Buffalo						2.80	Y	Sletmoen, Douglas (218) 439-6399

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			A	1.40	NWC	Y	4	Isolated			
			B	1.40	PVC	Y	U	Upland			
	County - Number of Accounts: 2							**County SubTotal:**	**20.83**		
1139	04 Beltrami	62 Upper and Lower							12.13	Y	Berger, Ray (218) 647-8413
			A	12.13	NWC	N	2	Floodplain			
1141	04 Beltrami	62 Upper and Lower							0.58	Y	Otterstad, Ron (218) 444-6492
			A	0.00	NWC	Y	6	Isolated			
			B	0.02	NWC	Y	3	Isolated			
			C	0.56	PVC	Y	U	Upland			
	County - Number of Accounts: 2							**County SubTotal:**	**12.72**		
125	05 Benton	17 Mississippi (St.							1.11	Y	Kabe, Galen (J. Miller's Acct Mgr) (320) 251-4109
			A	0.00	NWC	Y	2	Isolated			
			B	0.00	PVC	Y	U	Upland			
			C	1.11	NWC	N	2	Isolated			
	County - Number of Accounts: 1							**County SubTotal:**	**1.11**		
126	06 Big Stone	22 Minnesota							21.50	Y	Anderson, Nick (Big Stone CHD Acct Mgr) (320) 839-2594
			A	15.00	NWC	N	3	Tributary			
			B	6.50	PVC	N	3	Tributary			
	County - Number of Accounts: 1							**County SubTotal:**	**21.50**		
130	10 Carver	33 Minnesota							10.00	Y	Steiner, Paul (Credit Mgr) (952) 944-7596
			A	7.00	NWC	N	3	Isolated			
			B	3.00	PVC	N	U	Upland			
1048	10 Carver	19 South Fork Crow							27.58	Y	Nesvold, Tim (P. Nesvold's Acct Mgr) (952) 546-7000
			A	2.80	NWC	N	2	Flow-through			
			B	5.99	NWC	N	3	Flow-through			
			C	6.50	NWC	N	4	Flow-through			
			D	3.00	NWC	N	5	Flow-through			
			E	9.29	PVC	N	U	Upland			
1115	10 Carver	33 Minnesota							20.10	Y	Knauer, Elroy (952) 466-9882
			A	0.17	NWC	Y	3	Tributary			
			B	11.97	NWC	Y	4	Tributary			

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			C	7.96	PVC	Y	U	Upland			
	County - Number of Accounts: 3							**County SubTotal:**	**57.68**		
									3.97	Y	Sandager, Lee (651) 433-3503
136	13 Chisago	37 St. Croix									
			A	2.47	NWC	Y	4	Flow-through			
			B	1.50	PVC	Y	4	Flow-through			
									1.48	Y	Meek, Kenneth (R. Goertz Acct Mgr) (651) 674-6210
1104	13 Chisago	37 St. Croix									
			A	0.00	NWC	Y	2	Flow-through			
			B	1.48	NWC	Y	3	Flow-through			
	County - Number of Accounts: 2							**County SubTotal:**	**5.45**		
									2.76	Y	Paakh, A. Bruce (218) 849-4886
137	14 Clay	60 Wild Rice									
			A	1.24	NWC	Y	3	Isolated			
			B	1.52	PVC	Y	U	Upland			
	County - Number of Accounts: 1							**County SubTotal:**	**2.76**		
									1.38	Y	Watershed District, Red Lake (218) 681-5800
1156	15 Clearwater	66 Clearwater									
			A	1.38	NWC	Y	7	Floodplain			
	County - Number of Accounts: 1							**County SubTotal:**	**1.38**		
									2.25	Y	Bohlen, LeRoy (507) 645-7768
1108	19 Dakota	39 Cannon									
			A	1.12	NWC	Y	3	Shoreland			
			B	1.13	PVC	Y	U	Upland			
									17.71	Y	Graham, Mike (Bachman Acct. Mgr.) (612) 670-4209
1144	19 Dakota	38 Mississippi (Red									
			A	11.63	NWC	Y	3	Tributary			
			B	6.08	PVC	Y	U	Upland			
	County - Number of Accounts: 2							**County SubTotal:**	**19.96**		
									5.68	Y	Harford, John (Olmsted Cty Acct Mgr) (507) 285-8232
1001	20 Dodge	41 Zumbro									
			A	1.82	NWC	N	3	Isolated			
			B	2.87	NWC	N	2	Isolated			
			C	0.91	NWC	N	1	Isolated			
			D	0.06	PVC	N	3	Isolated			
									7.43	Y	Samuelson, Jon (507) 867-1666
1083	20 Dodge	41 Zumbro									
			A	4.11	NWC	Y	3	Isolated			

NWC = New Wetland Credits PVC = Public Value Credits

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			B	3.32	PVC	Y	U	Upland			
	County - Number of Accounts: 2							**County SubTotal:**	**13.11**		
145	21 Douglas	26 Chippewa							4.79	Y	Sabolik, Arlen and Ruby (320) 965-2396
			A	4.61	NWC	N	4	Isolated			
			B	0.18	PVC	N	4	Isolated			
146	21 Douglas	14 Long Prairie							7.23	Y	Jones, Dale (218) 547-3307
			A	1.54	NWC	Y	3	Isolated			
			B	1.18	NWC	Y	3	Isolated			
			C	2.88	NWC	Y	3	Isolated			
			E	1.63	NWC	Y	3	Isolated			
1018	21 Douglas	26 Chippewa							39.59	Y	Robley, David (Douglas DPW Acct Mgr) (320) 763-6001
			A	39.59	NWC	N	4	Tributary			
1071	21 Douglas	26 Chippewa							7.20	Y	Bump & Mike McGuire, Mike (320) 846-1913
			A	7.20	NWC	N	4	Isolated			
	County - Number of Accounts: 4							**County SubTotal:**	**58.82**		
1116	24 Freeborn	49 Shell Rock							3.69	Y	Bjerke, Byron (507) 373-3817
			A	2.39	NWC	N	4	Flow-through			
			B	0.00	NWC	N	1	Flow-through			
			C	1.30	PVC	N	U	Upland			
	County - Number of Accounts: 1							**County SubTotal:**	**3.69**		
1129	25 Goodhue	41 Zumbro							0.08	Y	Klevan, Darrell (507) 732-5407
			A	0.08	NWC	Y	2	Flow-through			
1153	25 Goodhue	38 Mississippi (Red							1.07	Y	Klevan, James (CR45 Acct Mgr) (651) 385-3051
			A	1.07	NWC	Y	3	Isolated			
	County - Number of Accounts: 2							**County SubTotal:**	**1.15**		
151	26 Grant	23 Pomme de Terre							0.00	Y	Reuss, Randy (320) 986-2901
			A	0.00	NWC	Y	3	Tributary			
			B	0.00	PVC	Y	U	Upland			
1002	26 Grant	23 Pomme de Terre							0.33	Y	Sumption, John (Cass County Acct Mngr) (218) 547-7256
			A	0.33	NWC	N	3	Tributary			

Acct No	County	Major Watershed	Balance by Subgroup	Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
1005	26 Grant	55 Mustinka						0.22	Y	Gustafson, Jim (Itasca SWCD Acct Mgr) (218) 326-0017
			A	0.22 NWC	N	3	Tributary			
1056	26 Grant	23 Pomme de Terre						8.44	Y	Alvstad, Steve (218) 747-2802
			A	0.00 NWC	Y	3	Tributary			
			B	1.08 PVC	Y	3	Tributary			
			C	7.36 PVC	Y	U	Upland			
1057	26 Grant	23 Pomme de Terre						11.23	Y	Westrom, Diane (218) 685-4142
			A	2.27 NWC	Y	3	Tributary			
			B	1.26 PVC	Y	3	Tributary			
			C	7.70 PVC	Y	U	Upland			
	County - Number of Accounts: 5						**County SubTotal:**	**20.23**		
1112	27 Hennepin	18 North Fork Crow						7.28	Y	Kuka, Mike; kukafive@aol.com (763) 972-3256
			A	4.93 NWC	Y	4	Flow-through			
			B	2.35 PVC	Y	4	Flow-through			
1119	27 Hennepin	20 Mississippi						2.67	Y	Blundell, Dirk (763) 428-5559
			A	2.34 NWC	Y	4	Isolated			
			B	0.33 PVC	Y	U	Upland			
1121	27 Hennepin	20 Mississippi						2.40	Y	Selstad, Bob (763) 479-3726
			A	1.00 NWC	Y	4	Isolated			
			B	1.40 PVC	Y	U	Upland			
1171	27 Hennepin	20 Mississippi						1.27	Y	Ebert, Greg & Marilou (763) 498-7844
			A	1.27 NWC	Y	3	Isolated			
	County - Number of Accounts: 4						**County SubTotal:**	**13.62**		
1024	28 Houston	43 Root						1.95	Y	Walter, Richard & Terese (507) 895-2446
			A	1.95 NWC	Y	1	Floodplain			
	County - Number of Accounts: 1						**County SubTotal:**	**1.95**		
1047	30 Isanti	37 St. Croix						11.91	Y	Palme, Duane (651) 674-5620
			A	0.31 NWC	N	4	Tributary			
			B	0.98 NWC	N	4	Tributary			
			C	9.01 PVC	N	6	Flow-through			
			D	1.61 PVC	N	U	Upland			

Acct No	County	Major Watershed	Balance by Subgroup	Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
	County - Number of Accounts: 1						**County SubTotal:**	**11.91**		
1019	39 Lake of the Woods	80 Lake of the						4.34	Y	Stromlund, Josh (Lake of the Woods Acct) (218) 634-1945
			A	4.34 NWC	Y	4	Isolated			
	County - Number of Accounts: 1						**County SubTotal:**	**4.34**		
1082	40 Le Sueur	33 Minnesota						20.00	Y	Krocak, Robert & Elizabeth (507) 364-7457
			A	19.52 NWC	Y	3	Flow-through			
			B	0.48 NWC	Y	2	Flow-through			
	County - Number of Accounts: 1						**County SubTotal:**	**20.00**		
159	49 Morrison	21 Rum						12.02	Y	McLennan, Helen (Robert Hobson Acct Mgr) (320) 616-2479
			A	2.84 NWC	Y	2	Tributary			
			B	9.17 PVC	Y	2	Tributary			
1152	49 Morrison	15 Mississippi						16.25	Y	McLennan, Helen (Banick Acct Mgr)
			A	5.97 NWC	Y	3	Flow-through			
			B	10.28 PVC	Y	2	Flow-through			
	County - Number of Accounts: 2						**County SubTotal:**	**28.27**		
160	50 Mower	43 Root						1.04	Y	Bucknell, Bruce (507) 533-9432
			A	1.04 NWC	Y	2	Flow-through			
1105	50 Mower	43 Root						51.36	Y	Erickson, George (507) 279-2126
			A	19.71 NWC	Y	2	Flow-through			
			B	9.50 NWC	Y	3	Flow-through			
			C	22.15 PVC	Y	U	Upland			
1106	50 Mower	48 Cedar						52.17	Y	Erickson, George (507) 279-2126
			A	20.64 NWC	Y	2	Flow-through			
			B	11.25 NWC	Y	3	Isolated			
			C	20.28 PVC	Y	U	Upland			
	County - Number of Accounts: 3						**County SubTotal:**	**104.58**		
1135	55 Olmsted	41 Zumbro						0.42	Y	Schmidt, William & Tamera (507) 289-8674
			A	0.42 NWC	N	2	Flow-through			
			B	0.00 PVC	N	U	Upland			

Acct No	County	Major Watershed	Balance by Subgroup	Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
	County - Number of Accounts: 1						**County SubTotal:**	**0.42**		
161	56 Otter Tail	56 Otter Tail						19.34	Y	Highway Department (Bank), Ottertail County (218) 739-2271
			A	12.78 NWC	N	3	Flow-through			
			B	6.55 PVC	N	3	Flow-through			
	County - Number of Accounts: 1						**County SubTotal:**	**19.34**		
162	59 Pipestone	82 Big Sioux						10.65	Y	Pearson, Gary (Cargill Acct Mgr) (507) 825-5841
			A	1.50 NWC	Y	2	Isolated			
			B	0.75 PVC	Y	2	Isolated			
			C	4.80 NWC	Y	4	Isolated			
			D	3.60 PVC	Y	U	Isolated			
	County - Number of Accounts: 1						**County SubTotal:**	**10.65**		
1098	60 Polk	63 Red Lake						64.94	Y	Carlstrom, Darin (Polk Cty Account Mgr)
			A	14.77 NWC	N	2	Tributary			
			B	8.54 NWC	N	3	Tributary			
			C	12.75 NWC	N	4	Tributary			
			D	16.67 PVC	N	3	Tributary			
			E	12.20 PVC	N	U	Upland			
1118	60 Polk	61 Sandhill						7.78	Y	Highway Department, Polk County (218) 281-3952
			A	1.70 NWC	Y	2	Isolated			
			B	2.90 NWC	Y	3	Isolated			
			C	3.18 NWC	Y	4	Isolated			
	County - Number of Accounts: 2						**County SubTotal:**	**72.72**		
163	61 Pope	26 Chippewa						10.42	Y	Highway Department, Pope County (320) 634-4561
			A	3.75 NWC	N	6	Tributary			
			B	6.67 PVC	N	6	Tributary			
164	61 Pope	26 Chippewa						0.50	Y	Highway Department, Pope County (320) 634-4561
			A	0.50 NWC	N	3	Tributary			
165	61 Pope	26 Chippewa						2.00	Y	Highway Department, Pope County (320) 634-4561
			A	2.00 NWC	N	4	Tributary			
166	61 Pope	16 Sauk						2.45	Y	Elwood, David and Becky (320) 634-4628
			A	1.46 NWC	Y	3	Flow-through			

NWC = New Wetland Credits PVC = Public Value Credits

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			B	0.99	PVC	Y	3	Flow-through			
167	61 Pope	26 Chippewa							0.80	Y	Highway Department, Pope County (320) 634-4561
			A	0.80	NWC	N	3	Flow-through			
168	61 Pope	26 Chippewa							23.43	Y	Highway Department, Pope County (320) 634-4561
			A	11.91	NWC	N	3	Flow-through			
			B	11.52	PVC	N	3	Flow-through			
169	61 Pope	26 Chippewa							0.00	Y	Highway Department, Pope County (320) 634-4561
			A	0.00	NWC	N	2	Flow-through			
1172	61 Pope	16 Sauk							22.80	Y	Fiedler, Jean & Patricia (320) 352-3894
			A	6.50	NWC	N	1	Flow-through			
			B	6.50	NWC	N	3	Flow-through			
			C	3.20	PVC	N	3	Flow-through			
			D	6.60	PVC	N	U	Upland			
	County - Number of Accounts: 8							**County SubTotal:**	**62.41**		
1138	62 Ramsey	20 Mississippi							7.06	Y	Fisher, Linda (Acct Mgr) (952) 896-3210
			A	2.42	NWC	Y	3	Flow-through			
			B	4.64	PVC	Y	U	Upland			
	County - Number of Accounts: 1							**County SubTotal:**	**7.06**		
172	65 Renville	19 South Fork Crow							4.87	Y	Larson, Marlin (Renville CHD Acct) (320) 523-3759
			A	4.87	NWC	N	3	Isolated			
	County - Number of Accounts: 1							**County SubTotal:**	**4.87**		
173	66 Rice	33 Minnesota							22.20	Y	Luebbe, Dennis (Rice CHD Acct. Mgr.) (507) 332-6110
			A	10.90	NWC	Y	4	Tributary			
			B	11.30	PVC	Y	4	Tributary			
1113	66 Rice	39 Cannon							2.85	Y	Mariska, Thomas (507) 267-4590
			A	0.26	NWC	Y	2	Isolated			
			B	0.04	NWC	Y	3	Isolated			
			C	2.54	NWC	Y	4	Isolated			
			D	0.00	PVC	Y	U	Upland			
	County - Number of Accounts: 2							**County SubTotal:**	**25.05**		
1147	68 Roseau	70 Two							28.93	Y	Heggedal & G. Krog, Arne (218) 528-3731

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			A	28.93	NWC	Y	3	Isolated			
	County - Number of Accounts: 1							**County SubTotal:**	**28.93**		
175	70 Scott	33 Minnesota							0.06	Y	Mesenbrink, John (952) 447-5058
			A	0.00	NWC	Y	3	Tributary			
			B	0.00	NWC	Y	4	Tributary			
			C	0.06	PVC	Y	3	Tributary			
176	70 Scott	33 Minnesota							0.00	Y	Mesenbrink, John (952) 447-5058
			A	0.00	NWC	Y	3	Flow-through			
1131	70 Scott	33 Minnesota							7.42	Y	Breeggemann, Donald and Marian (952) 445-2527
			A	4.30	NWC	Y	3	Isolated			
			B	3.11	PVC	Y	U	Upland			
1150	70 Scott	33 Minnesota							4.24	Y	Kane, John (952) 447-2441
			A	3.32	NWC	Y	3	Isolated			
			B	0.92	PVC	Y	U	Upland			
1168	70 Scott	33 Minnesota							10.13	Y	WestStar Properties, Inc., Bill Feldman (612) 961-1294
			A	10.13	NWC	Y	3	Isolated			
	County - Number of Accounts: 5							**County SubTotal:**	**21.86**		
1092	71 Sherburne	17 Mississippi (St.							3.50	Y	Rolf, Steve (Elk River Acct Mngr) (612) 441-7420
			A	3.14	NWC	N	2	Isolated			
			B	0.36	PVC	N	U	Upland			
1103	71 Sherburne	17 Mississippi (St.							0.43	Y	Rolf, Steve (Elk River Acct Mngr) (612) 441-7420
			A	0.43	NWC	N	5	Isolated			
	County - Number of Accounts: 2							**County SubTotal:**	**3.93**		
1123	72 Sibley	33 Minnesota							3.86	Y	City of, Eden Prairie (952) 949-8310
			A	3.86	NWC	Y	3	Isolated			
1142	72 Sibley	33 Minnesota							29.20	Y	Mueller, Mary and Michael (507) 647-2305
			A	0.73	NWC	Y	2	Isolated			
			B	11.63	PVC	N	U	Upland			
			C	16.84	NWC	Y	3	Isolated			
	County - Number of Accounts: 2							**County SubTotal:**	**33.06**		
1063	69 St. Louis	03 St. Louis River							2.08	Y	Anderson, Terry (218) 348-4571

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			A	1.39	NWC	N	5	Isolated			
			B	0.49	NWC	N	4	Isolated			
			C	0.19	NWC	N	3	Isolated			
	County - Number of Accounts: 1							**County SubTotal:**	**2.08**		
181	73 Stearns	16 Sauk							14.69	Y	Miller, Philip and Janice (320) 352-3748
			A	3.41	NWC	Y	3	Tributary			
			B	0.00	PVC	Y	3	Tributary			
			C	11.27	PVC	Y	U	Tributary			
182	73 Stearns	18 North Fork Crow							11.33	Y	Gertken, Brett (320) 251-5271
			A	0.00	NWC	Y	3	Isolated			
			B	4.74	PVC	Y	U	Isolated			
			C	6.58	NWC	Y	2	Isolated			
183	73 Stearns	16 Sauk							11.31	Y	Jerkovich, Frank and Sally (218) 682-2622
			A	5.72	NWC	N	3	Isolated			
			B	0.26	PVC	N	3	Isolated			
			C	5.31	PVC	N	U	Isolated			
184	73 Stearns	16 Sauk							0.02	Y	Meyer, Linus (320) 987-3549
			A	0.02	NWC	Y	3	Isolated			
			B	0.00	PVC	Y	3	Isolated			
			C	0.00	PVC	Y	U	Isolated			
1094	73 Stearns	16 Sauk							8.95	Y	Miller, Philip and Janice (320) 352-3748
			A	4.20	NWC	N	3	Flow-through			
			B	2.80	PVC	N	3	Flow-through			
			C	1.93	PVC	N	U	Upland			
	County - Number of Accounts: 5							**County SubTotal:**	**46.31**		
186	77 Todd	16 Sauk							1.36	Y	Friedrichs, Ken and Therese (320) 351-3651
			A	0.15	NWC	N	3	Tributary			
			B	1.21	PVC	N	3	Tributary			
	County - Number of Accounts: 1							**County SubTotal:**	**1.36**		
1043	80 Wadena	12 Crow Wing							2.40	Y	Highway Department, Wadena County (218) 631-7636
			A	1.20	NWC	N	3	Isolated			

Acct No	County	Major Watershed	Balance by Subgroup	Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
			B	1.20 NWC	N	2	Isolated			
			C	0.00 PVC	N	2	Isolated			
	County - Number of Accounts: 1						**County SubTotal:**	**2.40**		
1081	81 Waseca	39 Cannon						15.97	Y	Mariska, Thomas (507) 267-4590
			A	0.47 NWC	Y	2	Tributary			
			B	8.30 PVC	Y	3	Tributary			
			C	7.20 PVC	N	U	Upland			
	County - Number of Accounts: 1						**County SubTotal:**	**15.97**		
1023	82 Washington	37 St. Croix						5.76	Y	Brandt, Ryan (Swenson Account Mngr) (651) 255-5049
			A	2.42 NWC	N	3	Isolated			
			B	0.00 NWC	Y	3	Isolated			
			C	1.56 PVC	N	U	Upland			
			D	0.41 NWC	Y	2	Isolated			
			E	1.34 PVC	N	U	Upland			
1137	82 Washington	37 St. Croix						32.81	Y	Meadowlark Preserve, LLC, Glenn Rehbein Companies (763) 784-0657
			A	23.52 NWC	N	3	Flow-through			
			B	9.28 PVC	N	U	Upland			
	County - Number of Accounts: 2						**County SubTotal:**	**38.57**		
1091	83 Watonwan	31 Watonwan						6.47	Y	Raney, David G. (507) 877-5560
			A	1.14 NWC	Y	1	Floodplain			
			B	0.21 NWC	Y	2	Floodplain			
			C	2.24 NWC	Y	3	Floodplain			
			D	0.00 PVC	Y	U	Upland			
			E	2.88 PVC	Y	3	Floodplain			
	County - Number of Accounts: 1						**County SubTotal:**	**6.47**		
190	84 Wilkin	57 Red River of the						0.44	Y	Neppl, Steve (Wilken CHD Acct Mgr) (218) 643-4772
			A	0.44 NWC	N	3	Floodplain			
191	84 Wilkin	56 Otter Tail						1.42	Y	Swedlund, Daniel & Wendy (218) 643-3355
			A	1.42 NWC	N	4	Tributary			
	County - Number of Accounts: 2						**County SubTotal:**	**1.86**		

Acct No	County	Major Watershed	Balance by Subgroup		Credit Type	COE	Wetland Type	Topography	Total Acres Available	Credits Available	Account Manager
198	86 Wright	18 North Fork Crow							3.29	Y	Potter, Hank & Judith (320) 963-5476
			A	0.58	NWC	Y	4	Isolated			
			B	2.70	PVC	Y	U	Isolated			
199	86 Wright	18 North Fork Crow							6.86	Y	Potter, Hank & Judith (320) 963-5476
			A	3.59	NWC	Y	4	Isolated			
			B	3.26	PVC	Y	U	Isolated			
202	86 Wright	17 Mississippi (St.							4.23	Y	Maher, Kim (V. Veit Account Contact) (763) 428-2242
			A	4.23	NWC	Y	4	Tributary			
1039	86 Wright	18 North Fork Crow							6.54	Y	Held, Dr. Stanley (763) 682-3740
			A	1.54	NWC	Y	5	Isolated			
			B	5.00	PVC	Y	5	Isolated			
1062	86 Wright	18 North Fork Crow							7.30	Y	Varner, John (763) 658-4285
			A	3.30	NWC	Y	3	Isolated			
			B	4.00	PVC	Y	U	Upland			
1132	86 Wright	18 North Fork Crow							25.98	Y	Olson, Dennis (612) 309-3045
			A	7.84	NWC	Y	4	Flow-through			
			B	4.69	PVC	Y	4	Flow-through			
			C	13.45	PVC	Y	U	Upland			
County - Number of Accounts: 6								**County SubTotal:**	**54.20**		
								GRAND TOTAL:	**911.33**		

Minnesota Board of Water and Soil Resources
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WETLAND BANKING FACT SHEET

What is wetland banking?

Wetland banking is a convenient way to replace wetlands drained or filled for agriculture or urban development. Wetland banking allows a person wishing to drain or fill a wetland to purchase wetland credits from someone who has already restored or created a wetland and "deposited" those wetland credits in the Minnesota Wetland Bank. The Minnesota Board of Water and Soil Resources (BWSR) administers this bank.

Why do we need it?

Under most wetlands regulations in Minnesota, people who drain or fill wetlands need to write a plan outlining how they will either create new wetlands or restore previously drained wetlands to replace the ones lost. This replacement must generally be in the same watershed or county as the original wetlands. Since direct, on-site replacement is often impractical—and the person proposing the project may have no idea of where to create or restore a wetland—purchasing credits from the Minnesota Wetland Bank is a convenient option. Essentially, the wetland banking system helps connect landowners who have already restored or created wetlands with those who need to replace wetlands they plan to drain or fill.

How do I get started?

A good first step for anyone contemplating making a deposit or withdrawal is to contact the local government unit that administers the Wetland Conservation Act (WCA) in the area where the deposit or withdrawal acreage is located. Wetland banking can also be used for wetlands regulated by other programs. If you're not sure of the appropriate local government office, your local Soil and Water Conservation District (SWCD) can help get you started. SWCD phone numbers are in the county government section of the phone book. You can also go to the interactive map at www.shorelandmanagement.org/contact/index.html.

How do I make a deposit?

To make a deposit, a landowner must file an application and supporting technical information with the local government unit administering the WCA in that area. Forms can be obtained from the local government or at www.bwsr.state.mn.us/wetlands/index.html. After filing with the local government unit, a technical panel inspects the site and advises the local government unit whether or not the application should be approved. If it is approved, the landowner may restore the wetland. A good reference for restoring wetlands is *Native Vegetation in Restored and Created Wetlands* available at www.bwsr.state.mn.us/wetlands/publications/index.html. When construction is completed, the landowner must inform the local government unit; the technical evaluation panel will then inspect the site a second time. If the technical evaluation panel approves the construction/restoration, the landowner must wait for six months (for a restored wetland) or one year (for a created wetland).

After this waiting period, the landowner must again contact the local government unit, which will send the technical evaluation panel to inspect the site for the third time. This waiting period and third inspection are intended to ensure that the wetland has stabilized.

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The technical evaluation panel will recommend to the local government the amount of wetland acreage and type to be deposited in the bank. After the local government certifies that all necessary legal documents have been filed and the correct procedures followed, it provides this information to BWSR.

How do I make a withdrawal?

Purchase of wetland credits is a private sales transaction between the buyer and seller. A prospective buyer can see the names and phone numbers of people with wetland credits available for sale in the appropriate area at www.bwsr.state.mn.us/wetlands/wetlandbanking/index.html. A number of steps are involved in purchasing wetland credits, including:

- The buyer and seller must sign a purchase agreement (available from your local government unit or at www.bwsr.state.mn.us/wetlands/wetlandbanking/index.html).
- The buyer must obtain approval from the agency with regulatory authority over the wetland that the buyer wants to drain or fill. Generally, this agency will be the local government unit administering WCA; the Department of Natural Resources; or the Army Corps of Engineers. Again, your local Soil and Water Conservation District should be able to help you with this.
- The parties must close upon the sale, with the buyer paying for the credits and the seller signing an Application for Withdrawal of Wetland Credits (available from your local government or at the web address above) and giving it to the buyer.
- The buyer obtains all necessary signatures on an Application for Withdrawal of Wetland Credits and sends it, along with a completed replacement plan, to the appropriate regulatory authority, which then forwards it to the Board of Water and Soil Resources.

How much do wetland credits typically cost?

Prices vary dramatically, from $1,000 per acre to $20,000 or more in the Twin Cities metropolitan area.

Who can I contact for more information?

Your local Soil and Water Conservation District or the nearest BWSR office.

BWSR OFFICES

Central office: (651) 296-3767
St. Paul: (651) 282-9969
Duluth: (218) 723-4752
Bemidji: (218) 755-4235
Brainerd: (218) 828-2383
Marshall: (507) 537-6060
New Ulm: (507) 359-6074
Rochester: (507) 280-2873
Fergus Falls: (218) 736-5445
TTY: (800) 627-3529

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Minnesota Board of Water and Soil Resources
520 Lafayette Road North • St. Paul, MN 55155

Minnesota Board of Water & Soil Resources

Phone: (651) 296-3767; Fax: (651) 297-5615
TTY: (800) 627-3529 • Web: www.bwsr.state.mn.us

REINVEST IN MINNESOTA RESERVE FACT SHEET

Background

The Reinvest in Minnesota (RIM) Reserve Program, one of the first such programs of its kind in the country, began in 1986 and is managed at the state level by the Minnesota Board of Water and Soil Resources. It protects and improves water quality, reduces soil erosion, and enhances fish and wildlife habitat by retiring private land from agricultural production, planting permanent native vegetation, and restoring previously drained wetlands. Other benefits include flood control and groundwater recharge.

How it works

Landowners are paid a percentage of the assessed value of their land to voluntarily enroll it in a conservation easement. A variety of land types are eligible, including wetland restoration areas, riparian agricultural lands, marginal cropland, pastured hillsides, and sensitive groundwater areas. After land is enrolled, it is managed under a conservation plan, which generally includes items like wetland restoration (for areas with drained wetlands), native grass plantings, and tree plantings.

RIM Reserve has several different arms under which it enrolls land: "regular" RIM Reserve; the Conservation Reserve Enhancement Program (CREP); and Permanent Wetland Preserves (PWP), which enrolls existing at-risk wetlands. Most recently, RIM Reserve funds have been used to leverage federal funds through CREP in the Minnesota River basin.

The state funds this program primarily through bonding. The RIM Reserve Program provides direct payments to landowners for conservation easement acquisition. Soil and Water Conservation Districts (SWCDs), which administer the program locally, receive funding through grants from BWSR for administrative and technical support. That grant program is called the RIM Service Grant.

Program information

The program enrolls easements at a payment rate based on a county assessor's average market value of land in the township. In addition, RIM Reserve provides funds to help share the cost of establishing appropriate conservation or wildlife habitat practices on easement lands. Landowners may need to pay a small portion of conservation practice establishment cost if cost exceeds program maximums.

Who is involved?

RIM Reserve has formed the basis for local partnerships among Soil and Water Conservation Districts, environmental groups, conservation groups, and state and federal agencies. Minnesota's 91 SWCDs implement the program locally, using knowledge of local resources to manage each easement to get the most environmental benefit. RIM Reserve is supported by a broad coalition of conservation, environmental, and farming groups.

What if I need more information?

Call your local SWCD. Staff there can provide more details on the program. A directory of SWCDs is located on BWSR's web site: www.bwsr.state.mn.us.

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Wetland Data from Anderson and Craig

Jeffrey P. Anderson and William J. Craig. 1984. Growing energy crops on Minnesota's wetlands: the land use perspective. University of Minnesota Center for Urban and Regional Affairs, Publ. CURA 84-3. 95 pp. Percent of remaining wetlands is relative to the pre-statehood wetland area. Data were based upon 640-acre soil landscape mapping units and interpreted for dominance with a 40-acre grid overlay. The reported value for Clearwater county (77.64) corrected by reanalyzing wetland resources upon implementation of M.R. 8420. Houston, Wabasha, and Winona counties were reported to have no pre-statehood wetlands.

County	Current Area	Percent Remaining
Aitkin	573,000	91.1
Anoka	61,000	70.9
Becker	47,000	54.7
Beltrami	966,000	94.1
Benton	41,000	65.1
Big Stone	2,000	1.7
Blue Earth	6,000	2.2
Brown	2,000	1.0
Carlton	125,000	93.3
Carver	4,000	16.7
Cass	372,000	91.4
Chippewa	1,000	0.5
Chisago	36,000	64.3
Clay	7,000	2.4
Clearwater	191,000	77.6
Cook	42,000	100.0
Cottonwood	0	0.0
Crow Wing	131,000	86.8
Dakota	4,000	14.3
Dodge	1,000	0.9
Douglas	12,000	35.3
Faribault	3,000	1.1
Fillmore	0	0.0
Freeborn	3,000	1.5
Goodhue	0	0.0
Grant	1,000	1.1
Hennepin	9,000	31.0
Houston	0	
Hubbard	7,000	9.2
Isanti	48,000	80.0
Itasca	572,000	95.0
Jackson	2,000	1.4
Kanabec	60,000	87.0
Kandiyohi	21,000	9.9
Kittson	96,000	18.6
Koochiching	1,677,000	98.
Lac Qui Parle	2,000	1.2
Lake	198,000	97.5
Lake of the Woods	638,000	88.6
Le Seuer	7,000	10.1
Lincoln	1,000	2.5
Lyon	1,000	0.9
McLeod	3,000	6.1
Mahnomen	13,000	23.2
Marshall	194,000	19.2
Martin	1,000	0.6
Meeker	26,000	21.7
Mille Lacs	84,000	90.3
Morrison	218,000	72.7
Mower	1,000	0.5
Murray	1,000	3.0
Nicollet	3,000	2.1
Nobles	0	0.0
Norman	7,000	2.8
Olmsted	0	0.0
Ottertail	84,000	54.9
Pennington	29,000	8.0
Pine	279,000	92.1
Pipestone	0	0.0
Polk	27,000	4.5
Pope	14,000	23.3
Ramsey	1,000	33.3
Red Lake	16,000	8.2
Redwood	1,000	0.6
Renville	1,000	0.4
Rice	5,000	13.2
Rock	0	0.0
Roseau	361,000	44.1
St. Louis	1,136,000	93.9
Scott	2,000	11.8
Sherburne	31,000	72.1
Sibley	6,000	2.1
Stearns	32,000	21.9
Steele	2,000	2.6
Stevens	1,000	1.6
Swift	10,000	4.2
Todd	112,000	53.1
Traverse	1,000	0.4
Wabasha	0	
Wadena	68,000	73.1
Waseca	5,000	4.3
Washington	6,000	42.9
Watonwan	1,000	0.9
Wilkin	1,000	0.2
Winona	0	
Wright	6,000	22.2
Yellow Medicine	1,000	0.8

WETLAND COMPARISON

Comparison of the relative amounts of WETLAND, DEEPWATER, and UPLAND habitats per county. Data are derived from U.S. Fish and Wildlife Service National Wetland Inventory data. DEEPWATER was assumed to be all L1, PUBG, and PUBH habitats. TOTAL COUNTY AREA (ACRES) is the sum of all WETLAND, DEEPWATER, and UPLAND for a given county.

ID	COUNTY	PERCENT WETLAND	PERCENT DEEPWATER	PERCENT UPLAND	TOTAL COUNTY AREA (ACRES)
1	Aitkin	43.4	7.8	48.8	1,275,882
2	Anoka	27.8	3.1	69.1	285,366
3	Becker	16.1	7.2	76.7	925,024
4	Beltrami	48.4	17.8	33.9	1,954,851
5	Benton	15.6	0.8	83.6	264,069
6	Big Stone	9.1	3.8	87.1	337,853
7	Blue Earth	4.9	1.2	93.9	489,844
8	Brown	4.8	0.7	94.5	395,749
9	Carlton	34.4	1.3	64.3	559,669
10	Carver	15.4	3.4	81.2	240,551
11	Cass	23.7	15.2	61.1	1,544,046
12	Chippewa	3.3	0.7	96.0	376,186
13	Chisago	20.0	4.1	75.9	282,813
14	Clay	4.9	0.7	94.4	674,320
15	Clearwater	25.1	2.9	72.1	659,023
16	Cook	15.8	8.7	75.6	1,027,871
17	Cottonwood	2.6	0.8	96.6	415,260
18	Crow Wing	22.0	12.3	65.8	739,691
19	Dakota	6.5	2.6	90.8	374,907
20	Dodge	1.9	0.0	98.1	281,105
21	Douglas	13.4	10.2	76.4	460,613
22	Faribault	1.7	0.7	97.6	461,497
23	Fillmore	1.2	0.1	98.7	551,380
24	Freeborn	2.4	1.9	95.8	462,093
25	Goodhue	4.2	2.1	93.7	498,996
26	Grant	6.9	3.7	89.4	368,298
27	Hennepin	13.8	7.0	79.2	387,773
28	Houston	5.8	1.1	93.1	363,808
29	Hubbard	12.5	7.0	80.4	639,401
30	Isanti	25.1	2.4	72.5	288,961
31	Itasca	30.7	8.3	61.0	1,871,189
32	Jackson	4.9	0.6	94.5	425,831
33	Kanabec	22.3	1.4	76.3	341,014
34	Kandiyohi	10.9	6.2	83.0	551,512
35	Kittson	10.3	0.2	89.6	706,662
36	Koochiching	66.8	1.1	32.1	2,016,518
37	Lac Qui Parle	5.4	1.0	93.5	464,521
38	Lake	24.8	7.5	67.7	1,462,187
39	Lake of the Woods	66.1	20.5	13.5	1,072,369
40	Le Sueur	11.2	4.0	84.8	303,041

41	Lincoln	5.0	1.2	93.8	351,291
42	Lyon	3.3	0.7	96.0	461,908
43	McLeod	10.3	2.1	87.6	323,428
44	Mahnomen	13.6	4.0	82.4	373,191
45	Marshall	16.9	0.7	82.5	1,160,962
46	Martin	3.3	1.8	95.0	466,699
47	Meeker	14.5	4.2	81.3	412,638
48	Mille Lacs	24.2	15.4	60.4	435,921
49	Morrison	23.3	2.1	74.6	737,659
50	Mower	2.0	0.1	98.0	455,114
51	Murray	3.4	1.7	94.9	460,659
52	Nicollet	7.7	1.2	91.1	298,668
53	Nobles	1.7	0.8	97.5	462,362
54	Norman	3.6	0.1	96.2	544,564
55	Olmsted	2.3	0.2	97.5	418,545
56	Otter Tail	14.2	9.9	75.9	1,424,257
57	Pennington	7.9	0.1	92.0	395,891
58	Pine	29.6	1.3	69.1	917,282
59	Pipestone	1.7	0.1	98.3	298,576
60	Polk	7.1	1.2	91.7	1,279,543
61	Pope	14.3	4.5	81.2	455,250
62	Ramsey	9.8	7.4	82.9	108,790
63	Red Lake	5.2	0.1	94.7	276,932
64	Redwood	1.8	0.1	98.1	563,963
65	Renville	3.0	0.2	96.7	631,656
66	Rice	7.8	2.6	89.6	330,040
67	Rock	1.2	0.2	98.7	309,277
68	Roseau	33.1	0.1	66.7	1,074,233
69	St. Louis	30.8	5.9	63.3	4,306,973
70	Scott	15.3	2.7	82.0	235,686
71	Sherburne	18.9	2.2	78.9	288,409
72	Sibley	6.8	1.1	92.1	384,030
73	Stearns	14.3	2.8	82.9	889,142
74	Steele	2.6	0.2	97.2	276,348
75	Stevens	6.5	1.5	92.0	361,763
76	Swift	5.7	0.7	93.6	481,624
77	Todd	19.6	3.2	77.2	626,581
78	Traverse	3.4	1.8	94.8	371,897
79	Wabasha	5.0	3.6	91.4	351,537
80	Wadena	24.7	0.6	74.7	347,421
81	Waseca	5.7	1.0	93.3	276,776
82	Washington	14.3	12.0	73.7	149,595
83	Watonwan	2.9	0.4	96.7	281,419
84	Wilkin	2.7	0.1	97.3	467,396
85	Winona	2.7	2.4	94.8	410,219
86	Wright	16.2	6.4	77.4	456,881
87	Yellow Medicine	2.7	0.3	97.0	488,779
	STATE TOTALS	**19.7**	**4.7**	**75.5**	**53,683,509**

Wetland Comparison, Including Circular 39, by County

County areal estimates (acres) of Circular 39 Wetland Types, Industrial / Municipal Habitat, Riverine Habitat, and summations for Wetland Habitat, Deepwater Habitat, Total Upland, and Total County Area. These data were derived from National Wetland Inventory (NWI) habitat classification polygon data (Cowardin et al. 1979). The Cowardin data were approximated to U.S. Fish & Wildlife Service Circular 39 wetland types (Shaw and Fredine 1956, reprinted 1979). Circular 39 types 1 (T1) through 8 (T8) are consistent with the classification method. Riverine systems and Industrial / Municipal facilities, often dike-related impoundments, are listed separately because of no specific Circular 39 classification. Deepwater Habitat was estimated as all L1, PUBG, and PUBH habitats while Wetland Habitat was the sum of all other wetland habitats. Total Wetland Habitat *plus* Total DeepWater Habitat *plus* Total Upland *equals* the Total County Area.

		Circular 39 Wetland Types, T1 T8 (Shaw and Fredine 1956)								Industrial/		Total Wetland	Total DeepWater	Total	Total
ID	County	T1	T2	T3	T4	T5	T6	T7	T8	Municipal	Riverine	Habitat	Habitat	Upland	County Area
1	Aitkin	906	72,854	22,974	3,194	5,601	164,923	67,136	212,523	28	3,015	553,154	99,707	623,021	1,275,882
2	Anoka	1,797	5,302	42,886	1,052	3,051	12,744	9,846	1,696	23	1,034	79,431	8,866	197,069	285,366
3	Becker	2,207	10,564	60,004	3,642	13,701	26,904	8,304	23,026	60	261	148,673	66,843	709,508	925,024
4	Beltrami	4,335	138,584	37,805	3,546	2,991	262,147	168,592	323,791	2,734	825	945,350	347,737	661,764	1,954,851
5	Benton	1,306	16,405	14,878	386	569	6,013	904	149	37	580	41,227	2,116	220,726	264,069
6	Big Stone	2,647	1,745	20,892	997	2,208	425	1,772	0	80	52	30,818	12,926	294,109	337,853
7	Blue Earth	5,302	153	12,733	262	692	520	1,574	0	8	2,756	24,000	6,006	459,838	489,844
8	Brown	6,261	325	7,472	267	821	551	1,721	0	148	1,484	19,050	2,895	373,804	395,749
9	Carlton	508	6,805	5,661	510	548	66,349	24,055	86,592	529	1,164	192,721	7,124	359,824	559,669
10	Carver	8,694	230	21,542	324	2,900	850	1,929	0	45	607	37,121	8,210	195,220	240,551
11	Cass	4,691	13,331	82,128	6,680	10,292	115,119	21,354	109,241	1,435	2,427	366,698	234,456	942,892	1,544,046
12	Chippewa	1,160	971	6,777	278	158	507	1,731	3	1	891	12,477	2,700	361,009	376,186
13	Chisago	929	18,910	5,309	355	3,811	11,909	8,920	5,054	98	1,334	56,629	11,554	214,630	282,813
14	Clay	2,037	7,913	15,800	571	903	3,517	1,355	54	235	979	33,364	4,636	636,320	674,320
15	Clearwater	532	56,962	17,847	3,984	1,958	47,894	7,113	21,220	7,238	465	165,213	18,977	474,833	659,023
16	Cook	47	3,588	12,486	3,225	3,341	25,535	4,993	106,487	1,319	1,197	162,218	88,978	776,675	1,027,871
17	Cottonwood	747	64	6,600	121	1,871	75	559	0	108	506	10,651	3,396	401,213	415,260
18	Crow Wing	473	10,521	30,075	1,976	8,213	58,315	22,671	27,671	249	2,301	162,465	90,628	486,598	739,691
19	Dakota	5,995	551	12,491	778	1,213	1,188	1,859	0	52	374	24,501	9,872	340,534	374,907
20	Dodge	2,059	1,125	1,698	22	4	200	186	21	7	9	5,331	117	275,657	281,105
21	Douglas	2,946	253	41,766	1,973	6,743	3,658	3,994	18	44	203	61,598	47,042	351,973	460,613
22	Faribault	762	12	5,207	121	275	212	420	0	146	805	7,960	3,280	450,257	461,497
23	Fillmore	2,929	953	580	98	0	351	88	0	83	1,259	6,341	724	544,315	551,380
24	Freeborn	765	246	8,797	216	363	278	68	0	0	193	10,926	8,695	442,472	462,093
25	Goodhue	5,275	1,740	4,979	107	2,833	811	4,592	19	12	442	20,810	10,569	467,617	498,996
26	Grant	3,958	201	15,229	972	3,894	334	616	0	53	97	25,354	13,561	329,383	368,298
27	Hennepin	2,293	949	34,450	1,571	2,911	3,564	6,482	115	47	1,109	53,491	27,018	307,264	387,773
28	Houston	2,567	924	4,088	985	4,105	556	7,357	14	1	650	21,247	3,962	338,599	363,808
29	Hubbard	805	3,750	18,713	2,403	2,793	32,011	2,667	16,469	25	552	80,188	44,957	514,256	639,401
30	Isanti	3,524	16,035	15,101	630	1,497	23,455	5,640	5,756	10	839	72,487	6,908	209,566	288,961
31	Itasca	6,831	24,190	38,937	9,423	4,506	142,712	52,571	286,374	4,969	3,720	574,233	154,776	1,142,180	1,871,189
32	Jackson	1,903	0	9,748	226	7,308	177	477	0	101	719	20,659	2,672	402,500	425,831
33	Kanabec	2,287	27,939	8,815	593	1,255	21,819	7,799	4,593	5	1,009	76,114	4,749	260,151	341,014
34	Kandiyohi	4,028	2,899	37,813	2,169	4,194	4,790	3,829	48	68	57	59,895	34,065	457,552	551,512
35	Kittson	2,938	42,356	5,112	827	193	17,505	2,290	211	83	1,141	72,656	1,176	632,830	706,662
36	Koochiching	6,088	30,806	26,858	3,782	3,767	171,344	96,320	999,520	57	7,692	1346,234	22,935	647,349	2,016,518
37	Lac Qui Parle	778	2,535	14,463	642	2,675	871	2,706	33	5	571	25,279	4,706	434,536	464,521
38	Lake	63	2,991	8,659	4,704	2,868	51,081	19,188	271,008	48	1,903	362,513	109,682	989,992	1,462,187

39	Lake of the Woods	1,877	51,676	7,966	2,152	18,657	197,111	154,217	272,761	129	1,764	708,310	219,346	144,713	1,072,369
40	Le Sueur	9,027	327	19,852	177	2,461	702	562	0	226	640	33,974	11,993	257,074	303,041
41	Lincoln	2,725	351	11,290	471	2,210	108	179	2	66	3	17,405	4,356	329,530	351,291
42	Lyon	2,072	389	10,229	743	986	196	439	0	64	11	15,129	3,434	443,345	461,908
43	McLeod	9,964	150	20,528	184	1,017	445	1,021	0	28	50	33,387	6,786	283,255	323,428
44	Mahnomen	2,039	7,595	23,954	296	868	8,716	2,545	4,334	35	474	50,856	14,961	307,374	373,191
45	Marshall	5,319	52,328	41,201	5,244	2,596	56,192	22,985	8,446	501	1,073	195,885	7,858	957,219	1,160,962
46	Martin	3,677	72	6,764	211	3,144	164	1,168	0	25	24	15,249	8,257	443,193	466,699
47	Meeker	5,659	1,277	38,380	1,134	3,520	4,921	4,400	127	15	416	59,849	17,517	335,272	412,638
48	Mille Lacs	1,518	38,146	17,499	350	1,281	27,264	10,841	7,621	82	1,004	105,606	67,091	263,224	435,921
49	Morrison	4,232	27,690	68,754	1,308	209	48,966	11,355	6,402	21	2,788	171,725	15,606	550,328	737,659
50	Mower	4,971	1,347	1,510	74	143	354	188	5	77	307	8,976	277	445,861	455,114
51	Murray	1,521	115	11,719	450	1,228	299	423	0	80	9	15,844	7,673	437,142	460,659
52	Nicollet	5,030	160	12,841	904	996	418	1,294	0	13	1,374	23,030	3,626	272,012	298,668
53	Nobles	1,563	61	5,406	174	575	49	34	0	154	47	8,063	3,620	450,679	462,362
54	Norman	2,275	4,032	6,857	217	0	1,921	2,932	216	94	1,291	19,835	612	524,117	544,564
55	Olmsted	3,823	2,823	1,575	80	189	549	207	72	35	338	9,691	958	407,896	418,545
56	Otter Tail	3,676	10,220	100,587	4,338	13,975	31,227	18,367	18,284	180	1,133	201,987	141,524	1,080,746	1,424,257
57	Pennington	1,726	15,299	3,778	76	0	6,059	1,861	276	1,012	1,255	31,342	374	364,175	395,891
58	Pine	4,646	43,255	38,729	447	884	85,005	34,992	60,262	141	2,853	271,214	11,930	634,138	917,282
59	Pipestone	1,264	44	3,221	177	60	35	18	0	29	88	4,936	260	293,380	298,576
60	Polk	3,763	27,237	26,617	440	2,462	14,800	7,228	1,437	4,272	2,600	90,856	15,449	1,173,238	1,279,543
61	Pope	3,258	1,102	38,893	2,308	9,408	5,702	4,300	0	6	55	65,032	20,593	369,625	455,250
62	Ramsey	184	270	5,409	384	1,451	1,579	1,219	44	20	63	10,623	8,023	90,144	108,790
63	Red Lake	1,187	5,106	2,156	65	0	2,202	1,903	259	40	1,450	14,368	250	262,314	276,932
64	Redwood	2,948	335	5,205	407	212	253	339	0	72	642	10,413	374	553,176	563,963
65	Renville	8,327	330	7,401	254	1,012	153	798	0	150	815	19,240	1,491	610,925	631,656
66	Rice	4,573	552	16,377	138	2,420	803	266	0	0	578	25,707	8,579	295,754	330,040
67	Rock	561	54	1,815	239	0	10	29	0	83	847	3,638	482	305,157	309,277
68	Roseau	8,235	119,160	4,149	2,815	1,682	100,511	69,323	49,251	139	634	355,899	1,331	717,003	1,074,233
69	St. Louis	2,934	30,887	43,521	9,975	31,687	274,204	74,891	822,817	24,825	9,951	1,325,692	253,420	2,727,861	4,306,973
70	Scott	9,384	391	20,036	492	664	975	3,006	0	136	1,019	36,103	6,260	193,323	235,686
71	Sherburne	2,405	7,466	22,499	1,123	1,068	11,475	5,002	1,054	131	2,270	54,493	6,480	227,436	288,409
72	Sibley	8,263	76	13,851	103	1,490	179	1,697	0	80	491	26,230	4,263	353,537	384,030
73	Stearns	8,344	2,802	81,058	2,495	3,599	15,555	10,348	1,262	225	1,416	127,104	25,024	737,014	889,142
74	Steele	963	256	4,409	103	678	417	322	0	0	99	7,247	419	268,682	276,348
75	Stevens	6,150	216	13,447	588	1,569	371	773	0	110	304	23,528	5,520	332,715	361,763
76	Swift	494	2,778	16,606	500	1,421	1,508	3,487	0	0	452	27,246	3,464	450,914	481,624
77	Todd	2,765	289	62,649	1,609	1,779	42,972	8,024	1,978	127	731	122,923	20,164	483,494	626,581
78	Traverse	4,369	0	6,320	814	437	86	558	0	0	168	12,752	6,650	352,495	371,897
79	Wabasha	7,327	9	3,281	366	1,994	661	2,543	0	7	1,319	17,507	12,670	321,360	351,537
80	Wadena	1,960	4,334	28,499	123	781	36,639	5,971	5,661	26	1,725	85,719	2,119	259,583	347,421
81	Waseca	2,645	352	9,763	48	2,029	237	616	0	21	9	15,720	2,783	258,273	276,776
82	Washington	1,003	7,660	4,612	218	3,004	1,655	2,613	677	5	0	21,447	17,954	110,194	149,595
83	Watonwan	924	86	4,356	111	1,155	161	1,079	0	54	103	8,029	1,176	272,214	281,419
84	Wilkin	1,870	4,134	4,273	205	0	512	346	3	101	1,021	12,465	253	454,678	467,396
85	Winona	2,200	670	2,203	252	67	682	4,812	0	70	211	11,167	9,991	389,061	410,219
86	Wright	7,092	1,066	43,107	1,937	2,569	7,945	7,773	191	48	2,383	74,111	29,193	353,577	456,881
87	Yellow Medicine	1,642	538	8,635	677	371	156	674	0	43	625	13,361	1,360	474,058	488,779
STATE WETLAND TOTALS		**287,747**	**1,001,195**	**1,691,160**	**111,608**	**247,034**	**2,274,318**	**1,063,646**	**3,765,148**	**53,989**	**94,145**	**10,589,990**	**2,543,015**	**40,550,514**	**53,683,519**

Summary of Minnesota Wetland Activity 2001-2003

			Acres Gained			Acres Lost		
Agency	**Program**	**Component**	**Upland**	**Wetland**	**Total**	**Upland**	**Wetland**	**Total**
BWSR	WCA	Avoid/minimize			10,145			10,145
		Exempt					1,708	1,708
		Impact					986	986
		Replacement	139	1,327	1,466			
		Road Replacement			681			468
Banking			12	1,041	1,053		590 [1]	590 [1]
DNR	Public Waters				1.4			0.7
	WCA	Impact						26
		Replacement			141			
Mn/DOT	WCA/404	Impact						195
		Replacement			352			
USACOE	CWA-Sec. 404	Impact						2,137
USDA		Replacement			2,322			
BWSR	RIM/CREP		29,295	20,661	49,956			
DNR	WMAs			741				
USFWS	Partners for Fish & Wildlife [2]		7,878	11,930	19,808			
	WPAs			3,000	16,773			
USDA-FSA	CRP [2]				64,136			
USDA-NRCS	WRP		11,136	7,958	19,094			
	RIM/WRP		1,516	1,467	2,983			

[1] Withdrawals from the Wetland Bank

[2] Acres are in limited-term contracts

Wetland Restorations on Private Farmland in Minnesota

Agency[1]	Program[2]	Acres currently enrolled in wetland restoration projects[3]	Since calendar year:[4]	Contract or Easement Length	Estimated additional acres to be enrolled by 12/2007	Estimated total acres enrolled through 12/2007
FSA	CRP General Signup	269,983	1997[5]	Mostly10-year contracts	0	269,983
FSA	CRP Continuous Signup	50,896	2001[6]	Mostly15-year contracts	80,000	130,896
NRCS	WRP	60,652	1994	Mostly permanent easements; some 30-year easements[7]	25,000	85,652
NRCS	EWP	5,173	1997	Permanent easements	0	5,173
NRCS	EWRP	2,103	1994	Permanent easements	0	2,103
BWSR	RIM Reserve	20,188	1986	Permanent easements	0	20,188
BWSR	RIM/PWP[8]	11,506	1991	Permanent easements	0	11,506
BWSR/FSA	Mn River CREP	53,966	1998	Permanent easements	0	53,966
BWSR/FSA	Statewide CREP	0	2005 (pending)	Permanent easements	24,000	24,000
BWSR/NRCS	WREP	4,000	2004	Permanent easements	7,250	11,250
Total		**478,467**			**136,250**	**614,717**

Notes:

[1] **Key to Agencies**: FSA – USDA Farm Service Agency; NRCS – USDA Natural Resources Conservation Service; BWSR – Minnesota Board of Water and Soil Resources

[2] **Key to Programs**: CREP – Conservation Reserve Enhancement Program; CRP – Conservation Reserve Program; EWP – Emergency Watershed Protection Program; EWRP – Emergency Wetlands Reserve Program; RIM Reserve – Reinvest in Minnesota Reserve; RIM/PWP – Reinvest in Minnesota/Permanent Wetlands Preserve; WREP – Wetlands Reserve Enhancement Program; WRP – Wetlands Reserve Program

[3] Besides actual wetlands, the acreage shown includes restored upland buffers that are part of the wetland restoration. All data are the most current available as of March 2005.

[4] This column shows the calendar year the program was enacted, except for CRP (see footnotes 5-6, below).

[5] CRP was enacted in 1985, but all currently active CRP contracts with wetlands acreage were enrolled in calendar year 1997 or later. In mid-2003, wetland restoration changed from a General Signup option to a Continuous Signup option, i.e., it is no longer an option under the General Signup.

[6] The CRP Continuous Signup was enacted in 1996, but wetland restorations were not an option until 2001 when the Farmable Wetlands Pilot began. Additional wetland restoration options became available under the Continuous Signup in 2003 and 2004.

[7] Nearly all of the acreage in 30-year WRP easements (approximately 7,000 acres) will become permanent at the end of the 30-year term, through BWSR's RIM/WRP provision.

[8] RIM/PWP acreage consists of pre-existing rather than restored wetlands protected through permanent easements.

 Sources: USDA Farm Services Agency, USDA Natural Resources Conservation Service, Minnesota Board of Water & Soil Resources

WETLAND-RELATED WEB SITES

Minnesota Board of Water and Soil Resources:
http://www.bwsr.state.mn.us/wetlands/index.html

Minnesota Department of Natural Resources, Division of Waters:
http://www.dnr.state.mn.us/waters/index.html

Minnesota Department of Natural Resources, Division of Ecological Services:
http://www.dnr.state.mn.us/ecological_services/wetlands.html

Minnesota Department of Natural Resources, Section of Wildlife:
http://www.dnr.state.mn.us/wildlife/index.html

Minnesota Pollution Control Agency:
http://www.pca.state.mn.us/water/index.html

U.S. Army Corps of Engineers, St. Paul District:
http://www.mvp.usace.army.mil/regulatory/

U.S. Army Corps of Engineers, Headquarters:
http://www.usace.army.mil/inet/functions/cw/cecwo/reg/index.htm

U.S. Environmental Protection Agency:
http://www.epa.gov/owow/wetlands/

U.S. Fish and Wildlife Service, National Wetlands Inventory:
http://www.nwi.fws.gov/

U.S. Fish and Wildlife Service:
http://www.fws.gov/

Natural Resources Conservation Service, Wetland Science Institute:
http://www.pwrc.usgs.gov/wli/

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BOARD OF WATER AND SOIL RESOURCES
RICE COUNTY GOVERNMENT SERVICES BUILDING
320 NW 3RD STREET, ROOM 3A
FARIBAULT, MINNESOTA 55021
THURSDAY, SEPTEMBER 29, 2005

BOARD MEMBERS PRESENT: Jerome Deal, Dana Allen, Jim Anderson-Minnesota Extension Service, Wayne Anderson-Pollution Control Agency, Paul Brutlag, Kay Cook, Wayne Edgerton-Department of Natural Resources, Quentin Fairbanks, Brian Kletscher, Paul Krabbenhoft, Randy Kramer, Joe Martin-Department of Agriculture, Clair Nelson, Louise Smallidge, LuAnn Tolliver, Dan Wilson-Department of Health

STAFF PRESENT: Mary Jo Anderson, Dan Girolamo, Ron Harnack, Al Kean, Mary Kells, Jeff Nielsen, Dave Peterson, Doug Thomas

OTHERS PRESENT:
Melissa Bokman, Rice County Water Planner

PLEDGE OF ALLEGIANCE

** 05-71 **ADOPT AGENDA** – Chair Deal stated that Old Business has been added to the agenda regarding board meeting packets. Moved by Clair Nelson, seconded by Paul Brutlag, to adopt the agenda as presented. Motion passed on a voice vote.

** 05-72 **MINUTES OF AUGUST 24, 2005** – Moved by Louise Smallidge, seconded by Kay Cook, to adopt the minutes of August 24, 2005, as circulated. Motion passed on a voice vote.

TOUR OBSERVATIONS – Chair Deal thanked Dave Peterson, Mary Kells, Mary Jo Anderson and the Rice SWCD for their good efforts on putting the tour together. Randy Kramer stated that it was an excellent tour.

REPORTS

Chair's Report – Jerome Deal reported that he did not attend the EQB meeting this month.

Executive Director's Report – Ron Harnack reported that the Department of Agriculture has appointed Quinn Cheney as a policy advisor. Quinn was previously with the Governor's Office. Laura Bordelon is Quinn's replacement as policy advisor to the Governor's office for BWSR and other agencies. Ron met with Laura last week to acquaint and review a bit about BWSR.

Ron commented on Governor Pawlenty's letter regarding the Minnesota Wetlands Report, and the Governor's interest in evaluating what more can be done to limit the loss of wetlands through WCA. The Clean Water Cabinet is discussing this. BWSR will provide the leadership in this assessment.

Ron reported that the Administrative Advisory Committee met yesterday. Issues discussed included the biennial budget; a legislative policy initiative regarding county water management-special taxing district authority. Ron reported that he, Steve Woods, and Bill Eisele presented BWSR's priority bonding initiatives to the Governor's staff and the Department of Finance on September 22. The six initiatives are: CREP-2; Wetland Road Replacement; SLR; Study Area II; ACUB; and Grass Lake Restoration. Ron felt optimistic regarding BWSR's top two initiatives.

Ron Harnack reported that Minnesota Waters and the River Council of Minnesota had their annual "River Night" on September 22; the Clean Water Cabinet was invited. The River Council of Minnesota selected the Middle Fork Crow River

Watershed District (MFCRWD) to receive their annual River Friendly Community Award; and Ron had the honor of presenting the "River Friendly Community Award" to Bill and Ann Latham, on behalf of the MFCRWD. The Governor attended and made a very positive presentation regarding water resources activities.

Ron introduced Dan Giralamo, newly hired wetlands coordinator. Dan gave a bit of background about himself.

Dispute Resolution Committee – Chair Deal stated that the DRC report was distributed earlier by Jim Haertel.

Wetlands Committee – Clair Nelson stated that the Wetlands Committee hasn't met recently, but there is lots of activity coming their way in the next few months.

Cost-Share Committee – Ron Harnack stated that the Cost-Share Committee met last night; recommendations from the Cost-Share Committee will come before the full Board in October.

Education Committee – Kay Cook reported that Pete Raeker has been working with SWCDs on a comprehensive plan. No committee meeting held.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee met yesterday.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Dodge County Priority Concerns Scoping Document (PCSD) – Brian Kletscher reported that the Southern Water Planning Committee met to review and consider the Dodge County PCSD. The Committee recommends approval
** of the Dodge County PSCD. Moved by Brian Kletscher, seconded by Clair
05-73 Nelson, to approve the Dodge County Priority Concerns Scoping Document. Motion passed on a voice vote.

Olmsted County Local Water Management Plan Update – Brian Kletscher reported that the Southern Water Planning Committee reviewed the Olmsted
** County LWM Plan Update and recommends approval. Moved by Brian
05-74 Kletscher, seconded by Dan Wilson, to approve the Olmsted County Local Water Management Update. Motion approved on a voice vote.

NEW BUSINESS

Zumbro Watershed Partnership – Mary Kells introduced Judy Ohly, chair of the Zumbro Watershed Partnership; and Terry Lee, secretary of the ZWP and also water planner for Olmsted County. Board introductions were made. Judy Ohly introduced Jennifer Ronnenberg, newly hired watershed coordinator. Judy stated that on July 20, 2004, a group of concerned citizens hosted a public meeting to talk about impaired waters in the Zumbro Watershed. Invitees to the meeting included all interested individuals, farmers, cities, counties, townships, ag organizations, soil and water conservation districts, lake associations, environmental organizations and other state agencies located within the Zumbro Watershed. Guest speakers included State Representative Steve Sviggum, MDA Commissioner Gene Hugoson, DNR Commissioner Gene Merriam, BWSR Executive Director Ron Harnack, MPCA Assistant Commissioner Lisa Thorvig, and the Past Executive Director of the Cannon Rivers Watershed, Allene Moesler. Speakers talked about the need of a based approach and the importance of partnerships. The Zumbro Watershed Partnership (ZWP) currently has 50+ dues paying members, has filed Articles of Incorporation, have Bylaws in place and has had its first annual meeting and elected 13 citizen Board of Directors. Judy Ohly thanked the Board for their support. Chair Deal thanked Judy for the presentation and good work.

Zumbro CPI Grant – Doug Thomas reported that in February of 2005, BWSR submitted a Conservation Partnership Innovation grant to the USDA Natural Resources Conservation Service (NRCS) on behalf of the Zumbro Watershed Partnership (ZWP). The overall goal of the watershed project is to reduce sediment reaching the Zumbro River by 30 percent and improve aquatic habitat. This reduction will be achieved by accelerating the adoption of more perennials in cropping systems, promoting rotational or managed grazing, alternative tillage systems, contouring, incorporating grass buffer strips, encouraging green cover crops, diversifying crop rotations, extensive use of grassed waterways, constructing water and sediment basins, strategically retiring sensitive lands, forestry management/perennial vegetation in the floodplain, and restoring wetlands. Doug stated that at this time, staff are requesting Board approval to enter into a sub-grant with the ZWP to support the local implementation of the CPI grant project. Moved by Louise Smallidge, seconded by Kay Cook, to accept the staff request to approve the Zumbro CPI Grant. Motion passed on a voice vote.

** 05-74

Chair Deal called for a break in the meeting at 9:55 a.m. The meeting reconvened at 10:10 a.m.

OLD BUSINESS

Discussion Regarding Board Meeting Notice/Packets – LuAnn Tolliver stated that it's a lot to ask volunteers (board members) to print the entire board meeting notice/packet with the costs of paper and ink; she would like to see it as an option to receive the packet by mail or e-mail. LuAnn would like to receive the packet in the mail. Louise Smallidge agreed, the expense of ink and paper then falls to board members. It was decided to mail the entire board meeting notice/packet by U.S. mail to board members with each agenda item as an attachment. Other board members voiced their preferences as well. The board meeting notice/packet will also continue to be e-mailed to board members, staff, and advisors, and will mail to those who desire. The agenda will continue to be posted on the BWSR web site for the general public.

Public Drainage System Buffer Study - Al Kean distributed information on grass buffer strips, in M.S. 103E.021, Subd. 1. FY06 appropriation language states $109,000 the first year for an implementation assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. Al distributed an overview of pertinent history. Al stated that he and Doug Thomas are leading this compliance level study. Doug Thomas stated that the role of the work group is to monitor the effort and provide input prior to finalization of the report. The Board shall report the results to the Senate and House of Representatives agriculture and natural resources committees by January 15, 2006. This is a one-time appropriation. Discussion followed.

AGENCY REPORTS

Department of Natural Resources (DNR) - Wayne Edgerton reported that DNR Fish and Wildlife is increasing efforts on private lands related to what they are currently involved in. Wayne stated that the CSP program has tremendous impacts. DNR currently has five private land specialists working with private landowners. Wayne stated that the hunting season is fast approaching. The pheasant population looks to be the highest it has been in years. Brian Kletscher stated that lots of tweaking needs to be done on the CSP program. Ron suggested that DNR could make a presentation to the Board in the future to help clarify the "working lands" perspective as it may appear to some as duplication of others efforts ie BWSR, PCA, USDA, etc.

Department of Health (MDH) - Dan Wilson reported that MDH moved into their new location. Dan has a new phone number and address. MDH now has three locations rather than five locations. Dan stated that it's a very nice facility.

Department of Agriculture (MDA) - Joe Martin, newly hired MDA Assistant Commissioner was introduced. Joe stated that this is his fourth day with MDA. Joe lived in Washington D.C. while working with the American Farm Bureau Federation. Joe will be focusing a lot of his efforts on the evolution of the 2007 Farm Bill. He's looking forward to working with the Board.

Minnesota Extension Service (MES) - Jim Anderson distributed copies of the brochure on "Minnesota Water 2005 and Annual Water Resources Joint Conference", October 25-26, at the Earle Brown Heritage Center, in Brooklyn Center. Jim also distributed a brochure on the "2005-2006 Onsite Sewage Treatment Program".

Pollution Control Agency (PCA) - Wayne Anderson reported that he attended the hypoxia, nitrogen and phosphorus conference in Ames, Iowa, earlier in the week. Good attendance from Minnesota, excellent reports from experts on nutrient reduction. He suggested that some key presentations may be of value for a future Board meeting.

UPCOMING MEETINGS

- The next BWSR Meeting will be October 26, 2005, in St. Paul.
- The December BWSR Meeting will be held on December 14th in St. Paul.

** 05-75 Moved by Dan Wilson, seconded by Clair Nelson, to adjourn the meeting at 11:20 a.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

BOARD OF WATER AND SOIL RESOURCES
TOUR OF RICE COUNTY
DEVELOPMENT IMPACTS
WEDNESDAY, SEPTEMBER 28, 2005

8:30 AM	Leave AmericInn -- Travel to Site 1
8:35 AM	The Village Development -- Development pressures and WCA
9:00 AM	Travel to Site 2
9:20 AM	Strip Till Demonstration -- Soil conservation practice
9:35 AM	Travel to Site 3
9:50 AM	Zimmerman Development -- Transfer of Development Rights (TDR), community septics and stormwater
10:15 AM	Travel to Site 4 and Break
11:00 AM	Circle Lake Development -- TDR's, community septics, WCA regulation, wetland restoration
11:30 AM	Travel to Site 5
11:50 AM	LaFavre RIM -- Proposed RIM easement exchange for development
12:20 PM	Travel to Millersburg
12:30 PM	Lunch -- Forest Township Hall
1:30-3:30 PM	Issues Forum -- "Reserving Green Space in Rapidly Developing Communities"

A couple of ways to reserve open space in developments is use of local regulatory processes and government easements. This forum will explore Rice County's experiences using TDR's and BWSR's easement programs.

Arlyn Grussing, Planning and Zoning Director, Rice County
Steve Pahs, Tim Labs and SWCD Board Members - Rice SWCD

3:45 PM	Arrive at AmericInn

Dispute Resolution Report
September 15, 2005
by Jim Haertel

There are presently ten appeals pending. All of the appeals involve WCA. There have been four new appeals filed since the last report dated August 10.

File 05-19. This is a new appeal of a restoration order in Kanabec County. At issue is the placement of a pump to drain surface water from a wetland. Also, steep slopes from fill material are unprotected resulting in erosion that has filled part of the wetland. No decision has been made on the appeal.

File 05-18. This is a new appeal of a restoration order in the City of Montgomery in Le Sueur County. At issue is the placement of fill in Type 3 wetlands. The appeal has been denied.

File 05-17. This is a new appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted.

File 05-16. This is a new appeal of an exemption decision in Renville County. At issue is the denial of an incidental wetland exemption relating to a hard rock mining and crushing project. Two wetlands totaling 672 square feet are involved which are within the shoreland wetland protection zone of a wild and scenic river. The appeal has been denied.

File 05-15. This is an appeal of a Restoration Order in St. Louis County. Over one-half acre of Type 8 wetland was filled for development of a single family residence. The fill is over 10 feet deep in some areas. The area of fill is near a lake classified as natural environment, but the area of fill is not within the shoreland wetland protection zone. Other zoning violations also exist. No decision has been made on the appeal.

File 05-14. This is an appeal of a Restoration Order in Kandiyohi County. At issue is the placement of fill in approximately 7.39 acres of wetlands and also excavation in wetlands. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the

Comprehensive Wetland Management Plan that BWSR approved. The appeal has been accepted and a pre-hearing conference was held. The appeal is presently in abeyance to allow additional field work to be completed.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

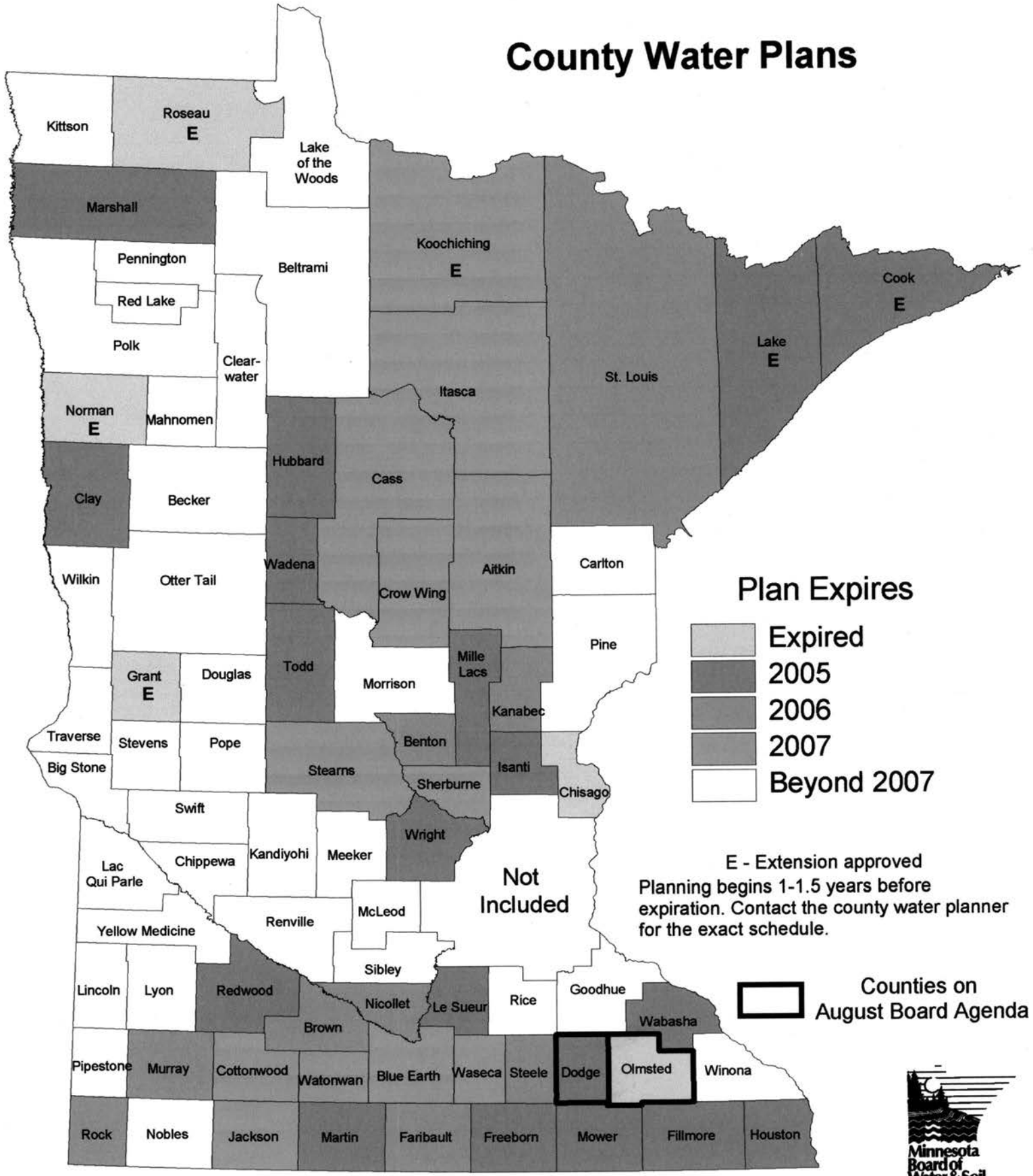
File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance. A settlement agreement is being drafted.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

County Water Plans



map updated: September, 2005

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update for **Olmsted County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Olmsted** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **June 20, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

Draft

FINDINGS OF FACT

1. On **October 26, 2004**, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Olmsted** County, pursuant to M.S. Section 103B.312.

2. On **January 25, 2005** the Board of Water and Soil Resources approved official comments on the **Olmsted** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

3. The priority concerns the local water management plan addresses include:
   a. Continue current water management services
   b. Construct and operate the Chester Community Services
   c. Implement the South Zumbro Storm Water and Capital Improvement Plan
   d. Support watershed management organizations

4. On **June 20, 2005,** the BWSR received the **Olmsted** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **August 24, 2005,** the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Olmsted** County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: no recommendation received;
   b. Minnesota Department of Health: no recommendation received;

c. Minnesota Department of Natural Resources: recommends approval;
d. Minnesota Pollution Control Agency: recommends approval;
e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Regional Water Planning Committee: recommends approval.

6. This update will be in effect until **December 31, 2010.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Olmsted** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The **Olmsted** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

draft

ORDER

The Board hereby approves the attached update of the **Olmsted County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-nine day of September 2005.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

July 25, 2005

Mark Gamm, Environmental Director
Dodge County, Dept 391
22 6th St East
Mantorville, MN 55955-2230

Dear Mr. Gamm,

On behalf of the Minnesota Board of Water and Soils Resources (BWSR), I have reviewed the Dodge County Priority Concerns Scoping Document (PCSD) and have the following comments.

The priority concerns were developed with extensive input through widely distributed questionnaires, a public meeting and task force meetings.

The priority concerns identified in the PCSD reflect the input received during the development process. The concerns are specific and clear.

The PCSD as it is written is acceptable. However, greater clarity might be achieved by combining concerns under broader headings. Possible concerns might be: 1."Groundwater contamination" with priority concerns 1 and 3 being restated as goals or actions within the revised priority concern. 2. "Surface water contamination" with priority concerns 2, 4 and 7 being restated as goals or actions within the revised priority concern. Priority concerns 5 and 6 would stand alone.

The Dodge County PCSD is based on broad public input and will serve well as the base for the Dodge County Water Management Plan; 2006-2015. I look forward to working with you in the plan development and approval phases of the update process.

Sincerely,

Dave Peterson
Board Conservationist

C: Jeff Nielsen, Regional Supervisor
Mn BWSR, New Ulm

DODGE COUNTY
WATER MANAGEMENT PLAN UPDATE; 2006 - 2015

PRIORITY CONCERNS SCOPING DOCUMENT, JUNE 2005

Introduction

Dodge County is located in Southeast Minnesota. The county seat is Mantorville City located about 70 miles south of St. Paul. The extrapolated population of the county in the year 2005 is 18,790. The projected population in the year 2020 is 22,250. The dominate land-use in the county is agriculture with about 83% of the total land area cultivated.

Local Water Management Plan

The County of Dodge is the local government unit responsible for the Comprehensive Local Water Management Plan authorized by MN Statute, Section 103B. The County's Environmental Quality Department is responsible for the administration of the Water Management Plan. The County's original Water Management Plan was adopted in 1990. The Plan was updated in 1996 and will expire at the end of 2005.

List of Priority Concerns

1. Fertilizers and herbicides from agricultural fields seeping into drinking water.
2. Nutrients and chemicals from animal feedlots flowing into rivers and streams.
3. Nutrients and chemicals from animal feedlots seeping into drinking water.
4. Soil, fertilizers, and herbicides from agricultural fields flowing into rivers and streams.
5. Loss of natural vegetation and habitat due to urban and rural development.
6. Flash flooding, or the quick rise and fall of water, and storm water management.
7. Inadequate individual septic systems, municipal sewers, and community systems that drain to field tile, wetlands, rivers, streams.

Priority Concern Identification

The Water Planning Task Force gathered input from the following:

1. Written questionnaire sent by mail to local and state governments returned by January 31, 2005.
2. Written questionnaire sent by mail to special interest groups returned by January 31, 2005
3. Written questionnaire sent by mail to 10% of the county's households in each township and city returned by Feb 1, 2005.
4. Public input meeting held at the county courthouse on March 14, 2005.

Attached are summaries of survey responses and the minutes from the public input meeting.

Priority Concern Selection

The Water Planning Task Force reviewed all information received from the surveys and the public meeting, and then identified concerns that commonly stand out as priorities. There is little difference between Dodge County's priority concerns and the concerns identified by local, state, and regional agencies.

Priority Concerns not Addressed by the Plan

Most agencies, local governments, and citizens recognize that agriculture practices dominate water quantity and quality trends in Dodge County. Therefore, fewer comments where received regarding non-agricultural concerns. Of the non-agricultural concerns, storm water management, sewage treatment, and loss of habitat due to development are included as priority concerns. All other concerns identified during the input process portray the views of a minority of participants and will not be included in the Water Management Plan.

September 29, 2005

Dodge County Commissioners
c/o Mark Gamm, Environmental Services Director
Dodge County Courthouse
22 6th Street S.E.
Mantorville, MN 55955-2230

Dear Dodge County Commissioners:

RE: Official Comments Pertaining to the State Review of the Dodge County Priority Concerns Scoping Document

Draft

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Dodge County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Dodge County Priority Concerns Scoping Document (PCSD) on June 27, 2005.

Dodge County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the LWM Plan.

- Fertilizers and herbicides from agricultural fields seeping into drinking water.
- Nutrients and chemicals from animal feedlots flowing into rivers and streams.
- Nutrients and chemicals from animal feedlots seeping into drinking water.
- Soil, fertilizers, and herbicides from agricultural fields flowing into rivers and streams.
- Loss of natural vegetation and habitat due to urban and rural development.
- Flash flooding, or the quick rise and fall of water, and stormwater management.
- Inadequate individual septic systems, municipal sewers and community systems that drain to field tile, wetlands, rivers, and streams.

These issues may vary in priority within the different watersheds in the County.

Agency comments were received from the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), and the Department of Agriculture (MDA). Neither the Environmental Quality Board (EQB) nor the Department of Health (MDH) provided comments on the PCSD, but provided extensive comments during the development of the PCSD.

The DNR agreed with the priorities identified in the PCSD and recommended that wetland restoration opportunities be considered during the planning process. The MPCA agreed with the priorities identified in the PCSD and requests that the LWM Plan allow flexibility to address other priorities as they may come up, particularly when drainage system maintenance/repairs and buffer strip improvement opportunities arise. The MDA suggested that the plan identify impaired waters and steps to prevent future impairment.

The BWSR southern region water planning review committee (hereinafter referred to as Committee) met on August 24, 2005, to discuss any state review agency comments, the content of the PCSD, and recommendations for the content of the final plan.

The Committee commends the County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the seven priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Committee does not recommend or require any changes to the PCSD as drafted.

Draft

Sincerely,

Jerome Deal, Chair
Minnesota Board of Water and Soil Resources

c: Perry Aasness, MDA
Becky Balk, MDA
Sara Bertelsen, EQB
Art Persons, MDH
Cheryl Heide, DNR
Dave Johnson, MPCA
Dan Wilson, MDH
Dana Allen, BWSR Board
Brian Kletscher, BWSR Board
Randy Kramer, BWSR Board
Jeff Nielsen, BWSR Southern Region Supervisor
Dave Peterson, Board Conservationist

DATE: August 12, 2005

TO: Jeff Nielson, BWSR Southern Regional Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: Olmsted County Local Water Management Plan Final Review

I have completed my final review of the Olmsted County Local Water Management Plan and recommend approval of this update.

The Olmsted County Local Water Management Plan (Plan) meets all requirements, including:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Addresses any recommendations/requirements communicated in the state's official comment letter;
    - The County has acknowledged the DNR's concerns with placing structures in permanent streams within the South Zumbro Storm Water Management and Capital Improvement Plan and has committed to work with the DNR to identify and address potential natural resource concerns regarding specific implementation items. This work has already begun.
- Adequately assesses the priority concerns and set forth appropriate goals and objectives;
- Lays out an implementation program with timeline and budget; and
- Includes all the required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR). Both agencies recommend approval of the Plan.

MPCA recommends that BWSR approve the Plan as submitted and offers the following comments.

- "MPCA staff appreciates the identified goals associated with priority concern #4 (Support of watershed management organizations for the Root, Zumbro and Whitewater watersheds). To make significant progress in regards to nonpoint source pollution, local initiatives and projects need to be supported and integrated with state and federal programs. In essence, this is the merging of priority concerns #1 and #4 in the County LWM Plan for 2005-2010." "Governmental units within the County have worked on this critical issue in the past, and continued work will be required during the lifespan of this LWM Plan, and beyond."
- The MPCA staff acknowledges the inclusion of Table 5 ("Olmsted County Waters Identified as Impaired") in the LWM Plan and the increased coordination that is needed by both local and state governmental agencies to improve the water quality.

DNR recommends that BWSR approve the Plan as submitted and offers the following comments.

- DNR supports the County's efforts to address important water quality issues as outlined in the plan.
- Comment applies to Goal 3 - Implement the South Zumbro Storm Water and Capital Improvement Plan (Page21). The referenced plan recommends holding water on the landscape to reduce downstream flood impacts. The plan focuses considerable attention on constructing water control structures on permanent streams in the upper reaches of the watershed. "We agree holding water on the landscape is critical to reducing flood impacts, however, we recommend non-structural approaches receive the highest priority (i.e. wetland restoration, restoring naturally meandering channels on previously straightened streams, and establishing natural riparian buffers). We strongly support these non-structural approaches, and while some of them were briefly listed in the plan, we could not determine their priority or how they might be implemented. We believe water control structures on permanent streams have the potential to negatively impact the streams morphology and fish and wildlife habitat, and continue to encourage the county to carefully consider these impacts before installing such structures. Intermittent streams seem more appropriate for this implementation strategy."

The coordination and commitment of the Olmsted County staff and resource partners towards addressing the water resources goals is commendable. I look forward to assisting Olmsted County in the implementation of their plan.

OLMSTED COUNTY COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN

2005-2010

Prepared by the
Olmsted County Environmental Commission

and

Olmsted County Environmental Services

Submitted to the Minnesota Board of Water & Soil Resources
by the
Olmsted County Board of Commissioners
June 14, 2005

2005-2010 Olmsted County
Comprehensive Local Water Management Plan

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3. **Implement the South Zumbro Storm Water and Capitol Improvement Plan** 21
4. **Support Watershed Management Organizations** 27

Appendix:

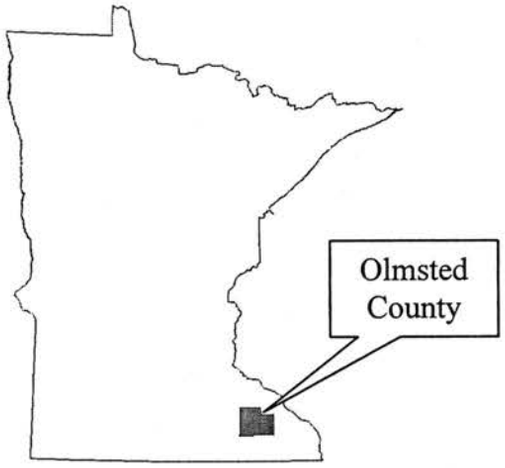
Scoping Document 33

Executive Summary

Introduction:

Olmsted County is located in southeastern Minnesota, approximately 85 miles south of the Twin Cities Metropolitan Area (Figure 1). The County has a land area of 660 square miles, or 422,400 acres, which includes 7 incorporated cities and 18 townships. The County is drained by three major watersheds, the Root, Whitewater, and Zumbro. About 10 percent of the land in the County has been developed for residential and commercial use, 50 percent is cropped, 25% is managed as pasture and grassland, and the remainder as forest. The largest population settlement and county seat is the city of Rochester which has a population of about 92,000. The population trend in Olmsted County is increasing. The population was 124,000 in 2000 and is projected to be 170,000 in 2030.

Figure 1. Olmsted County.



The Olmsted County Environmental Services Coordinator is responsible for the *Local Water Management Plan (*LWMP). Olmsted County has established an Environmental Management Team and an Environmental Commission to provide oversight and coordination of Water Management Plan implementation. Both of these groups meet monthly with the Environmental Services Coordinator.

The original LWMP was adopted in 1990 with an update in 1998. A two-year extension was granted in 2002 extending the expiration date of the 1998 plan to December of 2004.

The 1998 Water Plan recognized four basic water management goals:

- Maintain sources of potable groundwater for public and private drinking water supplies.
- Maintain sources of non-potable water for fire protection, cooling, processing, irrigation and livestock watering.
- Maintain streams, rivers, lakes, reservoirs, wetlands, and springs for swimming, boating, fishing, wildlife, and biological diversity.
- Minimize flood damage to homes, farms, businesses and public properties.

The 1998 Plan also recognized that the most significant challenge to meeting these goals is water pollution and/or the loss of the hydrologic functions of the landscape. In response, the Plan set forth two basic resource management strategies:

- Reduce the rate of nutrient losses and pollutant loadings into surface and ground water to no more than the natural system's ability to attenuate them.
- Preserve, restore, and enhance natural systems that provide water retention, nutrient cycling, pollutant degradation, biological diversity, and recreation.

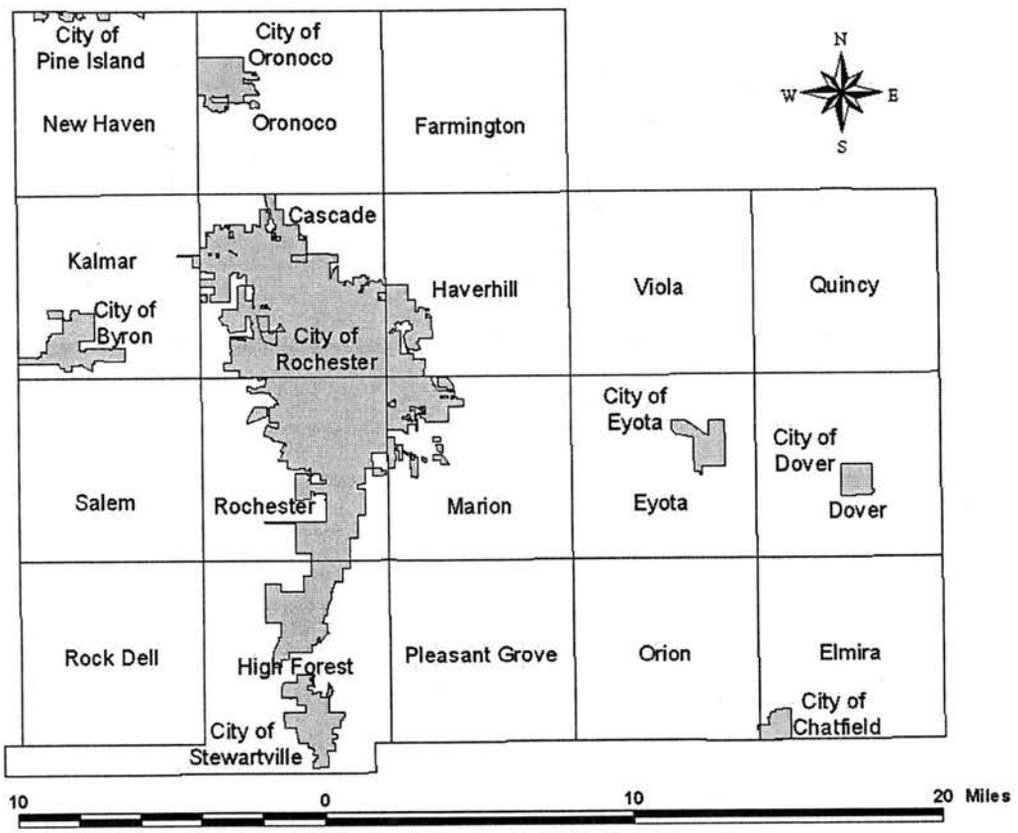
The 205 Water Plan continues to recognize these resource management goals and strategies, summarizes the water resource concerns identified in the Scoping Process, and lays out specific implementation priorities for the period 2005 to 2010.

The *Plan* follows the requirements of Minn. Stat. 103B.311subd.4:

1. The plan covers the entire county.

Olmsted County is comprised of 18 townships and 8 incorporated cities (Figure 2). Priorities identified in the *County Water Plan* support surface and ground water resource protection in all of the municipalities within the County. Table 2 summarizes local water management services by the organization providing services and by the jurisdiction served. Most water management services are provided county-wide.

Figure 2. Cities and Townships in Olmsted County.



2. The plan addresses problems in the context of watershed units and groundwater systems.

Olmsted County is drained by three major watersheds – the Root, Whitewater, and Zumbro (Figure 3). The Zumbro is an urbanizing watershed containing approximately 90% of the County's population (Table 1). Land use is the Root and Whitewater watersheds is dominated by are of

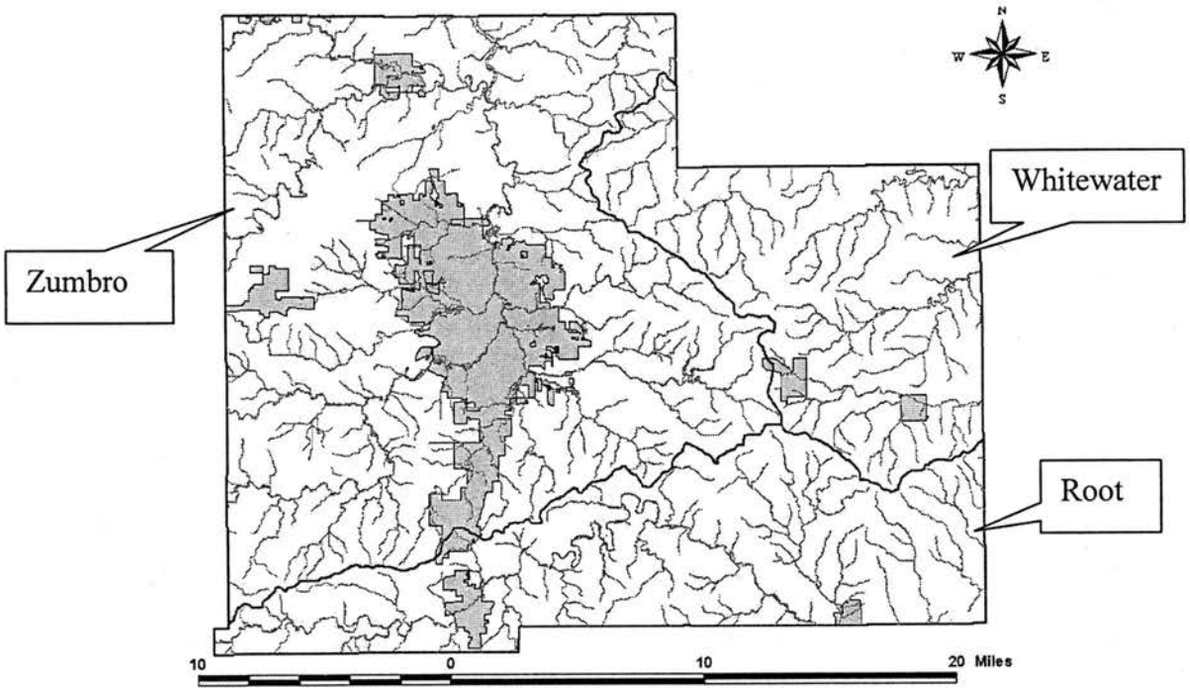
Olmsted County resides in the Zumbro Watershed. The County supports surface water management efforts in each of the major watersheds and supports groundwater and drinking water protection efforts through recharge preservation and pollution prevention in drinking waters supply management areas and wellhead protection areas (Figure 4).

Table 1. Olmsted County Watershed Population Estimates Based on the 2004 State Demographer's Population Estimates.

	2004 Estimate	Root River Watershed	Whitewater Watershed	Zumbro Watershed
Byron City	4,500	-	-	4,500
Chatfield City (part)	1,125	1,125	-	-
Dover City	555	-	555	-
Eyota City	1,788	-	1,788	-
Pine Island City (part)	408	-	-	408
Rochester City	94,820	-	-	94,820
Stewartville City	5,703	5,703	-	
Cascade Township	3,214	-	-	3,214
Dover Township	432	24	408	-
Elmira Township	355	345	10	-
Eyota Township	435	91	133	211
Farmington Township	503		112	391
Haverhill Township	1,575		372	1,203
High Forest Township	1,063	645	-	418
Kalmar Township	1,166		-	1,166
Marion Township	6,175	129	-	6,046
New Haven Township	1,215		-	1,215
Orion Township	600	600	-	-
Oronoco City	933		-	933
Oronoco Township	2,391		-	2,391
Pleasant Grove Township	778	692	-	86
Quincy Township	345		345	-
Rochester Township	1,991		-	1,991
Rock Dell Township	628	183	-	445
Salem Township	1,053		-	1,053
Viola Township	531		472	59
Olmsted County	134,282	9,537	4,194	120,551
	100%	7%	3%	90%

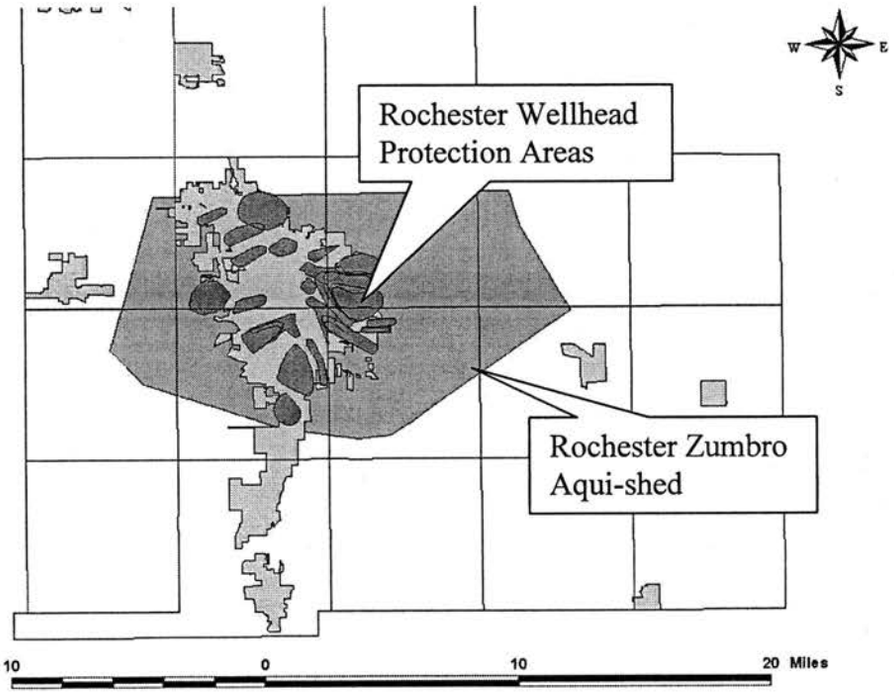
** Where municipalities drain to more than one watershed, the watershed population estimate is based on the percent of municipal area in the watershed.*

Figure 3. Major Watersheds in Olmsted County.



Source: Minnesota Department of Natural Resources

Figure 4. Groundwater Protection Areas in the Rochester Area.



Source: US Geological Survey & Rochester Public Utilities

3. **The plan is based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.**

Olmsted County relies largely on the advice provided by state and federal resource management agencies and professional consultants in its assessment of water resource conditions and the development of protection strategies.

4. **The plan is consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.**

Olmsted County participates in local county and watershed planning efforts as a means of providing coordination within watershed areas and groundwater systems. The County is a Joint Powers Board member of the Southeast Minnesota Water Resources Board, Whitewater Watershed Project, and the Hiawatha Resource Conservation and Development Council. The County is also an active participant in the Basin Alliance for the Lower Mississippi and the Zumbro Watershed Partnership. The Environmental Services coordinator working in conjunction with the Environmental Management Team is responsible to see that all of these local and regional efforts are coordinated within Olmsted County and integrate County water management goals and objectives.

5. **The plan covers a five year period.**

The *Water Plan* covers the five year period 2005-2010.

Pursuant to 103B.301 Minnesota Statutes 2002, section 103B.305, Subd. 7b, priority concerns were selected by the County with consideration of the following guidance:

- That the number of priority concerns be limited and commiserate with the duration of the plan and the resources available to implement solutions.
- That the character of the priority concerns not be general, but rather limited in scope.
- That an ongoing water resource management issue in the county that has generated serious conflict should be selected, or a sound explanation provided why it will not be addressed in the plan.

A summary of all of the recommended priority concerns that were received are included in the Scoping Document which is included in the Appendix.

The following four priority concerns were recommended by the County Environmental Commission and adopted by the Olmsted County Board of Commissioners in response to the Priority Concerns identified in the Scoping Document. Effective implementation of these items will address the County's highest water management priorities as well as most of the concerns identified in the scoping process.

- Continue Current Water Management Services.
- Construct and Operate the Chester Community Sewer.
- Implement the South Zumbro Storm Water and Capital Improvement Plan.
- Support Watershed Management Organizations.

Table 2. Water Plan Implementation Priorities.

Implementation Priority	Lead Agency	Source of Specific Implementation Actions	Plan Available	Estimated Cost
Continue Current Water Management Services	Environmental Services	Annual Departmental Work Plans and Budgets	County Departments	$520,000/yr
Construct and Operate the Chester Community Sewer	Environmental Services	Chester Heights Wastewater Collection Project Facility Plan	Environmental Services	$2 million Plus $53,000/yr
Implement the South Zumbro Storm Water and Capital Improvement Plan	Public Works	South Zumbro Storm Water and Capital Improvement Plan	www.olmstedcounty.gov website and at Public Works Department	$1 million
Support Watershed Management Organizations	Environmental Services	Watershed Plans	www.zumbrowatershed.org Environmental Services	$40,000/yr

Olmsted County Environmental Services
2116 Campus Drive SE
Rochester, MN 55904
(507) 285-8339

Olmsted County Public Works
2122 Campus Drive SE
Rochester, MN 55904
(507) 285-8231

Fiscal Year 2006 State Of Minnesota
Board Of Water And Soil Resources
Conservation Partnership Initiative
Grant Agreement

LINE	FY	FUND	AGENCY	ORG/SUB	APPR UNIT	OBJECT/SUB
01	06		R9P			
AMOUNT $180,000			DESCRIPTION FY O6 Conservation Partnership Initiative Zumbro River Partnership Grant			
VENDOR			PO #: P1#: Date Paid: PO #: P1#: Date Paid: PO #: P1#: Date Paid:			

BWSR Central Office Use Only

Grant Amount: $180,000

Local :
Governmental Unit: Zumbro River Partnership
Address:

Grant Period: July 1, 2005 to June 30, 2007

THIS AGREEMENT is between the State of Minnesota, acting by and through its Board of Water and Soil Resources, hereinafter referred to as the "Board", and the Local Governmental Unit described above, hereinafter referred to as the "Grantee".

WHEREAS, Minnesota Statutes Section 103B.3361 to 103B.3369 (1998) establishes a Local Water Resources Protection and Management Program, authorizes the Board to award a grant to local governmental units; and

WHEREAS, Minnesota Statute Section 103B.611 subdivision 3 authorize the Board to receive financial assistance from and join in projects or enter into contracts with federal agencies; and

WHEREAS, The Natural Resources Conservation Service has made available to the Board federal funds; and

WHEREAS, the Board has selected and approved the project hereinafter referred to as Attachment C which is incorporated into this agreement and;

WHEREAS, the Grantee maintains it is eligible to obtain a state Grant to reduce sediment reaching the Zumbro River by 30 percent and improve aquatic habitat, provided that the Grantee shall match state grant funds with local in-funds on a one-to-one ratio.

NOW, THEREFORE, it is agreed between the parties as follows:

I. DUTIES AND CONDITIONS.

A. General. The Grantee shall perform the duties described in the Conservation Partnership Initiative Statement of Work approved by the Board, hereinafter referred to as its "Attachment C". Attachment C is located at the Board office in St. Paul, Minnesota, and is incorporated into this Agreement by reference.

The Grantee shall match the grant amount provided herein by the Board with local in-funds on a one-to-one ratio.

B. Reporting. The Grantee shall submit progress reports to the Board quarterly (every 3 months) beginning January 15, 2006 through to the end of the grant period on the status of the Program. Information provided must conform to the requirements and be in a format compatible with the data systems set forth by the Board. A final report is due to the Board by July 31, 2007.

C. All money must be spent by June 30, 2007, unless this agreement has been officially extended.

II. TERMS OF PAYMENT.

Payment to the Grantee of the Grant Amount stated above shall be made in three installments, the first installment of 50 percent (50%) after Board approval of the Attachment C, the second installment 40 percent (40%) shortly after the first installment has been spent, and final payment 10 percent (10%) after project completion and a final report has been submitted. All funds are subject to the availability of state funds.

III. CONDITIONS OF PAYMENT.

All work performed by the Grantee pursuant to this Agreement shall be performed to the satisfaction of the Board, and in accordance with all applicable federal, state, and local laws, including Minnesota Statutes Section 103B.3361 through 103B.3369 (1998), and any amendment thereto. The Grantee shall use the funds granted herein only for the purposes described in its Attachment C, and:

A. Any state grant funds remaining unspent after the end of the Grant Period stated above shall be returned to the Board within one month of that date.
B. Any state grant funds not matched according after the end of the Grant Period stated above shall be returned to the Board within one month of that date.
C. Grant funds may not be used for costs incurred before or after the end of the Grant Agreement period unless approved by the Board.

IV. TERM OF GRANT.

This Agreement shall be effective when all necessary approvals and signatures have been obtained pursuant to MN Stat. 16B.06, subd. 2, and shall remain from July 1, 2005 until June 30, 2007, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

V. CANCELLATION AND REVOCATION.

A. The Board may cancel a Grant Agreement for just cause. Just cause means that the Grantee or delegated local unit of government is not disbursing grant funds in accordance with established Board or state procedures, or has otherwise breached a term of the Grant Agreement. The Grantee must be given written notice 14 calendar days prior to cancellation. The Grantee may cancel this Grant Agreement with or without cause. In the event of cancellation by the Board or Grantee, the Grantee is entitled to payment, determined on a pro rata basis, for work satisfactorily performed, and the remaining grant funds must be promptly returned to the Board.

B. At the request of any state agency commissioner, the Board shall revoke that portion of the Grant used to support a program or project not in compliance with the rules of that agency.

VI. ASSIGNMENT.

The Grantee shall neither assign nor transfer any rights or obligations under this Agreement without the prior written consent of the Board. The Grantee may contract with others, including appropriate local units of government under terms and conditions specified by the Grantee to complete the work specified in the Grant Agreement.

VII. USE OF FUNDS.

The Grantee shall use the proceeds of this agreement only for the eligible costs of the project as described in the approved in Attachment C.

VIII. AMENDMENTS.

Any amendment to this grant must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant, or their successors in office.

IX. WAIVER.

If the State fails to enforce any provision of this grant, that failure does not waive the provision or its right to enforce it.

X. GRANT COMPLETE.

This grant contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant, whether written or oral, may be used to bind either party.

XI. WORK PROGRAM AMENDMENTS.

Amendments to Attachment C must be in writing and formally approved by the BWSR Board Conservationist before they are effective. These will include changes in planned actions and the budget for each planned action.

XII. COST OVERRUNS.

The Grantee agrees that cost overruns are the sole responsibility of the Grantee.

XIII. LIABILITY.

The Grantee agrees to indemnify and save and hold the Board, its agents, and employees harmless from any and all claims or causes of action, including attorney's fees, arising from the performance of this Agreement by the Grantee or Grantee's contractors, agents or employees. This clause shall not be construed to bar any legal remedies Grantee may have for the Board's failure to fulfill its obligations pursuant to this Agreement.

XIV. AUDITS.

Under MN Stat §16C.05, subd. 5, the Grantee's and delegated local unit of government books, records, documents, and accounting procedures and practices relevant to this grant are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant.

XV. AFFIRMATIVE ACTION REQUIREMENTS FOR GRANTS IN EXCESS OF $100,000 AND THE GRANTEE HAS MORE THAN 40 FULL-TIME EMPLOYEES IN MINNESOTA OR ITS PRINCIPAL PLACE OF BUSINESS.

A. Obligations. The Grantee certifies that it is in compliance with Minn. Stat. § 363.073 and Minn. R. 5000.3400 - 5000.3600 and is aware of the consequences for non-compliance.

B. Disabled Workers. The Grantee must comply with the following affirmative action requirements for disabled workers:

1. The Grantee must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Grantee agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
2. The Grantee will comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
3. In the event of the Grantee's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minnesota Statutes Section 363.073, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
4. The Grantee will post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Minnesota Department of Human Rights. Such notices must state the Grantee's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
5. The Grantee must notify each labor union or representative of workers with which it has a collective bargaining agreement or other grant understanding, that the Grantee is bound by the terms of Minnesota Statutes Section 363.073, of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.

XVI. WORKERS COMPENSATION.

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way the State's obligation or responsibility.

XVII. PUBLICITY AND ENDORSEMENT

A. Publicity. Any publicity regarding the subject matter of this grant must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subGrantees, with respect to the program, publications, or services provided resulting from this grant.

B. Endorsement. The Grantee must not claim that the State endorses its products or services.

XVIII. GOVERNING LAW, JURISDICTION, AND VENUE

Minnesota law, without regard to its choice-of-law provisions, governs this grant. Venue for all legal proceedings out of this grant, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

XIX. TERMINATION

A. Termination by the State. The State or commissioner of Administration may cancel this grant at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment determined on a pro rata basis, for services satisfactorily performed.

B. Termination for Insufficient Funding. The State may immediately terminate this grant if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the grant is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

XX. DATA DISCLOSURE.

Under Minn. Stat. § 270.66, and other applicable law, the Grantee consents to disclosure its social security number, federal employer tax identification number, or Minnesota tax identification number, already provided to the State, to federal and state agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state laws that could result in action requiring the Grantee to file state tax returns, pay delinquent state tax liabilities, or pay other state liabilities.

XXI. ANTITRUST.

The Grantee hereby assigns to the State of Minnesota any and all claims for overcharges as to goods and/or services provided in connection with this Agreement resulting from antitrust violations which arise under the antitrust laws of the United States and of the State of Minnesota.

XXII. CAPITAL EQUIPMENT.

The title for equipment purchased with the funding provided in this contract shall be taken in the name of the State of Minnesota. The equipment will remain the property of the State for its useful life. After the contract period, it may remain in the custody of the Grantee so long as it is used for the purposes of promoting and supporting the acceleration of the Grantee's comprehensive local water plan goals. The State may take possession of the equipment at such time as it becomes necessary to use it for State purposes.

XXIII. SUBCONTRACTORS.

The Recipient agrees that if they subcontract any portion of this Project over $2,500 to another entity that the agreement or contract with the subcontractor will contain all provisions of the LCMR approved Agreement in its entirety. Copyrights, patents, services, and trademarks will be protected and owned by the same percentage as if the Recipient had obtained the intellectual rights.

XXIV. OWNERSHIP OF MATERIALS AND INTELLECTUAL PROPERTY RIGHTS.

All rights, title, and interest to all intellectual property rights, including patents, copyrights, services and trade marks, in all materials conceived or originated by Recipient either individually or jointly with others, which arise out of the performance of this agreement, are jointly owned by the Recipient and the State. The State's ownership shall equal the percentage of the total Project cost paid for by state funds under this appropriation. Recipient's contribution must be for actual and direct costs for the Project. All Recipient's contribution must be approved in advance to be eligible to qualify as Recipient's contribution to the total Project costs for delivery ownership and regular percentages. This ownership interest shall not be reduced by any reimbursements to the Fund made by the Recipient Sales of Products or Royalty Payments requirements. Any report, study, computer software, data base, model, invention, photograph, negative, audio or video recording, or other item or document, in whatever form, created or prepared

under this appropriation are the exclusive property of the Recipient of the appropriation and the State except where stated otherwise in this appropriation. The Recipient of the appropriation, at the request of the State, shall execute any necessary documents necessary to transfer ownership rights to the State. Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time, actually or constructively reduced to practice by the Recipient or its employees in the course of or in connection with this appropriation, the Recipient shall immediately give the LCMR written notice thereof, and shall promptly furnish the LCMR with complete information thereon. The LCMR and the Recipient, has the sole right to determine whether or not and where a patent application shall be filed. The Recipient and the State reserve the right to use for their own purposes any intellectual property right produced as the result of the Project without payment to the other party. The party using said product shall protect the intellectual property rights to the product and advise the other party of its use. The State reserves "march-in" rights which can be exercised if the Recipient fails to market or offer to market any product resulting from activities undertaken pursuant to this Agreement within three (3) years from the termination of this Agreement, notwithstanding the above provisions of this section. Recipient shall, upon request of the State, execute and provide the necessary documents for this purpose.

XXV. OWNERSHIP OF RESEARCH RESULTS.

If, within three (3) years of the termination of this agreement, the Recipient elects not to commercialize any product derived from the research conducted under this project, the research materials shall be returned to the State without cost and free and clear of any obligation to the Recipient. Recipient represents and warrants that the material produced under this Agreement does not and will not infringe upon the intellectual property rights of another, including patents, copyrights, trade secrets, trade and services marks and names. Recipient will defend and indemnify the State at Recipient's expense any claims or actions brought against the State to the extent that it is based on a claim or action that all or another part of the material infringes upon the intellectual property rights of. Recipient is responsible for obtaining any necessary licenses to use the intellectual property rights of another.

XXVI. SALE OR LICENSE OF PRODUCTS.

The Recipient agrees to reimburse the Fund revenues it receives from licenses, transfers, or other income generated from products based upon materials derived from this Project up to the amount of State funds provided under this appropriation unless expressly approved under the Work Program. Such reimbursement will be made by the Recipient upon first sale of any product worldwide whether or not such products are patentable. The Recipient, for itself and its licensees, agrees to sell any product derived from this appropriation and not subject to ownership by the State to the State of Minnesota for the royalty- free wholesale price less a ten percent (10%) discount. This clause shall continue to be in effect after all State funds have been repaid to the State. The Recipient agrees that if revenue is generated for putting on workshops, conferences, etc under this Project that eligible project expenses will be offset with this revenue and reimbursement will not be requested for expenditures covered by this revenue.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

APPROVED:

Zumbro River Partnership
LOCAL GOVERNMENTAL UNIT:

By _____

Title: _____

Date _____

BOARD OF WATER AND SOIL RESOURCES:

By _____

Title _____

Date _____

Attachment C
Minnesota Board of Water and Soil Resources Conservation Partnership Initiative
Statement of Work

The objectives of this watershed project are to reduce sediment reaching the Zumbro River by 30 percent and improve aquatic habitat.

Specifically, the Minnesota Board of Water and Soil Resources will complete the following items:

Objective 1a. Create a resource management plan for the Zumbro River Watershed incorporating existing resources assessments, basin plans, and locally derived implementation plans. (Federal grant $72,000, Partner in-kind $51,300)

Task 1. Zumbro River Partnership (ZWP) hires staff to coordinate and write plan. $2000
Task 2. Completion of watershed plan outline.
Task 3. Completed natural resource assessments and priority resource concerns identified.
Task 4. Draft Goals and objectives.
Task 5. Draft actions and implementation plan.
Task 6. Public Information meetings.
Task 7. Final Plan Document

Objective 1b. Establish well-defined partnerships to demonstrate, implement, and evaluate the sub watershed project plans and to demonstrate successful outcomes to accelerate implementation watershed wide (Federal grant $0, Partner in-kind $20,000)

Task 1. Project evaluation report
Task 2. Necessary partnership agreements for future implementation are in place.

Objective 2. Create data-rich maps that incorporate scientific consensus on priority resource concerns. These maps will facilitate the watershed plan, sub watershed targeting and planning, and education outreach activities watershed wide. Establish a base-level monitoring program that includes physical soil and water testing by partners (i.e. water quality testing, tillage transect surveys, citizen monitoring programs) to assess trends that result from accelerated implementation. (Federal grant $0, Partner in-kind $37,000)

Task 1. Convene and host up to 12 Technical Advisory Committee meetings.
Task 2. The TAC will develop a list of recommend data layers for the watershed plan
Task 3. Data layers/maps completed and delivered to the ZWP coordinator
Task 4. Production of maps of targeted lands within the three selected sub-watersheds

Objective 3. Engage producers in three sub watershed (approximately 50,000 acres in size) projects for accelerated implementation. The conservation priorities for these sub watershed plans will fit the CPI categories of terrestrial and freshwater aquatic habitat restoration and livestock nutrient management, including sustainable systems. Partners will help 60 percent of the producers qualify for CSP and other conservation programs. Innovative conservation methods will be demonstrated to show proven conservation benefits in different landscape settings in the Zumbro watershed. (Federal grant $65,800, Partner in-kind $ 34,000)

Task 1. Selection of the three (3) pilot sub watersheds.
Task 2. Hold up to 24 producer meetings to define implementation priorities and demonstration projects.
Task 3. Conservation demonstrations
Task 3a. Selection of demonstration sites in each of the three sub-watersheds for the 2006-growing season
Task 3b. Completed installation of the demonstration projects
Task 3c. Written evaluation of demonstration projects
Task 4. Targeted implementation plans
Task 4a. Selection of sub-watershed implementation actions, BMP's, and/or programs
Task 4b. Completion of initial landowner contacts
Task 4c. Completion of landowner conservation plans, projects, or actions
Task 4d. Written evaluation of targeted sub-watershed implementation plans

Objective 4. Conduct education outreach to all producers and residents during the planning phase to accelerate locally led Farm Bill program marketing efforts resulting in 1,000 producers (40 percent) changing their farming practices within the watershed. This includes development of a "one-stop shopping" web site for conservation programs and contacts and development and testing of "a conservation program decision tool" to help producers compare economic and environmental benefits of enrolling in various conservation programs. The project will build off of the BALMM conservation program marketing initiative, led by the nonprofit Minnesota Project. The CPI project will help the ZWP partners with this basin-wide initiative to intensify Farm Bill marketing efforts in the Zumbro River watershed. (Federal grant $62,200, Partner in-kind $57,700)

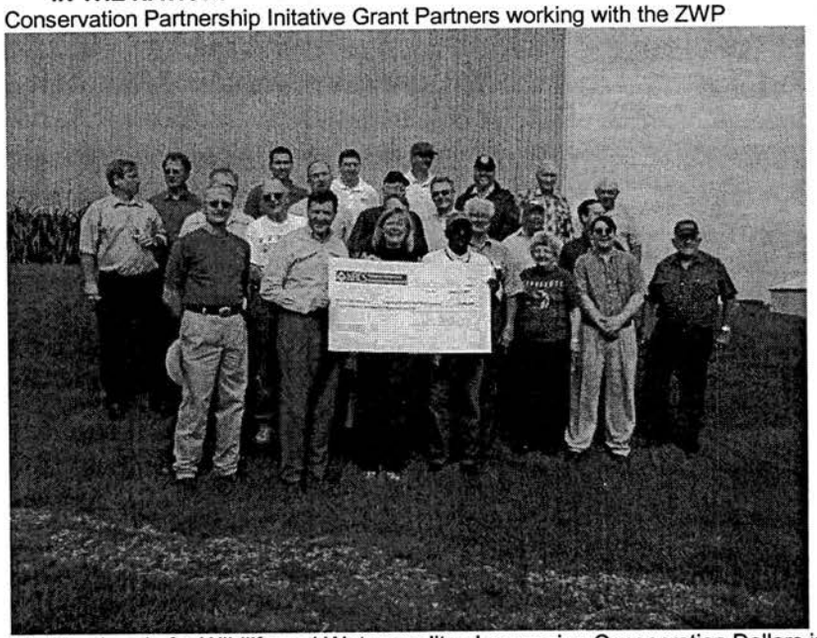
Task 1. Outreach plan developed for ZWP by the Minnesota Project.
Task 2. Implement outreach plan/campaign including development and purchase of educational and promotional materials and

Working Lands for Wildlife and Water Quality: Leveraging Conservation Dollars in the Zumbro River Watershed
Project Task & Deliverables

Task Number	Work Task & Deliverables	Federal Grant $$	Partner In-kind $$
Obj. 1a	Plan development		
1	Hire staff	$2,000	$2,000
2	Watershed plan outline	$4,000	$4,000
3	Resource assessments and priority concerns	$20,500	$15,300
4	Draft goals and objectives	$20,500	$14,000
5	Draft actions and implementation plan	$20,500	$14,000
6	Public information meetings	$2,000	$2,000
7	Publish final plan document	$2,500	$0
Obj. 1b	Establish watershed partnerships & evaluation		
1	Project evaluation report	$0	$10,000
2	Partnership agreements in place	$0	$10,000
Obj. 2	Data compilation and technical advisory team		
1	Technical Advisory committee meetings @ $2000/mtg.	$0	$24,000
2	Catalog of data layers for the plan	$0	$2,000
3	Data & maps delivered to ZWP	$0	$7,000
4	Maps produced of targeted areas fro the 3 sub-watersheds	$0	$4,000
Obj. 3	Sub-watershed demonstrations and projects		
1	Selection of three pilot sub-watersheds	$1,000	$2,000
2	Hold up to 24 producer meetings	$15,800	$5,500
3	Conservation demonstrations		
3a	Selection of sites in the three sub-watersheds	$1,000	$1,000
3b	Completed installation of demonstration projects	$23,000	$5,500
3c	Written evaluation of projects	$1,000	$1,000
4	Targeted implementation plans for the three sub watersheds		
4a	Creation of sub-watershed implementation plans	$4,000	$4,000
4b	Completion of initial landowner contacts	$7,000	$7,000
4c	Completion of landowner assessments, plans, and/or projects	$10,000	$5,000
4d	Written evaluation of the effectiveness of the targeted sub-watershed implementation plans	$3,000	$3,000
Obj. 4	Watershed outreach and education		
1	Completion of watershed outreach plan	$5,000	$10,000
2	Implementation of outreach plan	$30,600	$32,700
3	Purchase of outreach educational and promotional materials	$11,600	$0
4	Watershed web-site	$5,000	$5,000
5	Conservation decision tool	$10,000	$10,000
Totals		$$200,000	$$200,000

ZUMBRO WATERSHED PARTNERSHIP TO BE AWARDED LARGEST CONSERVATION INITIATIVE GRANT IN THE NATION!

Conservation Partnership Initative Grant Partners working with the ZWP



Working Lands for Wildlife and Water quality: Leveraging Conservation Dollars in the Zumbro Watershed" Congressman Gil Gutnecht presented a $200,000 check to the Zumbro Watershed Partnership. Ron Harnack, Executive Director-MN Board of Water and Soil Resources, talked about details of the grant and what it means to the Zumbro Watershed Partnership and its partners. William Hunt- MN State Conservationist- Natural Resources Conservation Services spoke about this Federal grant program and what it means to Minnesota.

Many organizations are involved in this grant. $200,000 of "in kind" contributions will come from the following partners:

Zumbro Watershed Partnership MN Board of Water & Soil Resources (Project Management) Natural Resources Conservation Services (Technical Assistance) Soil and Water Conservation Districts (Enrollment in Conservation Programs) MN Dept of Agriculture and the Minnesota Project (Outreach) University of Minnesota Extension Services (Research and Data) 6 County Environment Management Departments MN Dept of Natural Resources MN Pollution Control Agency U.S. Fish and Wildlife University of MN Water Resources Center MN Milk Producers Midwest Forage Association MN Farm Bureau MN Farmers Union Grazing Land Conservation Initiative Southeast MN Ag Alliance SE MN Water Resources Join Powers Board. Hiawatha Valley RC & D Basin Alliance for the Lower Mississippi in MN

Working Lands for Wildlife and Water Quality:
Leveraging Conservation Dollars in the Zumbro River Watershed
Project Description

Project Background:

The Zumbro River Watershed is a major watershed (8-digit HUC) in the Lower Mississippi River basin in southeastern Minnesota. It includes parts of six counties, covering 910,291 acres (See Figure 1 and 2). Based on the Minnesota Land Use Cover – 1990 Census of the Land, roughly 69 percent of the land is cultivated, 13 percent is hay/pasture/grassland, 11 percent is forested, 5 percent urban and 2 percent other. As more mixed crop-livestock farmers leave farming, land previously rotated with hay or devoted to pasture is being used for continuous row-crop production with dramatic increases in acreage of soybeans, significantly increasing the challenges of erosion control on steeper and longer slopes and protection of sensitive aquifers because of the interconnect of surface and groundwater due to the karst landscape. Major segments of the Zumbro River are federally listed as impaired due to high turbidity and/or fecal coliform levels in violation of state water quality standards. Lake Zumbro is listed as impaired due to excess nutrients and is rapidly filling with sediment. Turbitity is an indication of sediment in the system and excessive amounts result in degradation of important aquatic habitat, including trout. As more agency and citizen stream monitoring is carried out many tributaries to the Zumbro, including the 57 miles of trout streams, are very likely to be listed as impaired unless strong steps are taken to change prevailing land management practices.

The Basin Alliance for the Lower Mississippi in Minnesota (BALMM) was formed in October 1999 to coordinate efforts to protect and improve water quality and biodiversity. Published in 2001, the BALMM's "*Basin Plan Scoping Document,*" http://www.pca.state.mn.us/water/basins/lowermiss/index.html#bid identifies a full range of strategies for accomplishing the habitat and water quality goals. This basin-wide plan provides an excellent foundation for developing a more focused plan for the Zumbro River watershed. The land use strategies with the greatest potential to be pursued by leveraging Farm Bill conservation programs include: (1) increasing perennial vegetation, including hay in rotation and buffer; (2) nutrient management; (3) soil and water conservation on row crops; and (4) wetland preservation and restoration.

In early 2004 a group of concerned Zumbro River watershed residents worked with BALMM to sponsor a public information meeting. This meeting, attended by over 80 producers and other residents, addressed impaired waters and declining habitats in the Zumbro River watershed and the importance of a watershed organization to collaborate efforts. As a result, the Zumbro Watershed Partnership (ZWP) has filed their Articles of Incorporation and created Bylaws, a 14-member interim Board of Directors, a dues structure, and draft goals (attached). The draft goals attest to the commitment of the partnership in voluntary and monetary means to achieve the protection and restoration of terrestrial and aquatic wildlife habitat in Zumbro River Watershed. The ZWP is primed and passionate about taking a leadership role in their watershed management plan and education outreach activities. This CPI project will help them collaborate with watershed producers, residents, resource partners, and agencies to better leverage local, state, and federal dollars to implement the land use strategies identified in this planning phase. The

result will be more conservation on the land, improved terrestrial and freshwater aquatic habitat, and more agricultural producers eligible for CSP when it comes to the watershed.

There are several related efforts at the state level that will be advanced by this project proposal, including: (1) statewide Clean Water Vision initiated by Governor Tim Pawlenty in June 2003, with emphasis on impaired waters restoration, drinking water protection, and habitat enhancement; (2) proposed state funding to help local conservation leaders leverage Farm Bill conservation programs in support of the state's Clean Water Vision; and (3) an ad-hoc Water Quality Practices panel of experts that has met four times to begin addressing scientific and technical questions and challenges associated with targeting water quality practices to the most environmentally sensitive features or lands in different agricultural resources regions of the state.

This CPI project will facilitate a process to address terrestrial and freshwater aquatic habitat restoration and help develop implementation plans that involve producers.

The partnerships established in the planning phase of this project will improve the chances of successful implementation. First, producers will be integral partners in planning, engaging them in the establishment of project goals for their subwatersheds and in the installation, demonstration, and maintenance of innovative conservation practices that affect multiple agricultural operations. Second, the partnering organizations have been united in their support of CSP, largely due to its working lands emphasis and international trade "green box" status. By incorporating CSP readiness strategies for the entire Zumbro Watershed, the project is likely to succeed in bringing all stakeholders to the table to ensure success when the Zumbro becomes eligible for CSP. Promotion and implementation of on-going programs such as the EQIP, WHIP, WREP, CRP, the proposed CREP, and state cost-share and low-interest loan programs will help accomplish our goals.

Project Objectives:

The overall goal of this watershed project is to reduce sediment reaching the Zumbro River by 30 percent and improve aquatic habitat. This reduction will be achieved by accelerating the adoption of more perennials in cropping systems, promoting rotational or managed grazing, alternative tillage systems, contouring, incorporating grass buffer strips, encouraging green cover crops, diversifying crop rotations, extensive use of grassed waterways, constructing water and sediment basins, strategically retiring sensitive lands, forestry management/perennial vegetation in the floodplain, and restoring wetlands.

The goal of a 30 percent reduction is supported by modeling done in the Wells Creek Watershed. Wells Creek is an 18.2-mile stream that flows from a 52,000-acre watershed into Lake Pepin, north of the Zumbro River Watershed. The modeling incorporated agricultural best management practices and a 100-foot perennial vegetative buffer on both sides of Wells Creek. In addition to a dramatic reduction in sediment, the modeling also showed a 37 percent reduction in nitrogen and 54 percent reduction in phosphorus.

The 30% pollutant reduction described above would likely be sufficient to remove any turbidity-impaired segments of the Zumbro River, as well as Lake Zumbro, from their impaired status. In addition, fewer new Zumbro River tributaries, including the 57 miles of trout streams, would be added to the list. Although the Wells Creek modeling

did not include fecal coliform, reductions of a similar magnitude would be expected as the processes that deliver sediment and nutrients to streams also deliver fecal coliform. Aquatic ecosystems will also benefit from reduced runoff and sedimentation. The U.S. Fish and Wildlife Service (USFWS) draft comprehensive plan which will be ready for public review this summer documents water quantity and quality issues affecting Upper Mississippi River backwater habitats including flooding, sedimentation, nutrients, and bacteria. Reducing flood peaks and flows from the Zumbro River watershed will improve stream physical characteristics by reducing streambank erosion and streambed movement. Higher base flows through increased infiltration will improve water quality and moderate stream temperatures. Stream temperature regimes will be further moderated by reduced surface flows, shading, and reduced residence time. All of which will improve and protect aquatic habitat in the Zumbro River and associated Mississippi River backwaters. Terrestrial ecosystems and wildlife populations will improve through the addition of perennials in cropping systems, habitat continuity created by buffering permanent and intermittent streams, and wetland restoration

History

The need for an organization that "looks out for the best interest of the entire Zumbro Watershed" was recognized by a handful of private citizens back in March of 2004.

We attended a sediment workshop and it was at this meeting we were told that our waters were put on the "impaired waters list".
We decided to start meeting weekly to figure out what we were going to do. As meetings took place we were joined by folks from Oronoco, Lake Shady, Pine Island and others that lived along the Zumbro River. We were interested in forming an organization, but needed to explore the extent of the interest.

On July 20, 2004 we had a public meeting to talk about impaired waters in the Zumbro Watershed. We invited all interested individuals, farmers, cities, counties, townships, ag organizations, soil and water conservation districts, lake associations, environmental organizations and other state agencies located within the Zumbro Watershed. We had about 80 people that attended. Our guest speakers included State Representative Steve Sviggum, MN Commissioner of Agriculture, Gene Hugoson, MN DNR Commissioner, Gene Merriam, Exec. Director of Soil and Water Resources, Ron Harnack, Asst. Commissioner of the MPCA, Lisa Thorvig, and the Past Exec. Director of the Cannon Rivers Watershed, Allene Moesler. Our speakers talked about the need of a Watershed Organization and the importance of collaboration.

With a budget of $700 in 2004, we were able to sponsor our July 20 public meeting, host a "Fall Foliage Fun Float" with pontoon boats on Lake Zumbro, design our maps and brochures, start a temporary web site, and still have carry-over funds of almost $500! Lots of volunteer effort!!

We currently have 50+ dues paying members of the Zumbro Watershed Partnership. We have filed our Articles of Incorporation, have our Bylaws in place and had our first annual meeting and elected our 13 citizen Board of Directors. We have committees currently working on the permanent web site, membership drive, and our short term and long term goals.

In February 2005 we filed our first grant. With the assistance of the Mn Board of Water and Soil Resources, we have applied for a Federal Conservation Partnership Initiative Grant. All grant requests were reviewed at the state level, and ours was selected to go on to the Federal level. We have heard that our grant was approved! This planning grant will provide $200,000 in funds, and $200,000 of in-kind support from our local partners.
Olmsted County has prepared a Challenge Grant on behalf of the Zumbro Watershed Partnership called the "Watershed Riparian Zone Inventory Grant Proposal". It is currently in the process of getting support from all 6 Counties in the Watershed. It would provide $75,000 in grant funding with matching contributions of approximately $10,000 per county for each of the two years.

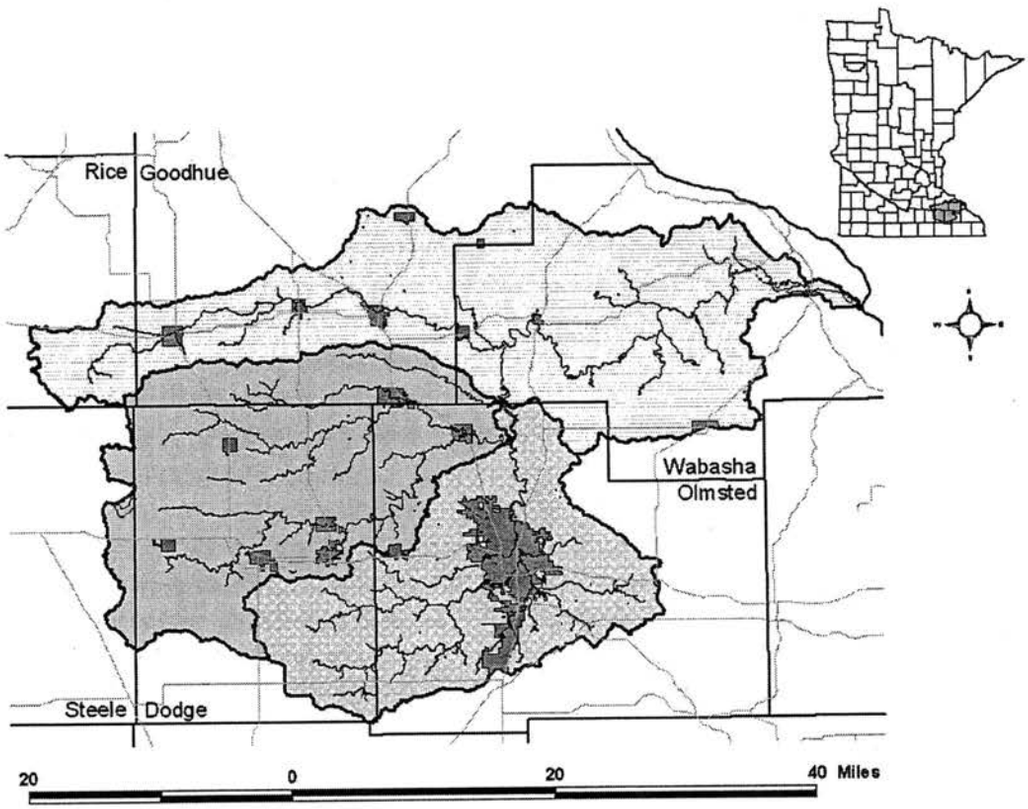
We are also in the process of filing a McKnight Start-up Grant. The Zumbro Watershed Partnership is on the fast track, and we desperately need office space and support staff. All efforts thus far have been through volunteers.

Our mission is "To Promote the Protection and Improvement of the Zumbro Watershed". The ZWP wants to serve as a "one stop" information resource for all stakeholders within the Zumbro Watershed and to play an active role to achieve our mission.

Our waters in the Zumbro Watershed drain to the Mississippi River. The efforts we make in Minnesota for clean water will set the standard to make a difference all the way to the Gulf of Mexico.

We meet monthly, the 2nd Thursday at 7:00 PM at the Oronoco Community Center. We welcome all folks that are interested in helping us with our mission "To Promote the Protection and Improvement of the Zumbro Watershed".

Zumbro River Watershed



Zumbro Watershed Partnership

Draft Goals

February, 2005

Prepared by:
The ZWP Executive Committee

Promote opportunities for good land stewardships

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Advocate for the use of sustainable farming and forestry practices that enhance water quality and improve aquatic wildlife habitat.	NRCS, SWCDs, BALMM, SE MN Ag Alliance, DNR	NA	Continuous
2. Advocate for the protection of productive farm and forestland.	NRCS, SWCDs, DNR	NA	Continuous
3. Implement demonstration conservation projects with willing landowners.	NRCS, SWCDs, DNR	200 hours/year	Annual
4. Enhance and protect systems of urban/suburban open space.	City & county planning departments, conservation organizations (i.e. Izaak Walton League, Minnesota Land Trust, etc.)	200 hours/year	Annual
5. Organize a degraded stream segment of stream bank restoration project (protect and enhance native biodiversity).	NRCS, SWCDs, DNR, schools, conservation organizations (i.e. Small Mouth Bass Alliance, Trout Unlimited, Pheasants Forever, etc.)	400 hours/year	Annual
6. Identify opportunities for flood damage reduction.	City & county planning departments, DNR, SWCDs, land owners	120 hours/year	Continuous

Promote Public Awareness

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Promote volunteers for the Minnesota Pollution Control Agency's Citizen Stream Monitoring Program to monitor aquatic habitats of the Zumbro River and its tributaries.	MPCA	250 hours/year for monitoring 80 hours/year to promote participation	Continuous
2. Work with county solid waste officers to co-host a river cleanup day.	MPCA, conservation organizations, Boy Scouts	20 hours/year to promote participation	Each spring

		400 hours/year for cleanup	
3. Work with DNR staff to co-host a warm water fisheries workshop.	DNR, SE MN Water Resources Board, Small Mouth Bass Alliance	40 hours	2006
4. Host a celebration/recognition program for watershed volunteers and the public.	Counties, SWCDs, Lake Zumbro Association	100 hours	Annually
5. Co-host three septic system owner education programs in the watershed.	SE MN Water Resources Board, U of M, MPCA	60 hours	2005-2006
6. Set up and maintain a web page with links to the information on the current farm and other conservation programs for farmers, homeowners, builders, land developers, and conservationists.	NRCS, SWCDs, MPCA, DNR, counties, conservation organizations	100 hours to set up and 200 hours/year to maintain	Begin in 2005
7. Host a series of educational programs about natural resources and challenges in the watershed.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, ACE, RC&D, U o fM, counties, cities, conservation and agricultural organizations	120 hours/year	Continuous
8. Provide displays and information about the watershed and available farm programs at agricultural events.	NRCS, SWCDs, MPCA, DNR, BWSR, RC&D, U of M, conservation and agricultural organizations	40 hours/year	Begin in 2005
9. Promote awareness of groundwater pollution in the karst terrain of SE MN.	MPCA, U of M, SEMNWRB, cities, counties,	40 hours/year	Continuous
10. Promote awareness and advocate for responsible stormwater management during land development.	MPCA, cities, counties	30 hours/year	Annually during the construction season
11. Promote and educate property owners and the general public about sustainable resource management.	OEA, MPCA, SWCDs, DNR, U of M, cities, counties	40 hours/year	Continuous

12. Host a contest to design the logo for the Zumbro Watershed Partnership.	None	20 hours	2005

Become well informed of all efforts in process to monitor, promote protection, and improve the Zumbro Watershed

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Summarize available information about natural resources, water quality, and land use in the watershed.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, ACE, RC&D, U of M, SEMNWRB, counties, cities, conservation organizations, agricultural organizations	120 hours	2006
2. Review the recommendations in the Basin Alliance for the Lower Mississippi Scoping Document.	BALMM	10 hours	2005
3. Review the Total Maximum Daily Load recommendations for reducing fecal coliform bacterial pollution in the Zumbro River.	MPCA	10 hours	2005
4. Arrange for presentations on the impaired water designation of the Zumbro River.	MPCA, EPA	10 hours	2005-2006

Identify technical and financial assistance programs to help landowners solve land management problems

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Promote enrollment in the Conservation Security Program.	NRCS, SWCDs, BWSR, RC&D, UofM, agricultural organizations	200 hours	2005-2006
2. Seek funding to leverage Conservation Security Program funding.	NRCS, SWCDs, BWSR, RC&D, UofM, agricultural organizations	40 hours	2005-2006

To be a valuable partner for all efforts in the entire Zumbro Watershed

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Survey recreational water use in the watershed (e.g. fishing, boating, canoeing, etc).	DNR, U of M	100 hours	2006
2. Support the implementation of the South Zumbro Watershed Capital Improvement Project.	Olmsted County, City of Rochester, townships, DNR, BWSR, MPCA, conservation and agricultural organizations	40 hours	Begin in 2005
3. Review each County's "Water Management Plan".	Counties, BWSR	20 hours	2005-2006
4. Hire a watershed coordinator to foster cooperation among the citizenship and all levels of government.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, ACE, RC&D, UofM, SEMNWRB, counties, cities, conservation and agricultural organizations	60 hours	Begin in 2005
5. Support the implementation of the Conservation Reserve Enhancement Program.	NRCS, SWCDs, DNR, BWSR, RC&D, counties, conservation and agricultural organizations	30 hours	Begin in 2005
6. Encourage counties to be involved in Natural Resource Based Planning.	Counties, DNR	40 hours	2005-2006
7. Participate in regional water planning and management decisions.	SEMNWRB, BALMM	60 hours	Begin in 2005

Promote Watershed Partnership Participation

Goal	Potential Partners	Estimated Volunteer Hours	Period
1. Build a constituency for the watershed partnership through member recruitment.	SWCDs, counties, cities, conservation and agricultural organizations	80 hours	Begin in 2005
2. Establish and secure a sound funding base for operation of the partnership.	RC&D, McKnight Foundation, cities, counties, conservation and agricultural organizations	100 hours	Begin in 2005
3. Prepare and print educational information about the watershed partnership.	SWCDs, conservation and agricultural organizations	10 hours	2005
4. Find and purchase non-profit software to manage accounting.	RC&D	5 hours	2005
5. Identify high priority subwatersheds for use as pilot project areas.	NRCS, SWCDs, MPCA, DNR, BWSR, USFWS, RC&D, U of M, SEMNWRB, counties, cities, conservation and agricultural organizations	40 hours	Begin in 2005

Possible Partners

MPCA - Minnesota Pollution Control Agency: Norm Senjem, 651-280-3592
normansenjem@pca.state.mn.us
CREP - Conservation Reserve Enhancement Program
TNC- The Nature Conservancy
DNR- Minnesota Department of Natural Resources: Tim Schlagenhaft
TimSchlagenhaft@dnr.state.mn.us
BWSR - Board of Soil and Water Resources
BALMM - Basin Alliance for the Lower Mississippi in Minnesota
CRWP - Cannon River Watershed Partnership
LCMR - Legislative Commission on Minnesota Resources
Southeast Minnesota Water Resources Board: Bea Hoffman bhoffman@winona.edu
U of M Extension
Minnesota Department of Health
RC&D Joint Powers Board (Resource Conservation & Development)
City Parks Department: Roy Southerland
County Parks

FSA - Farm Service Agency
Soil and Water Conservation Districts
CWP - Clean Water Partnership
Counties
Farm Program Initiatives
Olmsted County Township Cooperative Planning Association
Township Officers
Olmsted County Water Management

Minnesota Board of Water & Soil Resources

Public Drainage System Buffer Study
Core Workgroup Meeting
September 9, 2005
9:00 a.m. to 11:00 a.m.
Minnesota Farm Bureau
2080 Eagandale Place
St. Paul, MN 55164

You are receiving this meeting notice as one of a handful of individuals who we have identified to participate as a core group to assist BWSR in finalizing a scope of work for the Public System Drainage Buffer Study that we have been charged with completing in the next six months. Hopefully you will be able to join us on September 9th .

FY 06 Appropriation Language
$109,000 the first year is for an implementation assessment of public drainage system buffers and their use, maintenance, and benefits. The assessment must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. The Board shall report the results to the Senate and House of Representatives committees with jurisdiction over drainage systems by January 15, 2006. This is a one-time appropriation.

Current Statute
103E.021 Ditches must be planted with permanent grass.
Subdivision 1. **Spoil banks must be spread and grass planted.** In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the banks and on a strip 16-1/2 feet in width or to the crown of the leveled spoil bank, whichever is the greater, on each side of the top edge of the channel of the ditch. The acreage and additional property required for the planting must be acquired by the authority having jurisdiction.

Subd. 2. **Reseeding and harvesting grass.** The authority having jurisdiction over the repair and maintenance of the drainage system shall supervise all necessary reseeding. The permanent grass must be maintained in the same manner as other drainage system repairs. Harvest of the grass from the grass strip in a manner not harmful to the grass or the drainage system is the privilege of the fee owner or assigns. The county drainage inspector shall establish rules for the fee owner and assigns to harvest the grass.

Bemidji
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Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

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

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

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

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

New Ulm
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New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

Rochester
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Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Subd. 3. **Agricultural practices prohibited.** Agricultural practices, other than those required for the maintenance of a permanent growth of grass, are not permitted on any portion of the property acquired for planting.

Subd. 4. **Compliance work by drainage authority.** If a property owner does not bring an area into compliance with this section as provided in the compliance notice, the inspection committee or drainage inspector must notify the drainage authority. If a property owner does not bring an area into compliance after being notified under section 103E.705, subdivision 2, the drainage authority must issue an order to have the work performed to bring the property into compliance. After the work is completed, the drainage authority must send a statement of the expenses incurred to bring the property into compliance to the auditor of the county where the property is located and to the property owner.

Subd. 5. **Collection of compliance expenses.** (a) The amount of the expenses to bring an area into compliance with this section is a lien in favor of the drainage authority against the property where the expenses were incurred. The auditor must certify the expenses and enter the amount in the same manner as other drainage liens on the tax list for the following year. The amount must be collected in the same manner as real estate taxes for the property. The provisions of law relating to the collection of real estate taxes shall be used to enforce payment of amounts due under this section. The auditor must include a notice of collection of compliance expenses with the tax statement.
(b) The amounts collected under this subdivision must be deposited in the drainage system account.

HIST: 1990 c 391 art 5 s 4

Proposed Issues and Information Needs

1) Compliance level with current law in regard to grass buffer establishment and maintenance (1-rod minimum grass buffers are triggered by public ditch system work that appoints viewers). Probably should explore barriers to implementation compliance (e.g. level of belief in benefits, costs, ditch repair cycles, thresholds for appointing viewers).
2) Benefits of grass buffers along drainage ditches, including benefits of grass buffers wider than 1 rod.
3) Available voluntary buffer programs, including pertinent information about what, why, how and where for buffer practices. Coordination of voluntary programs with drainage law requirements?
4) Can / should we address benefits of ditch side inlet controls?

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Proposed Study Methods

1) Literature search. Coordinate with U of M professors who work in this area. Keep level of detail commensurate with scope and time frame of this study.
2) Survey. Estimate 65 drainage authorities with significant numbers of public ditches. Maybe additional questions for counties and WDs that have done drainage system inventories.
3) Compilation and evaluation of drainage system inventories to date. Define what has been learned through drainage system inventories about statute compliance level (and reasons, if possible), including effects of drainage system inventories on level of compliance.
4) Develop representative GIS analysis/definition of mandatory and voluntary ditch buffer implementation (based on current inventories to date, 1989 Land Use data, and conservation program data?).
5) Define study recommendations that are based on good science and information.

Invite List:

Representative Rick Hanson
Association of Minnesota Counties
Minnesota Association of Watershed Districts
Minnesota Association of Soil and Water Conservation Districts
Minnesota Center for Environmental Advocacy
Minnesota Conservation Federation
Minnesota Department of Agriculture
Minnesota Department of Natural Resources
Minnesota Farm Bureau
Minnesota Farmers Union
Minnesota Viewers Association
Minnesota Board of Water and Soil Resources

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Public Drainage System Grass Buffer Strip Study

Overview of Pertinent History for
Board of Water and Soil Resources Meeting
9-29-05, Al Kean

Public Drainage System Ownership and Management

- The assessed property owners within a public drainage system own the system and are responsible for all associated costs of land rights acquisition, construction and maintenance, in accordance with Minnesota drainage law.
- The public drainage authority is responsible for implementation and maintenance of the public drainage system on behalf of the system owners, in accordance with Minnesota drainage law.

Pertinent Grass Buffer Strip Statutes

1959 – M.S. 106.673 Ditches, Planting with Permanent Grass.

- Drainage authorities may require a grass strip be installed from the top edge of the ditch channel, 1-rod wide, or to the crown of the leveled spoil bank, whichever is greater.
- This authority was provided when viewers are appointed to assess benefits and damages for a ditch establishment, improvement or other (repair) proceeding.

1977 – M.S. 106.673 Ditches must be planted with permanent grass.

- The "may" in M.S. 106.673 was changed to "shall".
- The resulting grass buffer strip requirement retained the trigger of when viewers are appointed to assess benefits and damages for a ditch establishment, improvement or other (repair) proceeding.

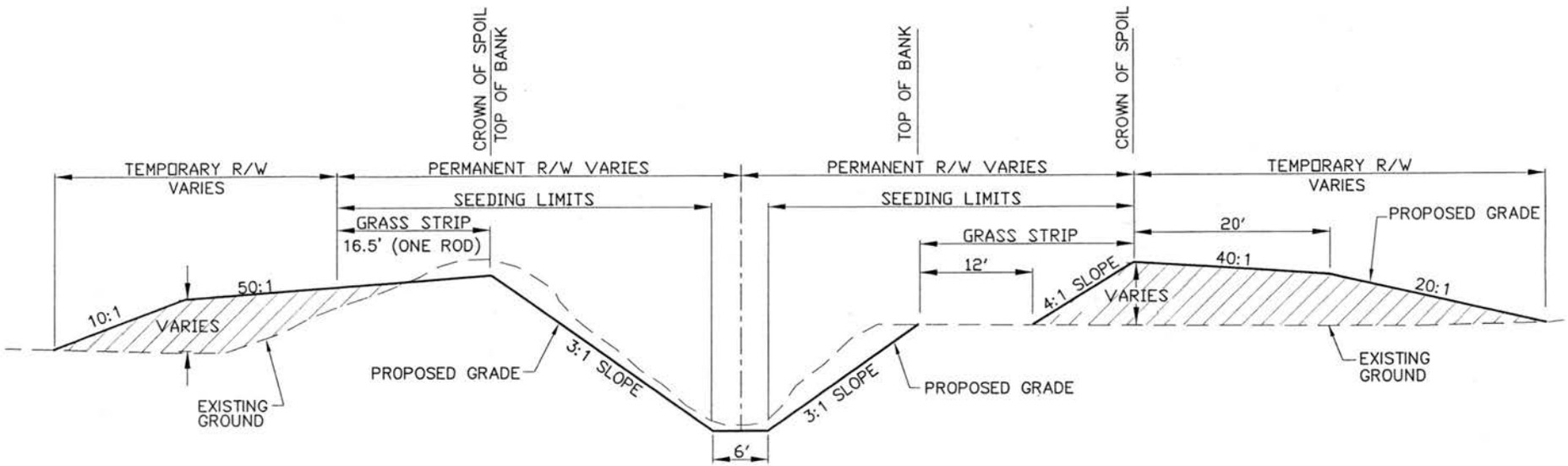
1985 – Recodification: M.S. 106.673 became 106A.021

1989 – Recodification: M.S. 106A.021 became 103E.021

Previous Studies

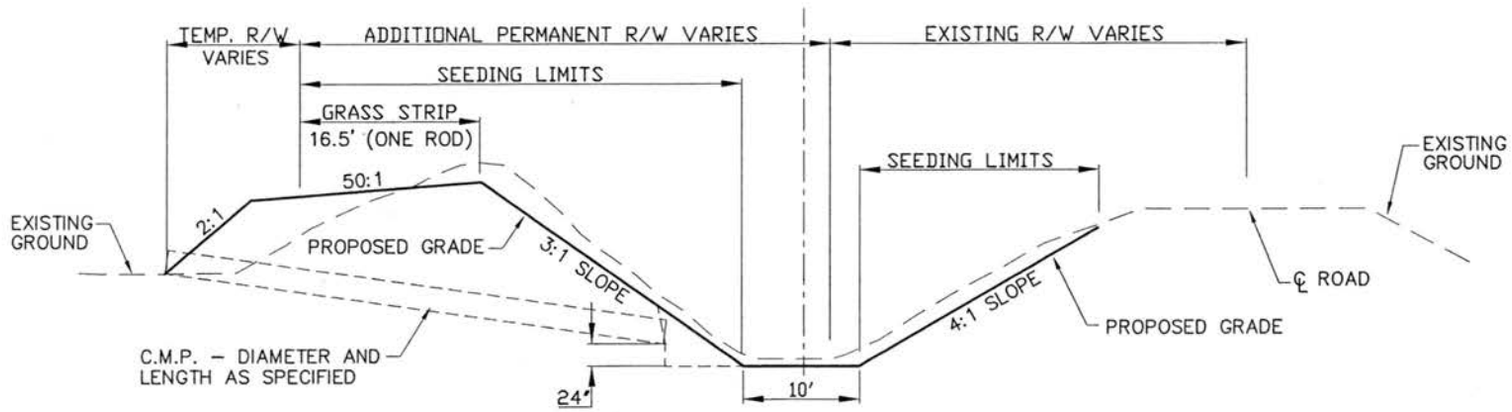
Laws of Minnesota, 1986, Chapter 389, Art. 27 Drainage Report – "The Soil and Water Conservation Board shall determine the length and area of drainage ditches that are required to be planted with permanent grass under Section 106A.021 and prior law, and the enforcement actions taken by the Commissioner of Natural Resources or Enforcement personnel to maintain the grass strips." The SWCB used a questionnaire and ditch project inventory form directed to the state's 91 SWCDs, which coordinated with county and watershed district drainage authorities to gather the required information. No information was received for 14 counties. The results were presented in a report to the Legislature dated January 1987. At that time, about 8% of public drainage ditch systems were determined to be required to have a permanent grass strip in accordance with M.S. 106A.021.

Laws of Minnesota, 1990, Chapter 601, Sec. 27 – Charged drainage authorities in the Metro area to inventory and evaluate public drainage ditches under their authority and submit a report to the BWSR, which was directed to provide guidance and technical assistance. The BWSR prepared an inventory form, sent it to all ditch authorities in the Metro area and subsequently prepared a report dated October 1994. In regard to grass buffers, the report indicated that 97% of the public drainage ditches in the metro area have not acquired right-of-way for minimum 1-rod permanent grass buffer strip(s). It is not known how many ditch projects have triggered M.S. 103E.021.



TYPICAL SPOIL BANK PLACEMENT METHODS

NOT TO SCALE



TYPICAL SIDE INLET SECTION AND SECTION ALONG ROADS

NOT TO SCALE

Minnesota Board of Water & Soil Resources

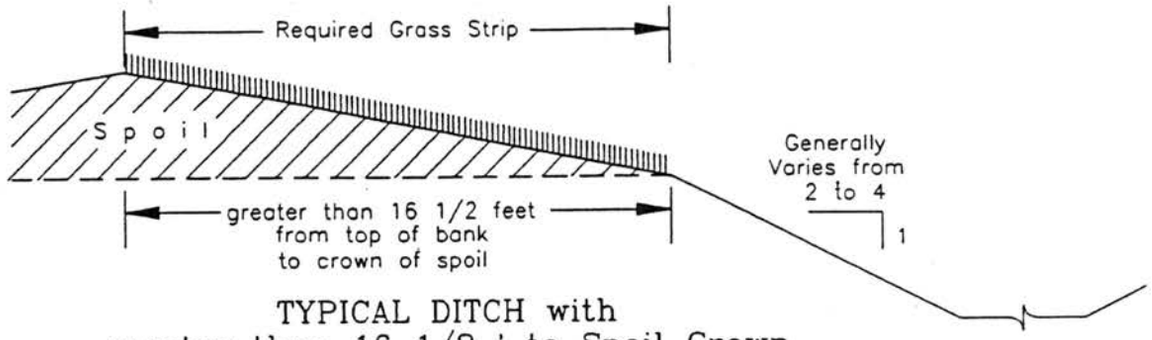
MINNESOTA BOARD OF WATER & SOIL RESOURCES

TYPICAL SECTIONS FOR REPAIR OR IMPROVEMENT WITH REDERMINATION OF BENEFITS

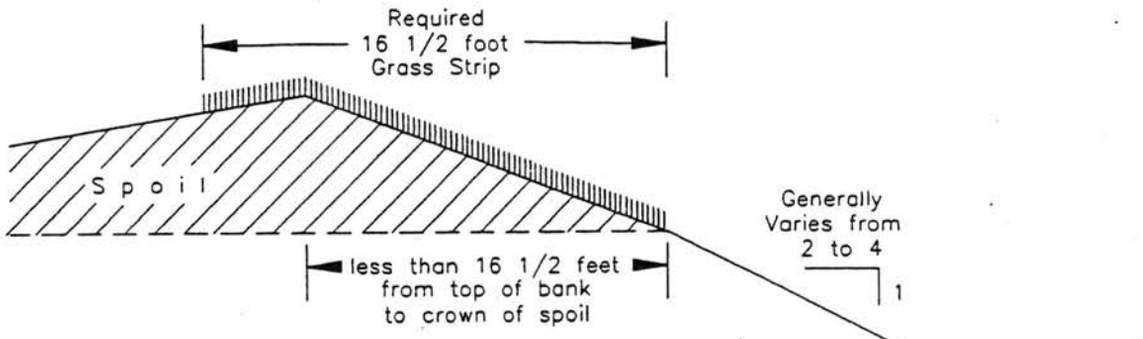
Figure 3-3

MN PUBLIC DRAINAGE MANUAL (1991)

GRASS BUFFER STRIP REQUIREMENT
(M.S. c 103E.021)



TYPICAL DITCH with
greater than 16 1/2 ' to Spoil Crown



TYPICAL DITCH with
less than 16 1/2' to Spoil Crown

6. Grass Buffer Strip. The drainage code requires in M.S. § 103E.021, Subd. 1, that:

> "In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on the banks and on a strip 16 1/2 feet in width or to the crown of the leveled spoil bank, whichever is greater, on each side of the top edge of the channel of the ditch. The acreage and additional property required for the planting must be acquired by the authority having jurisdiction."

The above requirement applies whenever viewers are appointed for new ditch construction or modifications to existing drainage systems discussed in this section. Since some Repair proceedings require viewers to assess benefits and damages, these projects also must provide for the grass buffer strip.

Grass Buffer Strips





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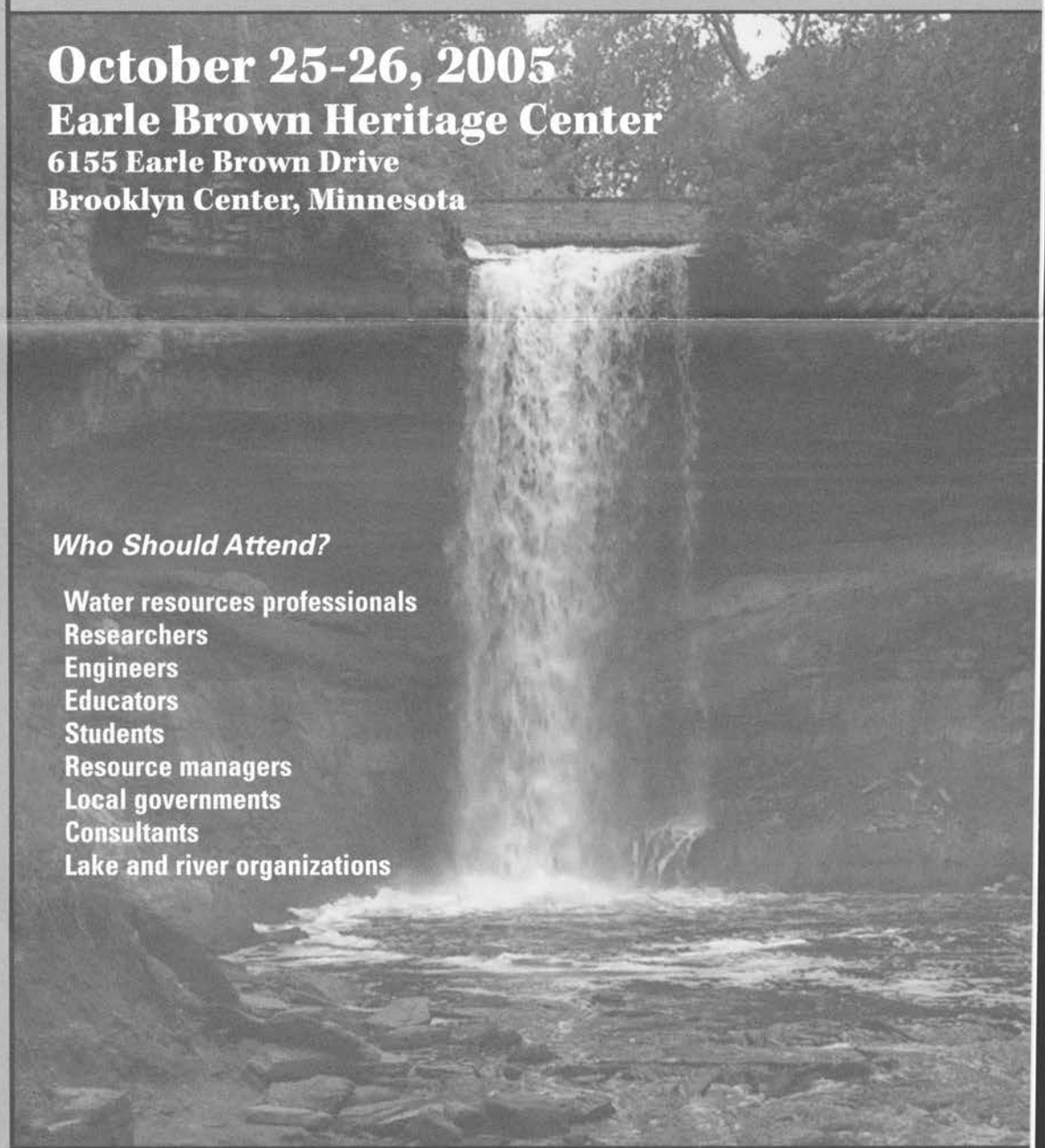
Minnesota Section, American Society of Civil Engineers

Minnesota Sea Grant College Program, University of Minnesota

Natural Resources Research Institute, University of Minnesota

Minnesota Water 2005
and
Annual Water Resources
Joint Conference

Bringing water scientists and professionals together



October 25-26, 2005
Earle Brown Heritage Center
6155 Earle Brown Drive
Brooklyn Center, Minnesota

Who Should Attend?

Water resources professionals
Researchers
Engineers
Educators
Students
Resource managers
Local governments
Consultants
Lake and river organizations

http://wrc.coafes.umn.edu/waterconf

Minnesota Water 2005 *and* Annual Water Resources Joint Conference

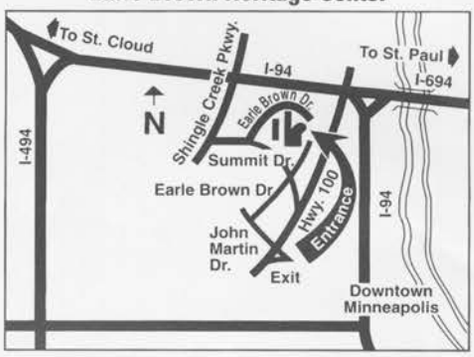
October 25-26, 2005

The annual ***Water Resources Conference,*** now in its 38th year, presents emerging and implemented water resource management techniques for water resource professionals, including consultants, city, county, and state practicing engineers.

For the past 14 years, the University of Minnesota's Water Resources Center has held the ***Minnesota Water*** conference on a biennial basis. It serves to highlight the current issues and research regarding Minnesota's wealth of water resources, and facilitate interactions among resource managers, researchers, and other water professionals.

The time is right to offer these conferences under a joint sponsorship to allow for the natural synergy and interactions between the audiences. The objectives of the two conferences are complementary, and the joint conference brings together these unique events to create a program with a broader and more inclusive appeal.

Earle Brown Heritage Center



Registration and Fees

Early registration
(postmarked on or before October 11)
Two-day - $195
One-day - $135
Student - $50

Late registration
(postmarked after October 11 or on site)
Two-day - $215
One-day - $155
Student - $50

The registration fee for the Minnesota Water 2005 and Annual Water Resources Joint Conference includes instructional materials, lunch and refreshment breaks each day, and the Tuesday afternoon reception. Participants may register by mail, fax, or online for either both days or one day only.

Cancellations

Refunds, minus a $30 fee, will be issued to participants who provide a written cancellation notice by October 19. If you cancel after this date, you will be ineligible for a refund. The University reserves the right to cancel the conference, if necessary, in which case a full refund would be made.

Continuing Education Units (CEUs); Professional Development Hours (PDHs)

Conference attendees will receive .675 CEUs/PDHs for each day of the Minnesota Water 2005 and Annual Water Resources Joint Conference. Participants who wish to receive full CEU credit must attend all scheduled hours of the event. Forms will be available.

Location and Parking

The Water Conference will be held at the Earle Brown Heritage Center, 6155 Earle Brown Drive, Brooklyn Center, Minnesota. For directions, please visit their Web site — www.earlebrown.com. The Heritage Center is located near the intersection of I-94/694 and Shingle Creek Parkway (just north of Brookdale Shopping Center). There is ample free parking surrounding the facility.

Lodging

Convenient lodging for out-of-town participants is available at the special rate of $79 per night at the Crowne Plaza – Minneapolis North. To make your hotel reservations, please call 763-566-8000. Be sure to ask for the University rate. The hotel is located two minutes from the Heritage Center. Shuttle Service from the hotel to the Heritage Center is available upon request. Make your reservation early in order to ensure a room at the hotel.

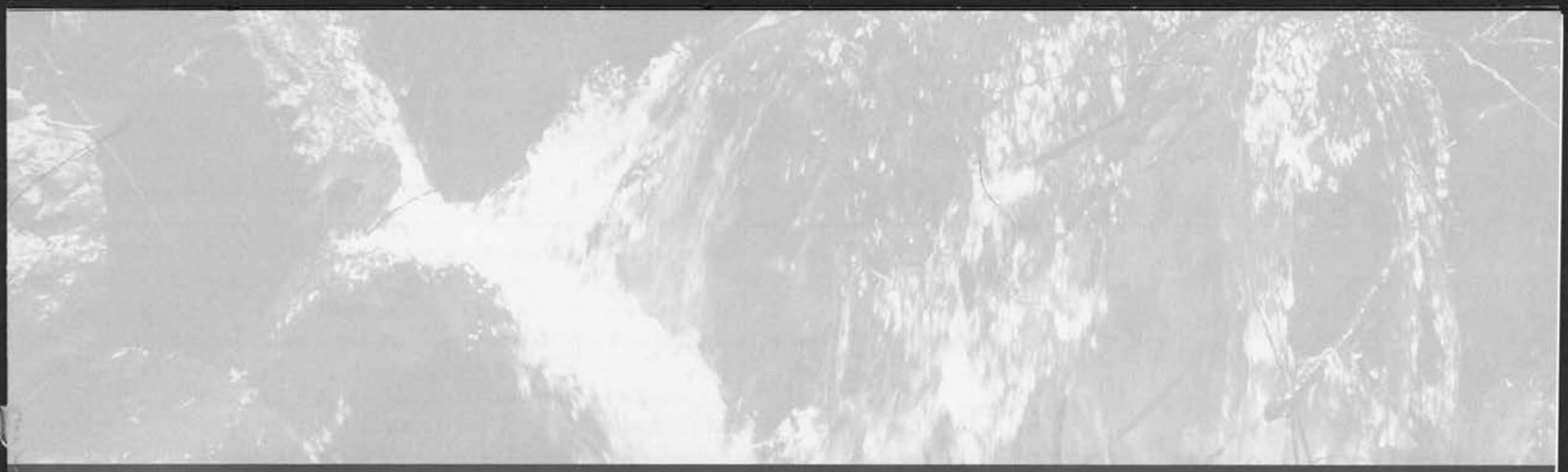
For Further Information

Katie Kjeseth, University of Minnesota, College of Continuing Education, 353 Classroom Office Building, 1994 Buford Avenue, St. Paul, MN 55108, 612-624-3708, or e-mail conferences5@cce.umn.edu

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation.

This publication is available in alternative formats upon request. Please call 612-624-3708.

Minnehaha Falls photo by Grace Wilson



2005 Water Resources Planning Committee

Tina Carstens	Ramsey-Washington Metro Watershed District
Dennis J. Fuchs	Stearns County Soil and Water Conservation District
Lisa Goddard	SRF Consulting Group
Lori Graven	College of Continuing Education, University of Minnesota
Julie Grazier	College of Continuing Education, University of Minnesota
Andrea Hendrickson	Minnesota Department of Transportation
Jon Hendrickson	U.S. Army Corps of Engineers
Suzanne A. Jiwani	Minnesota Department of Natural Resources
* *Ron Leaf*	Short Elliott Hendrickson, Inc.
Barbara Liukkonen	Water Resources Center, University of Minnesota
Greg Mitton	U.S. Geological Survey
Jennifer L. Olson	Emmons and Olivier Resources, Inc.
Nels P. Nelson	Barr Engineering Company
Wayne Sicora	Ryan Companies US, Inc.
Gene Soderbeck	Minnesota Pollution Control Agency
Heinz Stefan	Department of Civil Engineering, University of Minnesota
Deborah Swackhamer	Water Resources Center and School of Public Health, University of Minnesota
John Thene	Wenck Associates, Inc.
Rick Voigt	Polaris Group, Inc.
Martin J. Weber	Stanley Consultants, Inc.
Paul Wotzka	Minnesota Department of Agriculture
Keith R. Yapp	Bonestroo Williamson Kotsmith

* *Water Resources Planning Committee Chair*

2005 Minnesota Water Planning Committee

James Anderson	Water Resources Center and Department of Soil, Water, & Climate, University of Minnesota
John Baker	Department of Soil, Water, & Climate, University of Minnesota
Larry Baker	Water Resources Center, University of Minnesota
John Borovsky	Barr Engineering Company
Wayne Edgerton	Minnesota Department of Natural Resources
David Hokanson	Minnesota Department of Health
Miki Hondzo	Department of Civil Engineering, University of Minnesota
Emi Ito	Department of Geology and Geophysics, and Limnological Research Laboratory, University of Minnesota
Maria Juergens	Water Resources Center, University of Minnesota
Steve Kloiber	Environmental Services, Metropolitan Council
Barbara Liukkonen	Water Resources Center and Minnesota Sea Grant College Program, University of Minnesota
Euan Reavie	Center for Water and the Environment, NRRI, University of Minnesota
Faye Sleeper	Minnesota Pollution Control Agency
Jeff Stoner	U.S. Geological Survey
* *Deborah Swackhamer*	Water Resources Center and School of Public Health, University of Minnesota
Doug Thomas	Board of Water and Soil Resources
Tracy Thomas Wilson	Water Resources Center, University of Minnesota
Stew Thornley	Minnesota Department of Health
Bruce Wilson	Department of Biosystems and Agricultural Engineering, University of Minnesota
C. Bruce Wilson	Minnesota Pollution Control Agency

* *Minnesota Water Planning Committee Chair*

Program at a Glance

Tuesday, October 25, 2005

7:00 a.m. **Registration and Continental Breakfast**

8:00 **Welcome**
Ron Leaf, Short Elliott Hendrickson, Inc.

8:10 **Dave Ford Water Resources Award**

8:20–9:30 **Plenary Session**
Moderator: *Deborah Swackhamer,* Water Resources Center and School of Public Health, University of Minnesota
"Changing Strategies in a Changing Climate"
John J. Magnuson, Professor Emeritus, Limnological Research Center, University of Wisconsin-Madison

9:30–10:00 **Poster Session and Refreshment Break**

10:00–11:30	CONCURRENT SESSIONS I		
A	B	C	
New Urban BMPs: Implementation Case Studies	Pollutant Loads and Trends for Large River Systems	Surface Water Analysis	

11:30–1:00 p.m. **Luncheon**

1:15–2:45	CONCURRENT SESSIONS II		
A	B	C	D
Hydraulic Improvements in Developed Environments	Remote Sensing and GIS for Watersheds and Streams	Lake Water Quality Improvement	Streams and Rivers

2:45–3:15 **Poster Session and Refreshment Break**

3:15–4:45	CONCURRENT SESSIONS III		
A	B	C	
Surface and Ground Water Interactions	Remote Sensing and GIS for Lakes and Wetlands	Understanding and Managing Nutrient Loads to Aquatic Ecosystems	

4:45–5:45 **Reception and Poster Session**

Join Us for the

Water Conference
Reception and Poster Session

4:45–5:45 p.m.

Program at a Glance

Wednesday, October 26, 2005

7:00 a.m. **Registration and Continental Breakfast**

8:00 **Welcome**
Deborah Swackhamer, Water Resources Center and School of Public Health, University of Minnesota

8:10 –9:30 **Panel Presentation and Discussion**
Moderator: *Faye Sleeper,* Minnesota Pollution Control Agency
"TMDLs: Impaired Waters, Impaired Process? Three Perspectives on Improving the Process"
Walt Poole, TMDL Project Circuit Rider, America's Clean Water Foundation; *Michael Robertson,* Environmental Policy, Minnesota Chamber of Commerce; and *Dennis Ozment,* Representative, Minnesota House of Representatives

9:30–10:00 **Poster Session and Refreshment Break**

10:00–11:30	CONCURRENT SESSIONS IV		
A	B	C	
Pesticides, Nitrates, and Drinking Water	Surface Water Management	Fate and Effects of Emerging Aquatic Contaminants	

11:30–12:45 p.m. **Luncheon Presentation**
"Everglades Restoration: A Remarkable Convergence of Science, Policy, Advocacy, and Law"
Thomas Fontaine, Director, Western Ecology Division, National Health and Environmental Effects Laboratory, Office of Research and Development, U.S. Environmental Protection Agency

1:00–2:30	CONCURRENT SESSIONS V		
A	B	C	D
Agricultural Issues	Water Quality Standards and Modeling	TMDL Assessments	Sustainable Watersheds, Competing Goals, and the Tool Box

2:30 – 2:45 **Refreshment Break**

2:45–4:15	CONCURRENT SESSIONS VI		
A	B	C	
Nitrogen Management and Modeling	When the TMDL Rubber Hits the Road	River and Lake Management	

4:15 **Adjourn**

Program Schedule

Tuesday, October 25, 2005

8:00 – 8:10 Welcome – Ron Leaf, Short Elliot Hendrickson, Inc.

8:10 – 8:20 **Dave Ford Water Resources Award**

8:20 – 9:30 **Plenary Session**
Moderator: *Deborah Swackhamer,* Water Resources Center and School of Public Health, University of Minnesota
"Changing Strategies in a Changing Climate" – *John J. Magnuson,* Professor Emeritus, Limnological Research Center, University of Wisconsin-Madison

9:30 – 10:00 **Poster Session and Refreshment Break**

10:00 – 11:30 **CONCURRENT SESSIONS I**

Track A

New Urban BMPs: Implementation Case Studies
Moderator: *Nels Nelson*
Co-moderator: *Ron Leaf*

Burnsville Rainwater Garden Retrofit Project
Leslie Yetka, City of Burnsville; and *Fred Rozumalski,* Barr Engineering Company

Porous Hot Mix Asphalt Pavement
Jill Thomas, Minnesota Asphalt Pavement Association

Planning, Design, and Construction of "Enhanced" BMPs in the Maplewood Mall (MMATI) Project Area
Chris Cavett, City of Maplewood; *Dwayne Sikich,* Landform; and *Ron Leaf,* Short Elliot Hendrickson, Inc.

Track B

Pollutant Loads and Trends for Large River Systems
Moderator: *Larry Baker*
Co-moderator: *Steve Kloiber*

Long-Term Water Quality Trends in the Minnesota River: Assessing Statistical Methodologies and Total Maximum Daily Load Implications
Heather Offerman and *Satish Gupta,* University of Minnesota

Nutrient and Sediment Loads and Yields from Major Tributaries to the Upper Mississippi River – Headwaters to Twin Cities
Jim MacArthur, Minnesota Pollution Control Agency

Estimating the Nonpoint Source Pollution Contribution of the Twin Cities Metropolitan Area
Steve Kloiber, Metropolitan Council

Track C

Surface Water Analysis
Moderator: *Suzanne Jiwani*
Co-moderator: *Jon Hendrickson*

Evaluation of Hydrologic Trends, Sources of Runoff, and Implications for Streambank Erosion in Minnesota Basins
Greg Wilson, Tim Anderson, and *Henry Runke,* Barr Engineering Company; and *Mark Tomasek,* Minnesota Pollution Control Agency

Travel-Time Estimates for Seven Tributaries of the Mississippi River, St. Cloud to Minneapolis, Minnesota, 2003
James Stark, Alan Arntson, and *James Fallon,* U.S. Geological Survey; and *David Brostrom,* D. L. Brostrom Consulting

The Twin Cities 'Old Faithful' – Finding Solutions to the 35W Tunnel
David Filipiak and *Walter Eshenaur,* SRF Consulting Group, Inc.; *Rick Voigt,* Polaris Group, Inc.; and *Brent Nelson,* CNA Engineers

11:30 – 1:00 p.m. **Luncheon**

1:15 – 2:45 CONCURRENT SESSIONS II

Track A

Hydraulic Improvements in Developed Environments
Moderator: *Keith Yapp*
Co-moderator: *Tina Carstens*

Balancing Flows, Water Quality, and Aesthetics around Brookview Park in Golden Valley, Minnesota
Dan Cazanacli, Veronica Anderson, and *Sue Mason,* Short Elliot Hendrickson, Inc.; *Jeannine Clancy* and *Jeff Oliver,* City of Golden Valley

Practical Application of a Hood Drop Inlet Structure
Stephan Becker, U.S. Department of Agriculture - NRCS

TH55/Boone Avenue Floodplain and Wetland Mitigation Project
Andrea Moffatt and *Pete Willenbring,* WSB & Associates; and *Jeannine Clancy,* City of Golden Valley

Track B

Remote Sensing and GIS for Watersheds and Streams
Moderator: *C. Bruce Wilson*
Co-moderator: *Steve Kloiber*

Land Cover Assessment Using High-Resolution, Multi-Spectral Digital Aerial Imagery: A Potential Tool for Monitoring Impervious Surface Cover
Steve Kloiber, Metropolitan Council; and *Marvin Bauer,* University of Minnesota

GIS Delineation of Variable-Width Riparian Zones: A Topographical Approach
Timothy Aunan, Minnesota Department of Natural Resources

Uncertainty in Stream Gradient Estimation in TMDL
Matthew Kocian, Udai Singh, and *Bruce Wilson,* University of Minnesota; and *Bruce Vondracek,* U.S. Geological Survey and University of Minnesota

Track C

Lake Water Quality Improvement
Moderator: *Heinz Stefan*
Co-moderator: *Barb Liukkonen*

The Use of Barley Straw to Increase Water Clarity in Lakes and Ponds
Steve McComas, Blue Water Science; and *Randy Ahorn,* Metropolitan Council

A Dynamic Modeling Tool for Determining Internal Loadings of Phosphorus in Water Bodies
Hong Wang, Metropolitan Council

Restoration of Degraded Lake Minnetonka Bays
Lorin Hatch, Minnehaha Creek Watershed District

Track D

Streams and Rivers
Moderator: *Jeff Stoner*
Co-moderator: *Greg Mitton*

Ecological Restoration of Streams to Improve Water Quality
Diane Spector and *Ed Matthiesen,* Wenck Associates, Inc.; *Peter MacDonagh,* The Kestrel Design Group, Inc.; and *Kevin Larson,* City of Brooklyn Park

Assessing Agroforestry Options for Water Quality Using Regional Hydraulic Geometry Curves
Joe Magner, Minnesota Pollution Control Agency; and *Ken Brooks,* University of Minnesota

Mississippi National River and Recreation Area & St. Croix National Scenic Riverway: Special Cases in River Resource Management
Brenda Lafrancois, National Park Service; *Randy Ferrin,* St. Croix National Scenic Riverway; and *Steve Johnson,* Mississippi National River and Recreation Area

2:45 – 3:15 **Poster Session and Refreshment Break**

3:15 – 4:45 CONCURRENT SESSIONS III

Track A

Surface and Ground Water Interactions
Moderator: *Andrea Hendrickson*
Co-moderator: *Jennifer Olson*

Geology, Stream Piracy and the TMDL at Walker Brook
Robert Melchior and *John Gleason,* Bemidji State University; and *Molly MacGregor,* Minnesota Pollution Control Agency

Assessing the Interactions Between Ground Waters and Surface Waters at Three Lakes on the Grand Portage Reservation, Minnesota, 2003-2004
Perry Jones, U.S. Geological Survey; and *Margaret Watkins,* Grand Portage Reservation

Distribution of Deicing Chemicals in Ground Water and Surface Water in Glaciated Parts of the United States
John Mullaney and *James Stark,* U.S. Geological Survey

Track B

Remote Sensing and GIS for Lakes and Wetlands
Moderator: *Steve Kloiber*
Co-moderator: *C. Bruce Wilson*

National Wetlands Inventory Delineation and Classification Using eCognition Remote Sensing Software
Jeff Knopf and *Andy Robertson,* St. Mary's University

Remote Sensing of Minnesota's Land and Water Resources
Leif Olmanson, Brian Loeffelholz, Marvin Bauer and *Patrick Brezonik,* University of Minnesota

Spatial Analyses for Reference Area Identification and Indicator Development for Coastal Ecosystems of the Great Lakes
George Host, Lucinda Johnson, Thomas Hollenhorst, Valerie Brady, Nicholas Danz, and *Gerald Niemi,* University of Minnesota-Duluth; and *Jan Ciborowski,* University of Windsor, Ontario, Canada

Track C continued

Understanding and Managing Nutrient Loads to Aquatic Ecosystems
Moderator: *Euan Reavie*
Co-moderator: *Larry Baker*

Nutrient Criteria Development for Lakes: Minnesota's Approach
Steven Heiskary and *David Maschwitz,* Minnesota Pollution Control Agency

Whole Watershed Phosphorus Balances for Lake Management
Johanna Schussler, University of Minnesota

Is Watershed P Retention Sustainable?
Lawrence Baker, University of Minnesota

4:45 – 5:45 **Reception and Poster Session**

Program Schedule

Wednesday, October 26, 2005

8:00 – 8:10 **Welcome** – *Deborah Swackhamer,* Water Resources Center and School of Public Health, University of Minnesota

8:10 – 9:30 **Panel Presentation and Discussion**
Moderator: *Faye Sleeper,* Minnesota Pollution Control Agency
"TMDLs: Impaired Waters, Impaired Process? Three Perspectives on Improving the Process"
Walt Poole, America's Clean Water Foundation; *Michael Robertson,* Environmental Policy, Minnesota Chamber of Commerce; and *Dennis Ozment,* Minnesota House of Representatives

9:30 – 10:00 **Poster Session and Refreshment Break**

10:00 – 11:30 **CONCURRENT SESSIONS IV**

Track A

Pesticides, Nitrates and Drinking Water
Moderator: *Paul Wotzka*
Co-moderator: *Bruce Wilson*

Contaminants Above Drinking Water Standards in the Dakota County Ambient Groundwater Quality Study
Jill Trescott and *Vanessa Demuth,* Dakota County

Integrated Solutions for Protecting Public Water Supplies in Agricultural Communities
Bruce Montgomery, Don Sirucek, and *Brian Williams,* Minnesota Department of Agriculture; *Michael Russelle,* U.S. Department of Agriculture; *Bruce Olsen,* Minnesota Department of Health; and *Carl Rosen,* University of Minnesota

Town & Country: Comparisons on Fertilizer and Pesticide Use
Jerry Spetzman, Minnesota Department of Agriculture

Track B

Surface Water Management
Moderator: *Tina Carstens*
Co-moderator: *Andrea Hendrickson*

Urban Development Effects on Stream Temperatures
William Herb, Omid Mohseni, Ben Janke, John Nieber, and *Heinz Stefan,* University of Minnesota

Impacts of Perennial Vegetation on the Hydrologic Stability and the Economic Viability in Watersheds of the Minnesota River Basin
Driss Ennaanay, Yoshifumi Konishi, Kenneth Brooks, and *William Easter,* University of Minnesota

DuluthStreams to LakeSuperiorStreams: Making Storm Water and Stream Data Come Alive for Citizens, Students, Resource Agencies, and Decision-Makers
Richard Axler, George Host, Jane Reed, Elaine Ruzycki, Cynthia Hagley, and *Jesse Schomberg,* University of Minnesota – Duluth; and *Marnie Lonsdale,* City of Duluth

Track C

Fate and Effects of Emerging Aquatic Contaminants
Moderator: *Bill Arnold*
Co-moderator: *Heiko Schoenfuss*

Concentration-Dependent Effects of 4-Nonylphenol on Male Fathead Minnows in a Competitive Reproductive Assay
Heiko Schoenfuss and *Travis Bistodeau,* St. Cloud State University

Environmental Photochemistry of the Antibiotic Compound Tetracycline: Dependence on Acid-Base and Metal-Binding Speciation
Jeffrey Werner, William Arnold, and *Kristopher McNeill,* University of Minnesota

Antibiotics Losses from Agricultural Land in the Karst Region
Holly Dolliver and *Satish Gupta,* University of Minnesota

11:30 – 12:45 **Luncheon Presentation**
"Everglades Restoration: A Remarkable Convergence of Science, Policy, Advocacy, and Law" – *Thomas Fontaine,* Director, Western Ecology Division, National Health and Environmental Effects Laboratory, Office of Research and Development, U.S. Environmental Protection Agency

1:00 – 2:30 CONCURRENT SESSIONS V

Track A

Agricultural Issues
Moderator: *James Anderson*
Co-moderator: *Dennis Busch*

Small-Group Nutrient Management Planning in Minnesota
Kevin Blanchet, Jodi DeJong-Hughes, and *Les Everett,* University of Minnesota

Demonstrating the Use of a Living Mulch System in Grain Crop Production
Palle Pedersen, Iowa State University

2003 Pesticide Use on Minnesota's Four Major Crops
Denton Bruening, Minnesota Department of Agriculture

Track B

Water Quality Standards and Modeling
Moderator: *Wayne Sicora*
Co-moderator: *Lisa Goddard*

An Innovative Approach Integrating Rural Storm Water Management and Bridge Replacements – Cascade Watershed
Ivo López, Bonestroo, Rosene, Anderlik, and Associates

Land Use Evaluation – Developing Hydrologic and Water Quality Modeling Standards for Minneapolis
Walter Eshenaur, SRF Consulting Group, Inc.

Modeling Water Quality for the I-35W and Highway 62 Crosstown Commons Reconstruction Project
Keith Pilgrim and *Whitney Erickson,* Barr Engineering Company

Track C

TMDL Assessments
Moderator: *Barb Liukkonen*
Co-moderator: *John Borovsky*

The Role of Paleolimnology in the Southeast Lake of the Woods TMDL
Euan Reavie, University of Minnesota-Duluth; *Mark Edlund,* St. Croix Watershed Research Station; *Mike Hirst,* Lake of the Woods Soil and Water Conservation District; and *Nolan Baratono,* Minnesota Pollution Control Agency

Turbidity and Fecal Material in Streams Associated with Conventional Grazing and Managed Intensive Grazing in Southeastern Minnesota
Jason Ewert and *Joe Magner,* Minnesota Pollution Control Agency; and *Naomi Magner,* University of Wisconsin-River Falls

Analysis of Stream Data for TMDL Assessment
Udai Singh, Jason Ulrich, Bruce Wilson, and *Matthew Kocian,* University of Minnesota; *Bruce Vondracek,* U.S. Geological Survey and University of Minnesota; and *Joe Magner* and *Greg Johnson,* Minnesota Pollution Control Agency

Track D

Sustainable Watersheds, Competing Goals, and the Tool Box
Moderator: *Gene Soderbeck*
Co-moderator: *Tina Carstens*

Measuring the Sustainability of Water Management in the U.S.
John Wells, Minnesota Environmental Quality Board

A Holistic Approach to the Clean Water Act
Dennis Larson, AMEC

Minnesota's New Storm Water Manual
Gary Oberts and *Jay Michels,* Emmons and Olivier Resources, Inc.; and *Brian Livingston,* Minnesota Pollution Control Agency

2:30 – 2:45 **Refreshment Break**

2:45 – 4:15 CONCURRENT SESSIONS VI

Track A

Nitrogen Management and Modeling
Moderator: *Paul Wotzka*
Co-moderator: *James Anderson*

Developing Nitrogen BMPs from Field Research
Gyles Randall, University of Minnesota

Nitrate Removal in Vertical-Flow Wetland Microcosms
Dennis Busch and *James Anderson,* University of Minnesota

Modeling Long-Term Nitrate Losses in Response to Changes in Fertilizer Application Rate and Timing
Vinay Nangia, David Mulla, and *Gary Sands,* University of Minnesota; and *Prasanna Gowda,* U.S. Department of Agriculture

Track B

When the TMDL Rubber Hits the Road
Moderator: *John Thene*
Co-moderator: *Bruce Vondracek*

The Economics of TMDL Implementation: Champagne Taste on a Beer Budget
Joe Bischoff and *Diane Spector,* Wenck Associates, Inc.

How Low Should You Go? The TMDL/Water Quality Standards Limbo
Hans Holmberg, Limno – Tech, Inc.

Lake Pepin Watershed TMDL
Norman Senjem, Minnesota Pollution Control Agency

Track C

River and Lake Management
Moderator: *Marty Weber*
Co-moderator: *Rick Voigt*

Water on the Web: Lake and Stream Data-Rich Teaching Resources
Cynthia Hagley, Carl Richards, Bruce Munson, Richard Axler, George Host, Elaine Ruzycki, Jane Reed, and *Norm Will,* University of Minnesota-Duluth; and *Glenn Merrick,* Lake Superior College

Mississippi River Headwaters Reservoir Operations Plan Evaluation Study
Terry Zien and *Jodell Kormanik,* U.S. Army Corps of Engineers

Driven by Water: The Master Plan for Cascade Lake Park, Rochester, Minnesota
Rich Brasch, Bonestroo and Associates; and *Denny Stotz,* City of Rochester

4:15 **Adjourn**

Poster Display

The following posters will be displayed during the breaks and at the poster reception on Tuesday at 4:45 p.m.

Evaluating the Effects of Riparian Forest Harvest on Macroinvertebrate Communities and Water Quality in Northern Minnesota
Dickson Atuke and *Raymond Newman,* University of Minnesota; and *Bruce Vondracek,* U.S. Geological Survey and University of Minnesota

Impervious Surface Mapping by Satellite Remote Sensing
Marvin Bauer and *Brian Loeffelholz,* University of Minnesota

Strategy to Reduce Thermal Impacts on the Kinnickinnic River, River Falls, Wisconsin
Rich Brasch, Bonestroo and Associates; and *Reid Wronski,* City of River Falls

Mercury Bioaccumulation in Streams Receiving Predominantly Atmospheric Mercury Inputs
Mark Brigham, Dennis Wentz, Lia Chasar, Barbara Scudder, and *Mark Marvin-DiPasquale,* U.S. Geological Survey

Farm Nutrient Management Assessment of a Karst Watershed
Denton Bruening, Minnesota Department of Agriculture

Fate of ^{14}C-cis-1,2 Dichloroethylene in Wetland Microcosms Containing Cattail and Giant Bur-Reed
Todd DeJournett, University of Minnesota

Using GPS and GIS to Complete Wetland Inventories and Functions and Values Assessments
Deric Deuschle and *Allyz Kramer,* Short Elliot Hendrickson, Inc; and *Lori Haak,* City of Chanhassen

Technical Standards Evaluation for Urban Stormwater Management
Mark Doneux and *Bob Fossum,* Capitol Region Watershed District

Aquatic Photochemistry of Nitrofuran Antibiotics
Betsy Edhlund, William Arnold, and *Kristopher McNeill,* University of Minnesota

The Cost and Effectiveness of Stormwater Management Practices
Andy Erickson and *John Gulliver,* University of Minnesota; and *Peter Weiss,* Valparaiso University

Methods and Results from the First Two Years of the Manure Analysis Proficiency Program
Jerry Floren, Minnesota Department of Agriculture

How Natural Resource Professionals Can Prevent the Spread of Aquatic Invasive Species Using the HACCP Approach
Jeffrey Gunderson and *Douglas Jenson,* University of Minnesota-Duluth

Lamplighter Pond: A Case Study in Consensus Building
Steve Gurney, WSB & Associates

Our Community and the USEPA Watershed Initiative-A Unique Partnership on a Watershed Basis
Lauren Klement and *Amy Stratton,* Three Rivers Resource Conservation and Development Council

Affecting Small Watershed Hydrology with an ECS (Evaporative Control System) and Other New Construction Materials
William McCully, Glenn Rehbein Companies

Human Choice and Household Landscape Management Decisions
Kristen Nelson, Victoria Kalkirtz, Larry Baker, Paul Hartzeim, Sarah Hobbie, Jennifer King, and *Michelle Payton,* University of Minnesota

Northern Washington County, Minnesota, Bog and Fen Wetlands
Elizabeth Nixon and *Melissa Arikian,* Emmons and Olivier Resources

Techniques in Stormwater Management and Design for Development and Re-Development Projects
Adam Parker, McCombs Frank Roos Associates, Inc.

Mosquitoes in Underground BMP Structures
Nancy Read, Metro Mosquito Control District

DuluthStreams: Community Partnerships for Understanding Urban Stormwater and Water Quality Issues at the Head of the Great Lakes
Elaine Ruzycki, Jane Reed, Richard Axler, George Host, Norm Will, Jerry Henneck, Cynthia Hagley, Jesse Schomberg, Carl Richards, and *Bruce Munson,* University of Minnesota-Duluth; and *Marnie Lonsdale,* City of Duluth

Human Dimensions of Water Resource Management: The Case Leech Lake Area Visitors
Raintry Salk, University of Minnesota

Simulation of Storm Runoff Using the Gridded Surface Subsurface Hydrologic Analysis (GSSHA) Model for Comparison of Best Management Practices (BMPs)
Brennon Schaefer and *John Nieber,* University of Minnesota; *Greg Eggers,* U.S. Army Corps of Engineers; and *Greg Johnson,* Minnesota Pollution Control Agency

Tree Leaf Fall Contribution to Storm Water Runoff Phosphorus – An Estimation
Ron Struss, University of Minnesota

The Effects of Long-Term Low-Level Antibiotic Exposure on the Development of Antibiotic Resistance
Kristine Wammer, Timothy LaPara, and *Leslie Onan,* University of Minnesota

Street Sweeping - State of the Practice, Survey Results, and Policy Improvements for this BMP in Minnesota
Louise Watson, Ramsey-Washington Metro Watershed District; and *Joel Schilling,* Schilling Consultant Services

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Please circle which concurrent sessions you plan to attend.

Tuesday, October 25, 2005

Concurrent Sessions I

10:00 a.m. A B C

Concurrent Sessions II

1:15 p.m. A B C D

Concurrent Sessions III

3:15 p.m. A B C

Wednesday, October 26, 2005

Concurrent Sessions IV

10:00 a.m. A B C

Concurrent Sessions V

1:15 p.m. A B C D

Concurrent Sessions VI

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❑103	Bemidji	Mar. 21-23, 2006	3/7
❑104	New Ulm	Apr. 17-19, 2006	4/3
❑105	Alexandria	June 5-7, 2006	5/22

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❑112	Eveleth	Mar. 2, 2006	2/16
❑113	Bemidji	Mar. 24, 2006	3/10
❑114	New Ulm	Apr. 20, 2006	4/6
❑115	Alexandria	June 8, 2006	5/25

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❑201	St. Cloud	Mar. 27-29, 2006	3/13
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❑501	Detroit Lakes	Oct. 5-6, 2005	9/21
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❑503	Alexandria	June 1-2, 2006	5/18
❑504	Eveleth	June 13-14, 2006	5/30

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❑251	Maplewood	April 6-7, 2006	3/23

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❑451	Brainerd	Feb. 23-24, 2006	2/9

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❑551	Detroit Lakes	May 31, 2006	5/17
❑552	Rockford	July 12, 2006	6/28

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❑510	St. Cloud	June 28-29, 2006	6/14

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❑601	St. Cloud	Nov. 21-22, 2005	11/7
❑602	Maplewood	Dec. 12-13, 2005	12/1
❑603	Red Wing	Jan. 18-19, 2006	1/4
❑604	Hinckley	Mar. 6-7, 2006	2/20
❑605	White Bear Lake	Mar. 9,16,23 Evenings	2/23
❑606	Alexandria	Apr. 25-26, 2006	4/11

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❑651	Owatonna	Feb. 8-9, 2006	1/25

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❑671	Owatonna	Dec. 19-21, 2005	12/5

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❑701	Mankato	Feb 21-22, 2006	2/7

$175 LARGE SYSTEMS

❑801	Mankato	Apr. 3-4, 2006	3/20

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❑901	St. Cloud	Jan. 13, 2006	12/29
❑902	Owatonna	Mar. 10, 2006	2/24

$295 TROUBLESHOOTING / NOWRA CE

❑652	Las Vegas, NV	Dec. 14-16, 2005	12/1

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DECEMBER 14-16, 2005

Join us for a full day of onsite system troubleshooting in conjunction with the National Onsite Wastewater Recycling Association (NOWRA) two-day Installer Academy at the Riviera Hotel and Casino on the Strip in exciting Las Vegas!

Call (800) 634-6753 to book your room reservations now!

Riviera HOTEL & CASINO LAS VEGAS The Entertainment Center of Las Vegas

Go to http://septic.umn.edu/lasvegas for more information about agendas, times, etc.

Be sure to mention NOWRA to receive room discount.

Back by Popular Demand!

TECHNOLOGY DAYS

December 19-21, 2005 $235

Whether you are an Installer, Inspector, Designer, or Service Provider, these three days of information and discussion about new technologies will bring you up to speed on alternatives to trenches and mounds. Each day will focus on one technology, defining how it works here in Minnesota, how it is designed, how it fits under MR 7080, and how it is operated and maintained.

TOPICS:

Day 1 - Aerobic Treatment Units
Day 2 - Media Filters
Day 3 - Soil Treatment Systems

DAILY SCHEDULE:

- **MPCA Regulatory Overview**
- **Treatment Basics**
- **Technology Applications**
- **Technology and System Design**
- **Operation and Maintenance**

This three-day event will be held at:

Owatonna Holiday Inn, across from Cabela's

Vendors will be invited to give brief overviews of their specific products and will be available for questions.

Are you a vendor who would like to attend Technology Days? Call (612) 625-9797 for more information!

Questions About ISTS Registration

Information provided by the Minnesota Pollution Control Agency

For more information about licensing, rules, and program requirements for ISTS professional registration, contact:

Russell Degerstedt

Minnesota Pollution Control Agency
TEA/EA/Certification and Training Unit
520 Lafayette Road North
St. Paul, MN 55155-4194

(800) 657-3864 -or- (651) 296-7309

Fax: (651) 297-8676

E-mail: russell.degerstedt@pca.state.mn.us
Internet: http://www.pca.state.mn.us/programs/ists/

What is a license?

Businesses that install, site-evaluate, design, maintain, pump or inspect individual sewage treatment systems (ISTS) must be licensed.

What is a registration?

An individual who has received the necessary training, passed the required exams and has gained the required experience is registered by the MPCA. A registration is for an individual who works under a business license or who is an employee of a Local Unit of Government.

Who must be registered with the MPCA?

At a minimum, all state-licensed ISTS businesses must have at least one registered ISTS professional. This person is called a Designated Registered Professional (DRP). State or local units of government must have all their ISTS employees registered.

What is required to become registered with the MPCA?

a) attend training provided by the University of Minnesota;
b) pass an examination for each area;
c) submit experience documentation to the MPCA; and
d) submit an application form to the MPCA.

Registration	Training Required	Exams Required
Inspector	Intro, Install, Design, Soils, Inspecting	Basic, Design, Installer, Soils, Inspector
Designer I	Intro, Install, Design, Soils, Inspecting	Basic, Design, Installer, Soils, Inspector
Designer II	Intro, Design, Soils	Basic, Design, Soils
Installer	Intro, Install	Basic, Installer
Pumper	Intro, Pumping	Basic, Pumper

What are the exams like?

All exams cover information discussed in class, covered in MR 7080 or in the Onsite Manual. The exams are open-book and consist of true / false and multiple choice questions that cover the knowledge necessary and skills appropriate for each specialty area.

What if I fail the exam?

You must wait two months to retake it, UNLESS you have repeated the workshop covered by the failed exam. Failure to pass the exam in one specialty area DOES NOT prevent you from taking an exam for a different specialty area.

When and where are the exams offered?

The exams are offered on the last day of each Onsite Sewage Treatment Program Pre-License Workshop. No exams are offered at the Continuing Education courses. Contact the MPCA for special exam requests.

How long is my test score valid?

Your exam score(s) expires if you do not meet the continuing education requirements. If your exam score expires, you are no longer a registered ISTS professional. Anyone with an expired exam score must retest. The test scores are valid for three years from the actual examination date.

What is experience?

To be registered as an ISTS Professional you must gain experience in the area(s) of your registration at the direction of and under the guidance of a DRP. All work must be performed under an ISTS business license either as an employee of a licensed business or under your own restricted business license. As an apprentice, all experience you gain must be documented with a summary of the work performed, dates, types of work, locations, etc., as required by MR 7080. Until you have fulfilled the requirements, you will have a restricted registration. Experience acquired under a valid ISTS business license in the six-year period before the application submittal date is acceptable. The amount of experience required is as follows:

Designer I:	15 site evaluations, 15 designs & 15 inspections
Designer II:	15 site evaluations & 15 designs
Installer:	15 installations
Pumper:	15 pumpings with proper disposal
Inspector:	15 inspections

Experience may be reduced from 15 to 10 if an additional 12 hours of accredited continuing education training is taken.

What is required to become an apprentice?

a) attend training;
b) pass examinations; and
c) work with a mentor.

How long do I have to complete the experience requirements?

There is no time limit on how long you can remain an apprentice as long as you maintain your continuing education requirements. However, the MPCA is only able to accept experience gained within the most recent 6 years. If it takes longer than 6 years, the oldest year simply no longer counts.

Are the U of M workshops accredited by the MPCA?

Yes, all workshops have been accredited by the MPCA. All credits are direct credit, pertaining to MR Chapter 7080.

What are the requirements for renewing registration?

Send a copy(ies) of your Certificate of Attendance from an accredited workshop to the MPCA. Designer I, Designer II, Installer or Inspector endorsements must complete twelve hours of continuing education training to maintain registered status. Pumper endorsements must complete twelve hours of general continuing education or nine hours of pumping specific continuing education. If you hold multiple endorsements, you still only need twelve hours of continuing education every three years. Extra credits do not carry over into the next three year period.

Is professional registration automatic once I pass my examinations?

No. You must submit the application that the MPCA sends you when you pass your examinations. The MPCA does not begin to track individuals until they submit the application and become registered as an apprentice.

How long before I need to renew my registration?

Registration is effective for three years from the date of the first examination unless revoked by the MPCA.

When does my registration expire?

Your registration expiration date is on your registration card. Note that the MPCA issues one card showing the business license expiration dates and a different card showing the registration expiration date. The registration date is different than the license expiration date. You can contact the MPCA directly if you have questions about this matter. The University of Minnesota does NOT have access to your MPCA Registration records.

My registration expired, now what do I do?

First, contact the MPCA to verify which registration(s) have expired. You then need to retest for each of the expired registrations.

I completed my Continuing Education, now what do I do?

Send or fax a copy of your Certificate(s) of Attendance to Russ Degerstedt at the MPCA at the above address or number.

Contact Information

UNIVERSITY OF MINNESOTA



ONSITE SEWAGE TREATMENT PROGRAM

Workshop Information, General Assistance	Nick Haig septic@umn.edu	(612) 625-9797 (800) 322-8642
Workshop Content, Technical Questions	Sara Christopherson shc@umn.edu	(612) 625-7243
	Dave Gustafson gusta002@umn.edu	(612) 625-1774
Small Community or Homeowner Issues	Doug Malchow malch002@umn.edu	(507) 280-5575 (888) 241-4536
	Valerie Prax malmq002@umn.edu	(320) 225-5054 (888) 241-4528
Soils Questions	Dan Wheeler wheel027@umn.edu	(612) 625-8791
	Jim Anderson ander045@umn.edu	(612) 625-0279

OSTP WEB SITE
http://septic.umn.edu
***e-mail* septic@umn.edu**

OSTP FAX NUMBER
(612) 624-6434

Minnesota Pollution Control Agency (MPCA)

520 Lafayette Road North
St. Paul, Minnesota 55155
Toll Free: (800) 657-3864
www.pca.state.mn.us

Fax Certificate of Attendance to:
Russ Degerstedt at (651) 297-8676

Business Licesnsing, Professional Registration	Russell Degerstedt russell.degerstedt@pca.state.mn.us	(651) 296-7309
ISTS Coordinator, Legislative Issues	Gretchen Sabel gretchen.sabel@pca.state.mn.us	(651) 296-7773
Technical Questions, Soils, Rules Revision	Mark Wespetal mark.wespetal@pca.state.mn.us	(651) 296-9322
SE MN Enforcement, Technical and Exam Issues	Clarence Manke clarence.manke@pca.state.mn.us	(651) 296-4941
NE MN Enforcement, Technical Assistance	Barb McCarthy barb.mccarthy@pca.state.mn.us	(218) 723-4710
NW MN Enforcement, Technical Assistance	Pat Shelito pat.shelito@pca.state.mn.us	(218) 828-2493
Metro Area Enforcement, Technical Assistance	Jade Schulz jade.schulz@pca.state.mn.us	(651) 296-7822
SW MN Enforcement, Technical Assistance	Position to be filled	(507) 537-6000

2005-2006 General Information

CONTINUING EDUCATION (CE) REQUIREMENT

Minnesota State Rule, Chapter 7080, requires 12 hours of continuing education every three years. Of these 12 hours, 6 hours must be direct credit related to MR 7080. "Direct credit" means MR 7080 requirements are being taught. All topics covered will explain the rule requirements, or interpretations of the requirements. "Indirect credit" means not directly teaching MR 7080, but dealing with sewage treatment issues in engineering, soil science, or public health.

The University of Minnesota workshops in this brochure are all approved for at least 6 hours of direct credit.

ENROLLMENT INFORMATION

Workshop enrollments are accepted on a first-come, first-served basis and are limited. Enrollment will be accepted and space reserved only if your fee accompanies the enrollment form. Enrollments are accepted by fax, mail, or web **ONLY.**

CERTIFICATE OF ATTENDANCE

Attendance is required at all sessions of each workshop to receive a Certificate of Attendance upon completion.

A copy of the Certificate of Attendance must be faxed or mailed to Russell Degerstedt at the MPCA if credit for continuing education is desired. Fax #: (651) 297-8676

Additional Fees Information

WALK-IN / LATE ENROLLMENTS

Enroll by the deadline to avoid the $20 late fee and to guarantee your place at the workshop. It helps us plan for refreshments, course materials and, if applicable, lunches. **A $20 Late Fee will be added to the workshop price if you enroll at the door on the day of the workshop!**

SUBSTITUTIONS OR TRANSFERS

Substituting another person for your enrollment fee or transferring to another workshop must be requested before the day of the workshop. **A $20 Substitutions or Transfer Fee will be charged for each change to the enrollment.** Substitutions or Transfers must be in writing.

CANCELLATIONS

Cancellations will be accepted through the last business day before the workshop with a **$20 Cancellation Fee.** After that time, refunds are not issued. Cancellations must be in writing.

"NO SHOWS"

We reserve space for paid attendees. If you don't cancel and do not attend, we can't offer your space to anyone else. **If you do not cancel and do not show up, you are still responsible for the enrollment payment. No Exceptions!**

2005-2006 Course Descriptions

PRE-LICENSE COURSES

INTRO TO ONSITE SYSTEMS (15 Credits) Fee: **$230** Exam: **YES**
The 15-hour Introduction to Onsite Systems Workshop prepares people for the Basic exam. This workshop is the foundation for all of the other courses and should be completed prior to the other workshops. Registration includes the Onsite Sewage Treatment Manual.

TOPICS TO BE PRESENTED:
- tanks
- pump sizing
- site evaluation
- system maintenance
- lift station sizing
- soil treatment systems
- flows & characteristics
- soil identification & treatment

INSTALLING ONSITE SYSTEMS (6 Credits) Fee: **$125** Exam: **YES**
The six-hour Installing Onsite Systems Workshop prepares people for the Installers exam. **All participants should complete the Introduction to Onsite Systems Workshop prior to attending the Installing Workshop.

TOPICS TO BE PRESENTED:
- construction practices
- construction planning
- pumping systems
- competent person training
- tools for installing
- tanks
- piping
- soil treatment systems

DESIGNING ONSITE SYSTEMS (15 Credits) Fee: **$205** Exam: **YES**
The 15-hour Designing Onsite Systems Workshop prepares people for the Designers exam. Attendees **MUST** have the current manual to use during the workshop. Onsite Manuals are available for $25.
**All participants should complete the Introduction to Onsite Systems Workshop prior to attending the Designing Onsite Systems Workshop.

TOPICS TO BE PRESENTED:
- flow
- lift stations
- pumps
- pressure design
- at-grades
- mound design
- tank design
- trench design

INSPECTING ONSITE SYSTEMS (12 Credits) Fee: **$200** Exam: **YES**
This twelve-hour Inspecting Onsite Systems Workshop prepares people for the Inspectors exam. **All participants should complete the Introduction to Onsite Systems Workshop prior to attending the Inspecting Onsite Systems Workshop.

TOPICS TO BE PRESENTED:
- inspection forms
- existing & new system inspection
- administrative requirements
- tools & procedures

PUMPING ONSITE SYSTEMS (9 credits) Fee: **$175** Exam: **YES**
This nine-hour Pumping Onsite Systems Workshop prepares people for the Pumpers examination. **All participants should complete the Introduction to Onsite Systems Workshop prior to attending the Pumping Onsite Systems Workshop.

TOPICS TO BE PRESENTED:
- record keeping
- maintaining systems
- pathogen reduction
- application rates
- soil survey use
- repairing systems

SOILS (12 credits) Fee: **$175** Exam: **YES**
This twelve-hour Soils Workshop prepares people for the Soils exam. Participants will also receive instruction at a field location on both days. **All participants should complete the Introduction to Onsite Systems Workshop prior to attending the Soils Workshop. Munsell Color Guides are available for $110.

TOPICS TO BE PRESENTED:
- soils formation
- siting systems
- soil characteristics
- soil survey
- percolation testing
- landscape positions
- field evaluation
- soil drainage

CONTINUING EDUCATION COURSES

GENERAL CONTINUING EDUCATION (12 credits) Fee: **$175** Exam: **NO**
This twelve-hour workshop is designed to meet the continuing education requirement of ISTS professional registration. The topics will be varied to give a wide range of information for ISTS professionals. This course's goal is to give an overview for any speciality.

TOPICS TO BE PRESENTED:
- rule changes
- current research
- soil identification & advanced soils
- troubleshooting
- operation & maintenance

ADVANCED DESIGN (12 credits) Fee: **$175** Exam: **NO**
This12-hour workshop is designed to meet the continuing education requirement of ISTS professional registration. The course is tailored specifically to registered designers.

TOPICS TO BE PRESENTED:
- rule changes
- hydraulic & organic loading rates
- pretreatment design
- dosing & distribution methods
- monitoring & mitigation plans
- high-strength waste

ADVANCED SOILS (12 credits) Fee: **$200** Exam: **NO**
This twelve-hour workshop provides advanced complex issues associated with the site evaluation of multi-home and individual sewage treatment systems on difficult soils. There will be an emphasis on problem soils and redoximorphic feature determination.

TOPICS TO BE PRESENTED:
- groundwater mounding calculations
- linear loading rates
- soil sizing factors
- special limiting conditions

SOILS CONTINUING EDUCATION (6 credits) Fee: **$125** Exam: **NO**
This workshop will include six hours of field instruction. Participants will receive hands-on soils training at various field locations.

TOPICS TO BE PRESENTED:
- soil formation
- soil description
- system siting
- design applications

PUMPER CONTINUING EDUCATION (12 credits) Fee: **$175** Exam: **NO**
This twelve-hour workshop is specifically designed as continuing education for those involved in maintaining septic systems.

TOPICS TO BE PRESENTED:
- class V systems
- troubleshooting
- system operation
- 503 regulations
- dealing with meth labs
- restaurant maintenance

TECHNOLOGY DAYS (18 credits) Fee: **$235** Exam: **NO**
Each day, this workshop will focus on the basics of one technology: the design of the technology, the design of the system using the technology, and O & M in accordance with MR 7080. Vendors will be on hand each day to discuss the specific technology in depth.

TOPICS TO BE PRESENTED:
- effectiveness of different systems
- monitoring and mitigation plans
- ATU design
- media filter design

TROUBLESHOOTING (12 credits) Fee: **$175** Exam: **NO**
This twelve-hour workshop will focus on current topics in system troubleshooting. Join us to experience an in-depth discussion of why systems break and how to fix them.

TOPICS TO BE PRESENTED: Troubleshooting of
- septic tanks
- soil treatment systems
- commercial establishments
- alternative systems

OPERATION AND MAINTENANCE (12 credits) Fee: **$205** Exam: **NO**
This new twelve-hour workshop will provide advanced information regarding the monitoring, operation, and maintenance of onsite systems.

TOPICS TO BE PRESENTED:
- homeowner & service provider education
- operation & maintenance
- monitoring plans
- management options
- pretreatment systems

LARGE SYSTEMS (12 credits) Fee: **$175** Exam: **NO**
Large systems are being used to combine small lots and for cluster land-use planning. The topics covered in this workshop will include: commercial systems, collection design, high strength waste, pretreatment units, and hydrogeology & system design.

TOPICS TO BE PRESENTED:
- system design
- collection systems
- hydrogeology
- flow determination
- soils work evaluation
- pump selection & controls

CONTRACTOR SAFETY / PIPELAYER CERTIFICATION (6 credits) Fee: **$125** Exam: **Yes**
This six-hour workshop covers topics specifically geared toward installers. This workshop is **NOT REQUIRED** by the MPCA for an installer license. A pipelayer certification card will be earned upon completion of training. In areas that have adopted the plumbing licensing law and in cities that have a population greater than 5,000, a pipelayer card along with a $25,000 Plumbing Code Compliance Bond is required to install building sewers from the dwelling to the tank.

TOPICS TO BE PRESENTED:
- pipelaying
- troubleshooting
- construction safety
- pump controls & setting

ONSITE SEWAGE TREATMENT PROGRAM WEB SITE
http://septic.umn.edu
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CALL US: (612) 625-9797 OR (800) 322-8642
FAX US: (612) 624-6434

2005-2006 Workshop Changes

ADVANCED SOILS - This NEW workshop will address the complex issues associated with site evaluation of multi-home and individual sewage treatment systems on problematic soils. The course will address groundwater mounding calculation, soil sizing factors, linear loading rates, and special limiting conditions. There will be an emphasis on problem soils and redoximorphic feature determination.

ADVANCED DESIGN - If you're an ISTS Designer you should take this course. Design issues such as flow rates, waste strength, water table monitoring, nutrients, timers, ATU & filter designs, troubleshooting and MUCH MORE will be covered. The course will focus on commercial, performance, and high strength waste system designs and how they are different from standard ISTS.

EVENING GENERAL CE - We have listened to your feedback and are offering a night class this year. The course will be offered three evenings from 5:00 to 9:00 PM in March 2006 at Century Community College, a new partner of the program, located in White Bear Lake.

INSPECTING ONSITE SYSTEMS - The OSTP team has decided to improve the Inspecting class due to your feedback. This two-day workshop will incorporate a field portion to walk you through an actual inspection. Experience the inspection process first-hand.

LARGE SYSTEMS - This course has been cut to two full days to accommodate busy professionals. It will address the unique issues involved with designing large systems (restaurants, resorts, large cluster systems), as their use is growing across Minnesota. The MPCA is developing a new rule to specifically address these challenging systems. We will look at the proposed changes and the design of collection and cluster systems. Topics include: pretreatment units, soils evaluation and applications, nitrogen reduction, soil treatment systems, and large system management.

OPERATION AND MAINTENANCE - As Minnesota moves into the new 7080 series, you can expect to see a new designation for service providers. This class is the final result of work conducted by the *Consortium of Institutes for Decentralized Wastewater Treatment*, including our very own Dave Gustafson, PE. Using the included National O/M Manual with standardized checklists for system care will improve your ability as a service provider.

Upcoming Schedule 2006 - 2007 Season

PRE-LICENSE COURSES

INTRO / INSTALLING	St. Cloud	November 2006
	Alexandria	December 2006
	Twin Cities	February 2007
	Mankato	March 2007
	Rochester	June 2007
DESIGNING	Fergus Falls	December 2006
	Hinckley	April 2007
	New Ulm	June 2007
INSPECTING	Waseca	April 2007
	St. Cloud	June 2007
PUMPING	Waseca	January 2007
	Hinckley	March 2007
SOILS	Austin	October 2006
	Bemidji	May 2007
	Willmar	June 2007
	Twin Cities	June 2007

CONTINUING EDUCATION COURSES

GENERAL CE	Brainerd	November 2006
	Marshall	December 2006
	St Cloud	February 2007
	Fergus Falls	April 2007
	Owatonna	June 2007
TECHNOLOGY DAYS	Brainerd	March 2007
PUMPER CE	Owatonna	February 2007
SOILS CE	Alexandria	June 2007
	Austin	July 2007
OPERATION & MAINTENANCE	St. Cloud	December 2006
	Bemidji	February 2007
LARGE SYSTEMS	Brainerd	April 2007
CONTRACTOR SAFETY & PIPELAYER CERTIFICATION	Rochester	January 2007
	Hinckley	March 2007
ADVANCED DESIGN	Hinckley	April 2007
ADVANCED SOILS	Owatonna	June 2007

DATES AND LOCATIONS ARE SUBJECT TO CHANGE

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ONSITE SEWAGE TREATMENT PROGRAM

KEEP YOUR EYES PEELED!

The MPCA will host a series of local government meetings around the state in late March and April 2006 that focus on the rule changes and administrative requirements for LUGs. Local governments will be notified by the MPCA.



2005-2006 WORKSHOP SCHEDULE

PRE-LICENSE COURSES

INTRO TO ONSITE SYSTEMS

			Deadline
101	White Bear Lake: Century CC	1/3-5/2006	12/20
102	Eveleth: Days Inn	2/27-3/1/2006	2/13
103	Bemidji: Hampton Inn	3/21-23/2006	3/7
104	New Ulm: Holiday Inn	4/17-19/2006	4/3
105	Alexandria: Holiday Inn	6/5-7/2006	5/22

INSTALLING ONSITE SYSTEMS

111	White Bear Lake: Century CC	1/6/2006	12/23
112	Eveleth: Days Inn	3/2/2006	2/16
113	Bemidji: Hampton Inn	3/24/2006	3/10
114	New Ulm: Holiday Inn	4/20/2006	4/6
115	Alexandria: Holiday Inn	6/8/2006	5/25

DESIGNING ONSITE SYSTEMS

201	St. Cloud: Kelly Inn	3/27-29/2006	3/13
202	Rochester: Holiday Inn	4/10-12/2006	3/27
203	Grand Rapids: Sawmill Inn	6/19-21/2006	6/5

INSPECTING ONSITE SYSTEMS

			Deadline
301	Waseca: U of MN Southern Research and Outreach Center	5/9-10/2006	4/25
302	St. Cloud: Kelly Inn	6/26-27/2006	6/12

PUMPING ONSITE SYSTEMS

401	Mankato: Best Western	1/24-25/2006	1/10
402	Grand Rapids: Sawmill Inn	6/22-23/2006	6/8

SOILS

501	Detroit Lakes: Holiday Inn	10/5-6/2005	9/21
502	Mankato: Best Western	5/11-12/2006	4/27
503	Alexandria: Holiday Inn	6/1-2/2006	5/18
504	Eveleth: Days Inn	6/13-14/2006	5/30



Instructors Dan Wheeler and Sara Christopherson



Instructor Dave Gustafson with a class in the field

CONTINUING EDUCATION COURSES

ADVANCED DESIGN

			Deadline
251	Maplewood: Best Western	4/6-7/2006	3/23

SOILS CE

551	Detroit Lakes: Fleet Farm Lot	5/31/2006	5/17
552	Rockford: Riverside Park	7/12/2006	6/28

ADVANCED SOILS

510	St. Cloud: Kelly Inn	6/28-29/2006	6/14

GENERAL CE

601	St. Cloud: Kelly Inn	11/21-22/2005	11/7
602	Maplewood: Best Western	12/12-13/2005	12/1
603	Red Wing: Red Wing CC	1/18-19/2006	1/4
604	Hinckley: Grand Casino	3/6-7/2006	2/20
605	White Bear Lake: Century CC EVENINGS 5:00-9:00	3/9,16,23/2006	2/23
606	Alexandria: Holiday Inn	4/25-26/2006	4/11

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TROUBLESHOOTING

			Deadline
651	Owatonna: Holiday Inn	2/8-9/2006	1/25
652	Las Vegas: The Riviera	12/14-16/2005	12/1

TECHNOLOGY DAYS

671	Owatonna: Holiday Inn	12/19-21/2005	12/5

OPERATION AND MAINTENANCE

701	Mankato: Best Western	2/21-22/2006	2/7

LARGE SYSTEMS

801	Mankato: Best Western	4/3-4/2006	3/20

CONTRACTOR SAFETY-PIPELAYER CERTIFICATION

901	St. Cloud: Kelly Inn	1/13/2006	12/29
902	Owatonna: Holiday Inn	3/10/2006	2/24

PUMPER CE

451	Brainerd: Ramada Inn	2/23-24/2006	2/9

All Classes are from 8:00 AM to 5:00 PM. Registration begins at 7:30 AM.

(612) 625-9797 - (800) 322-8642 - http://septic.umn.edu - *e-mail* septic@umn.edu

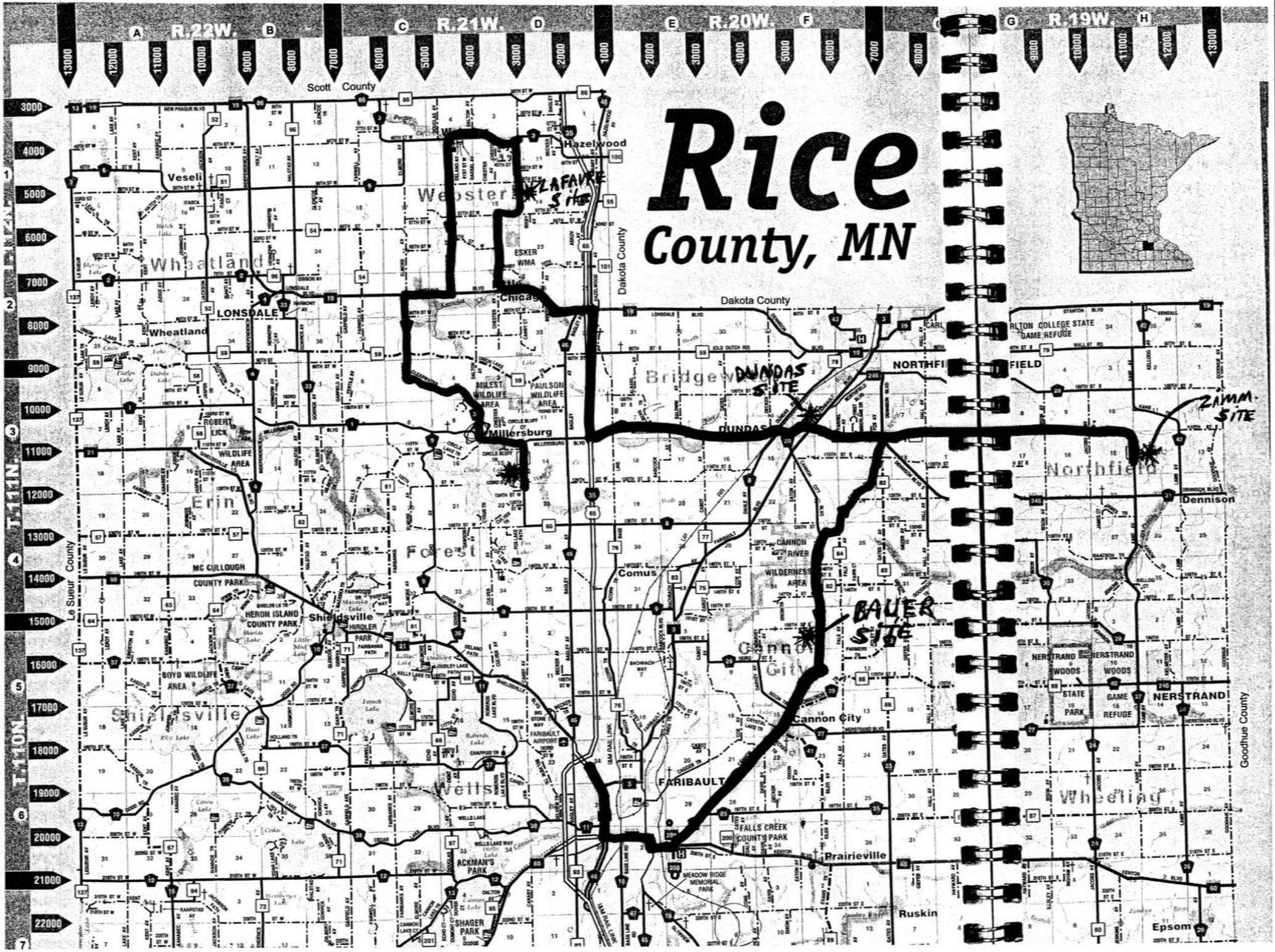
2005 B.W.S.R. BUS TOUR
RICE COUNTY

BOARD OF WATER AND SOIL RESOURCES
TOUR OF RICE COUNTY
DEVELOPMENT IMPACTS
SEPTEMBER 28, 2005

8:30 AM	Leave Americ-Inn Travel to Site 1
8:35 AM	The Village Development - Development pressures and WCA
9:00 AM	Travel to Site 2
9:20 AM	Strip Till Demonstration Site - Soil conservation practice
9:35 AM	Travel to Site 3
9:50 AM	Zimmerman Development - Transfer of Development Rights (TDR), community septics and stormwater
10:15 AM	Travel to Site 4 and break
10:45 AM	Dundas Housing Development – Sediment and Erosion Control at a typical construction site. (MPCA Stormwater Program Pilot Project)
11:30 AM	LaFavre RIM - Proposed RIM easement exchange for development
11:50 AM	Circle Lake Development - TDR's, community septics, WCA regulation, wetland restoration
12:25 PM	Travel to Millersburg
12:30 PM	Lunch - Forest Township Hall
1:30-3:30 PM	Reserving green space in rapidly developing communities.

A couple of ways to reserve open space in developments is use of local regulatory processes and government easements. This forum will explore Rice County's experiences using TDR's and BWSR's easement programs.

Arlyn Grussing – Planning and Zoning Director, Rice County
Steve Pahs, Tim Labs and SWCD Board members – Rice SWCD


Rice
County, MN
R.22W.
R.21W.
R.20W.
R.19W.
T.111N.
T.110N.
Scott County
Dakota County
Goodhue County
LeSueur County
LAFAVRE SITE
DUNDAS SITE
ZIMM. SITE
BAUER SITE
Hazelwood
Veseli
Webster
Wheatland
LONSDALE
Wheatland
ESKER WMA
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MILEST WILDLIFE AREA
PAULSON WILDLIFE AREA
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Shieldsville
Wells
ACKMAN'S PARK
SHAGER PARK
Bridgewater
Comus
WILDERNESS AREA
Cannon City
FARIBAULT
FALLS CREEK COUNTY PARK
MEADOW RIDGE MEMORIAL PARK
Prairieville
Ruskin
Northfield
Dennison
NORTHFIELD
CANNON RIVER WILDERNESS AREA
NERSTRAND WOODS STATE PARK
NERSTRAND WOODS GAME REFUGE
NERSTRAND
Wheeling
Epsom

THE VILLAGE DEVELOPMENT

This development is a mixed use residential and commercial development on 37 acres. A wetland delineation report and a wetland vegetation report along with MnRAM were completed on the property. These reports showed Basin 1 as a degraded Type 1 wetland and Basin 2 as a high quality Type 3 wetland with a diverse plant community. A field review concurred with this.

The developer submitted a Replacement Plan Application to impact 4.24 acres of wetland. A Technical Evaluation Panel meeting was held and it was the consensus of the panel that this application be denied based on sequencing not being met. It was felt that more design was needed to avoid and minimize wetland impact to Basin 2.

The developer then submitted a 2nd Replacement Plan Application to impact .87 acres of wetland. Another Technical Evaluation Panel meeting was held. Even though this was a better application, the panel still felt that by eliminating the .12 acres impact from the cul-de-sac that impact could be further reduced. After discussing this with the developer, they agreed and .75 acres of wetland impact was approved. (All of Basin 1 and .31 acres of Basin 2).

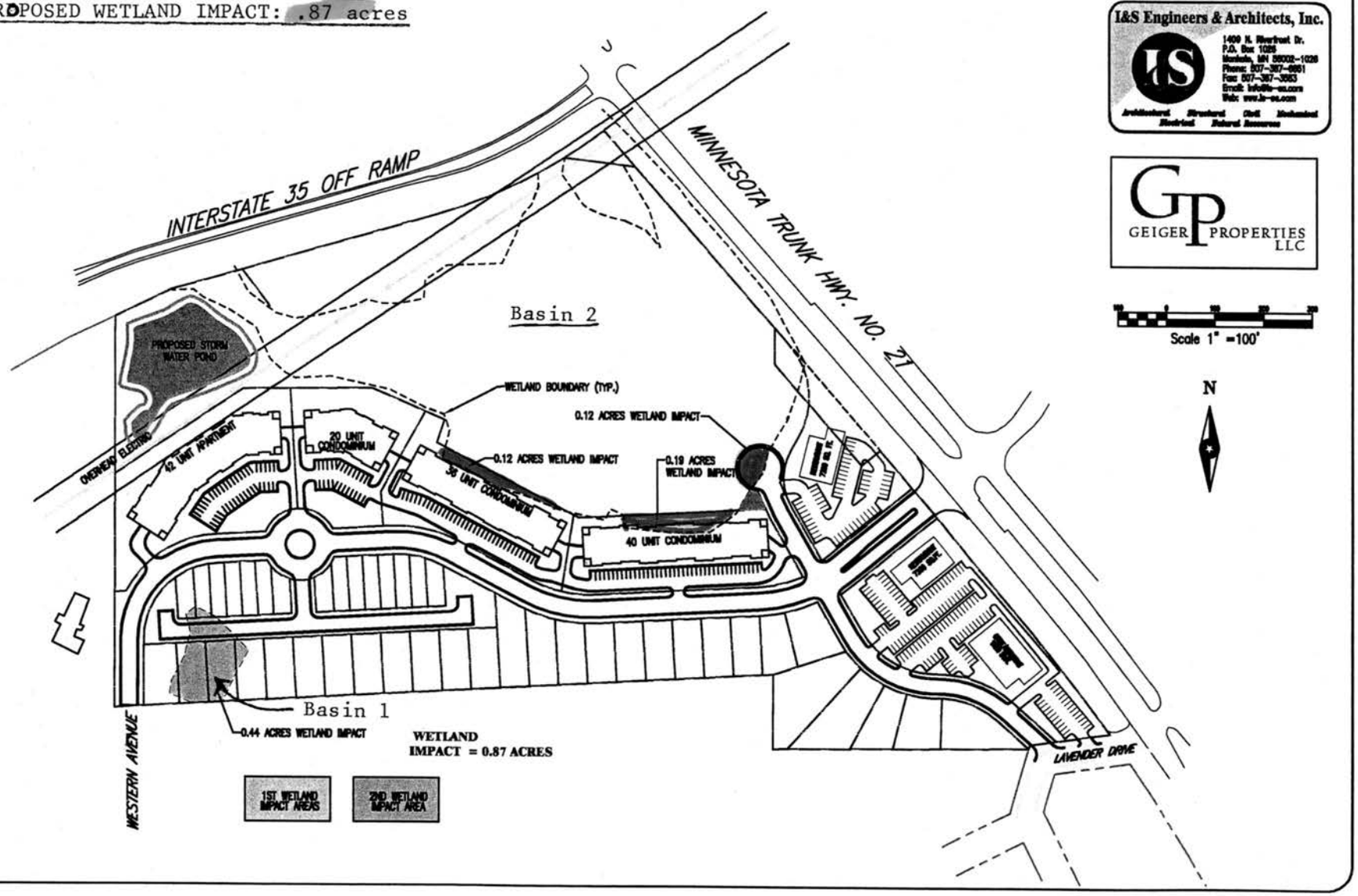
09/15/05

THE VILLAGE PREFERRED OPTION - FIGURE 3

FARIBAULT, MINNESOTA

REPLACEMENT PLAN APPLICATION #2

PROPOSED WETLAND IMPACT: .87 acres



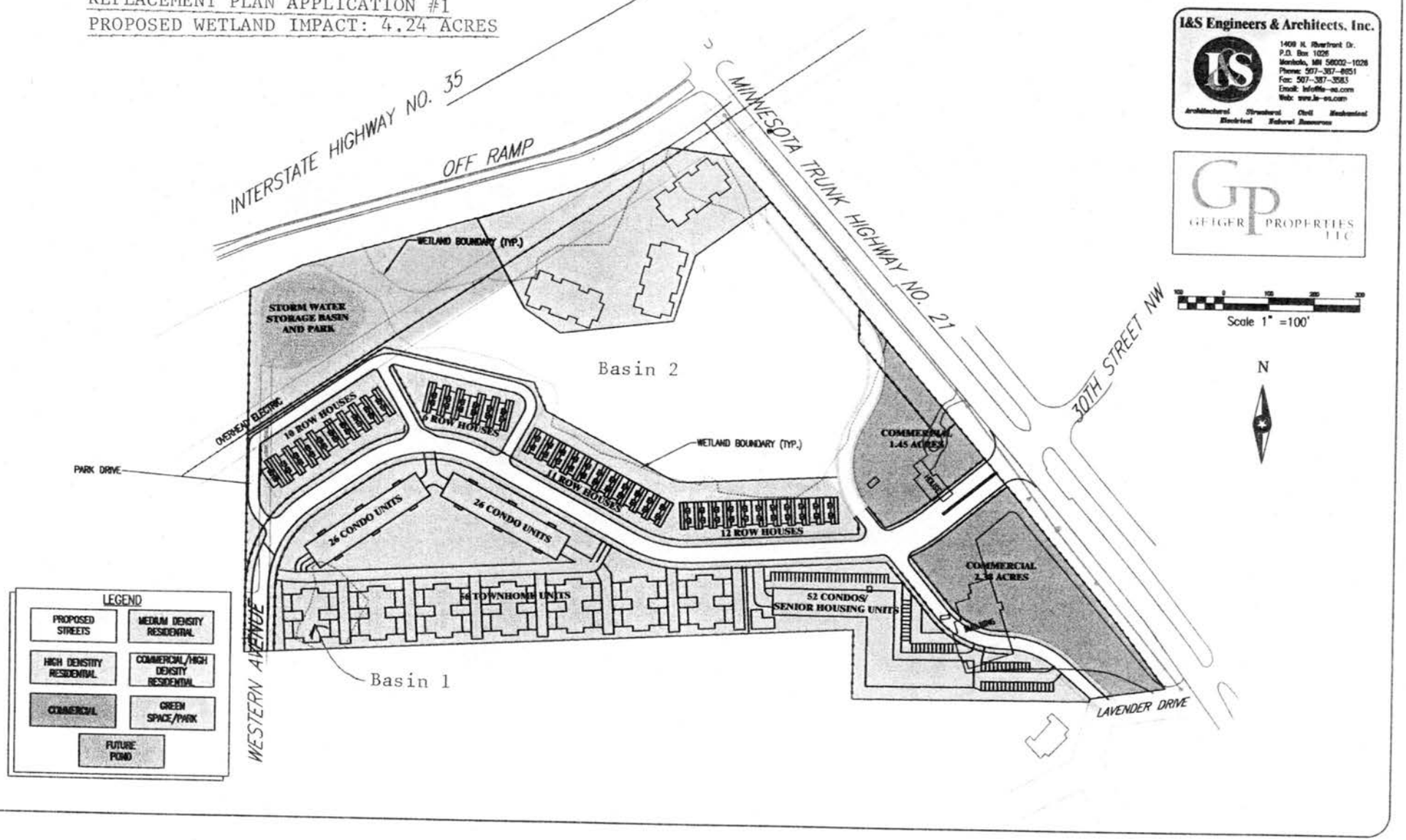
I&S Engineers & Architects, Inc.
1400 N. Riverfront Dr.
P.O. Box 1026
Mankato, MN 56002-1026
Phone: 507-387-6851
Fax: 507-387-3353
Email: info@is-ae.com
Web: www.is-ae.com
Architectural Structural Civil Mechanical
Electrical Natural Resources

GEIGER PROPERTIES LLC

PROPOSED FARIBAULT DEVELOPMENT

FARIBAULT, MINNESOTA

REPLACEMENT PLAN APPLICATION #1
PROPOSED WETLAND IMPACT: 4.24 ACRES



I&S Engineers & Architects, Inc.
1409 N. Riverfront Dr.
P.O. Box 1026
Mankato, MN 56002-1026
Phone: 507-387-6851
Fax: 507-387-3583
Email: info@is-ea.com
Web: www.is-ea.com
Architectural Structural Civil Mechanical Electrical Natural Resources

GEIGER PROPERTIES LLC

MARK BAUER TILLAGE DEMONSTRATION SITE

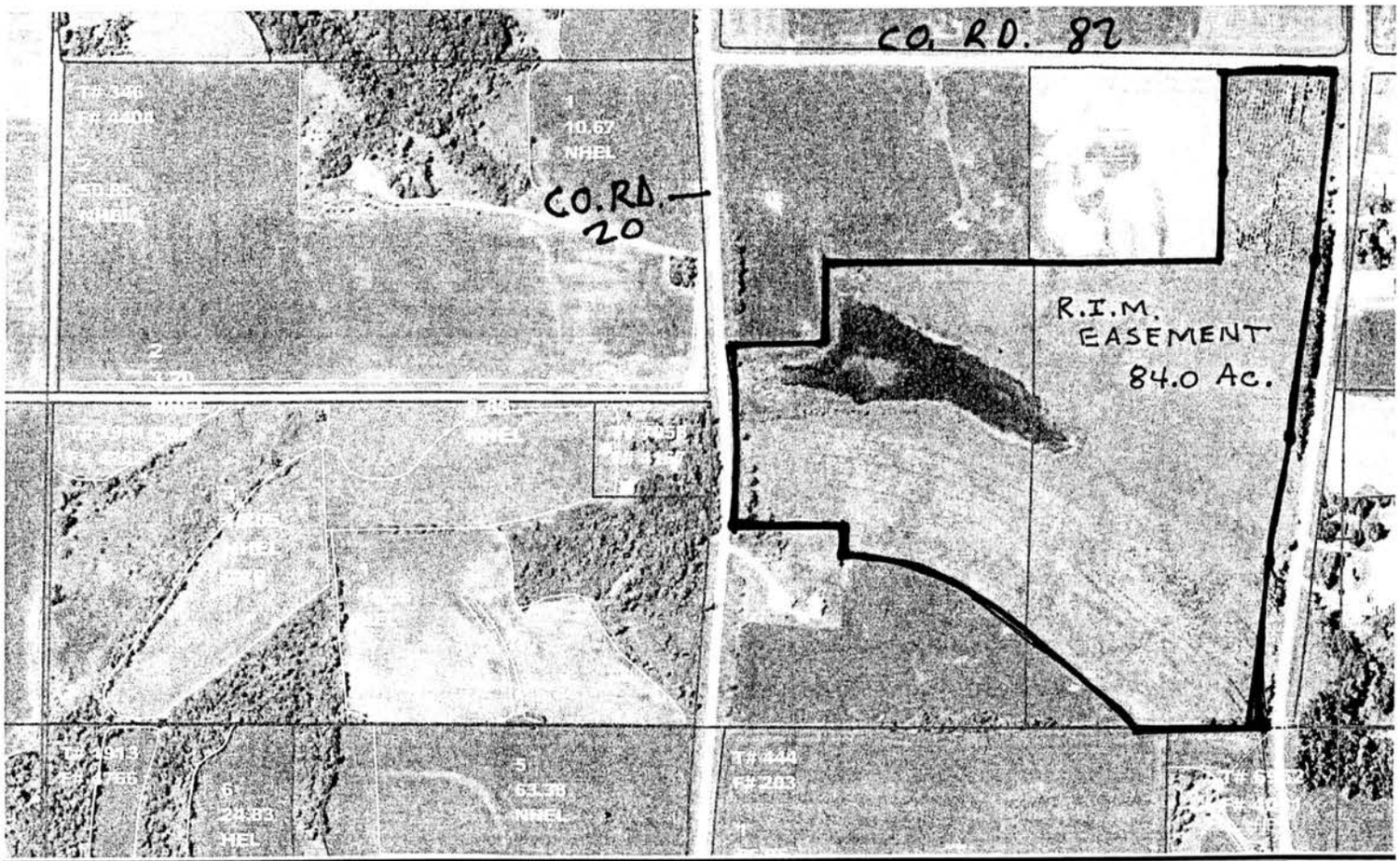
Mr. Bauer uses strip-tillage on his farm. Strip-till is a conservation tillage method by which a narrow band of soil is worked up in the fall, leaving the rest of the field un-tilled. 2/3 of the soil surface remains intact, thereby providing crop residue to protect the soil from erosion. The area that is tilled receives the same benefits as conventionally tilled land, allowing the strip to warm faster in the spring. As the technology is improving, strip-till may become quite popular in the years to come.

DENNIS SUTTER RIM EASEMENT

This RIM easement was finalized in 1993 with the conservation practices installed in 1994. It consists of 84.0 total acres.

Conservation practices include 41.5 acres of tree and shrub planting, a 10.5 acre wetland restoration and 32.0 acres of native prairie grasses.

Please keep the Sutter site in mind as we discuss the impacts of residential development in Rice County. RIM easements provide a haven for wildlife, control soil erosion, and save some of our land for open space, protected from the pressure of development.



USDA
Farm Service Agency

Rice County
Bridgewater Township

Township - 111 Range - 20 Section - 35

May 24, 2005

Imagery Not to Scale

Key to Features
- Tract Boundary
- Common Land Unit
- Section Boundary
- Wetland Points

N

Bridgewater Farms-Dundas
Project size- 240 acres
Special Features- None

Bridgewater Farms is the first large scale residential development to be annexed into the city of Dundas this year with 978 residential units (attached and detached units) equaling 179 acres of the total land area. This job will be completed in four phases with full build-out predicted to occur between 2010 and 2014.

Pre-construction land use:
205 acres cropland
25 acres forest
0 acres wetland
3 acres impervious surface

Post Construction:
0 acres cropland
13 acres forest
0 acres wetland
77 acres impervious surface
20 acres of designated parkland
9 acres of stormwater ponds

This project chose to grade the entire site in one season. Roads are built, utilities are currently being installed, the stormwater pond that is taking most of the site's water is built and seeded, and the majority of the job has been seeded and mulched. Currently, the contractor is working on expanding CSAH 1 to include a turn lane and by-pass lane for the site's main entrance.

Stoneridge Hills- Dundas
Project size- 125 acres
Special Features- Cannon River to the East
Rice Creek to the North on the project Boundary

Stoneridge Hills is the second large scale residential development to come to the city of Dundas this year with 221 single family lots and 87 townhome units. There are currently plans to have the job completed in four phases: 2005, 2006, 2008 and 2010.

Pre-construction land use:
107 acres cropland
13 acres forest
0 acres wetlands
3 acres impervious surface

Post construction:
0 acres cropland
5 acres forest
0 acres wetland
36 acres impervious surface
9 acres of designated parkland
8 acres of NURP pond

The Cannon River is a designated Special Water by the MPCA as a Scenic and Recreational River and Rice Creek is a designated Trout Stream. Both bodies of water carry greater restrictions on construction activity due to their sensitive features.
Currently, the site is not actively grading due to a confining bedrock layer underneath the NURP pond that needs to be removed with dynamite. The site has not been adequately managed as a result, and offsite sedimentation is occurring from the exposed road bed. The rest of the site has adequate silt fence installation, a temporary sediment basin at the top of the hill, and the site has been seeded and mulched to obtain temporary vegetative cover in preparation for the winter months.

BECKER/ LITTLE WETLAND BANK

In February of 2003, John Becker and Pete Little filed a State Wetland Bank application. The area consisted of a drained wetland that had been tiled with a tile pumping station and farmed for over 50 years.

Construction consisted of removing 200 feet of the main tile and cutting several other tile lines and removing the tile pump.

After the mandatory 6 month waiting period, 10.81 acres of wetland was certified, along with 6.86 acres of upland buffer surrounding the wetland.

Credit amounts certified are as follows:

5.09 acres of Type 2- new wetland credit
4.46 acres of Type 3- new wetland credit
1.26 acres of Type 4- new wetland credit
6.86 acres of buffer- public value credit

Finalization of the credits should take place soon, as some legal issues and discrepancies with Corps certification has postponed final certification..

Rice Soil and Water Conservation District

1810 30th Street NW, ❖ Faribault, MN 55021
Website: www.1rl.com

Phone: (507)332-5408
Fax: (507)332-9892

September 21, 2005

Minnesota Board of Water & Soil Resources
Attn: Kevin Lines and Tim Fredbo
520 Lafayette Road North
St. Paul, MN 55155

Dear Gentlemen:

The Rice SWCD Board of Supervisors met at a regular monthly board meeting on September 21, 2005. We had received a revised request from Scott LaFavre to extinguish 12.78 acres of a perpetual Reinvest in Minnesota easement. In exchange for the 12.78 acres, Mr. LaFavre is proposing to enlarge the existing 40.4 acre easement to 58.26 acres by adding other non-easement lands, and creating new wildlife habitat improvements. Mr. LaFavre desires to do this to build five new homes on the current RIM site. Development restrictions would also be placed on an additional 5.93 acres.

After much discussion, the Rice SWCD Board voted not to support the cancellation of this easement for the same reasons as the first proposal including:

- The land was put into RIM as a perpetual easement, which our board strongly feels should be upheld to the original intentions of the landowner who acquired the easement.

- Rice County is experiencing tremendous residential growth. Allowing this easement to be altered in any way could set a dangerous precedent for other RIM easements in Rice County as well as elsewhere in Minnesota. Currently, there are many other sites available to build housing. Releasing a RIM easement for this purpose is not necessary for additional growth.

- Placing five houses in this easement will likely drive wildlife away from the area. Jeanine Vorland, DNR wildlife, concurred with this in a letter from the first proposal that she saw no long term benefit to wildlife to modify this easement.

We look forward to discussing this proposal further with the BWSR Board at the BWSR Tour and Board Meeting in Rice County on September 28, 2005..

Sincerely,

William J. Hellwell

SWCD Acting Board Chairman

Minnesota Department of Natural Resources

Area Wildlife Office
8485 Rose Street
Owatonna, Minnesota 55060
Telephone: (507) 455-5841
Facsimile: (507) 446-2326
E-mail: jeanine.vorland@dnr.state.mn.us

Tim Labs
Rice Soil and Water Conservation District
1810 30th Street Northwest
Faribault, Minnesota 55021

10 June 2005

Re: LaFavre RIM Easement Proposal

Dear Mr. Labs:

I have reviewed a request from Scott and Shari LaFarvre to extinguish a 15.2-acre portion of a 40.8-acre Reinvest in Minnesota (RIM) easement. I recommend against extinguishing the easement. The purpose of the request is to enable subdivision and development of up to 6 additional residences on the property. Five of these residences are proposed for lands currently protected by the conservation easement. On May 20 we toured the property with the LaFarves' and representatives of Applied Ecological Services, Inc. to better understand the project's potential impacts.

I recognize that the RIM easement does not cover the entire property and it is possible some development may occur regardless of the fate of this easement. Based on my present understanding of the project, I could not resolve that the proposal offers a clear conservation advantage over alternatives that maintain the configuration of the existing easement while taking into consideration other protections provided by the Wetland Conservation Act and zoning regulations. Therefore, I have not been able to conclude it is in the long-term interest of wildlife conservation and wildlife-based recreation to extinguish or modify this easement.

If the easement were extinguished on the 15.2 acres of marginal farmland and wetland, the LaFavres' have proposed to place a conservation easement on 29.8 acres of the property that are not presently protected by the RIM easement. This would result in a net gain of land under easement of 14.6 acres. The additional easement would include some natural forested lands in the southeast corner of the property and offer an overlay of protection to some wetlands. The proposal also contains a mechanism to partially buffer the remaining protected lands from the housing development and provisions for funding additional conservation work through a homeowner's association.

Thank you for the opportunity to comment on this project. I would be willing to attend an upcoming Rice Soil and Water Conservation Board meeting to discuss the proposal. Please feel free to contact me if you have questions, comments or need more information.

Sincerely,

Jeanine Vorland
Area Wildlife Manager

c: Don Nelson
Dave Peterson
Kevin Lines

CIRCLE LAKE ESTATES

Circle Lake Estates is a single family housing development located on Circle Lake. A WCA Replacement Plan Application was approved by the Technical Evaluation Panel for 1.65 acres of wetland impact.

The wetland mitigation was done on site by restoring a 31.8 acre partially drained wetland. 11.81 acres of this area was determined to be partially drained wetland and received partial credit by restoring hydrology to the area.

A Wetland Banking Application was applied for the 23.96 acres of excess wetland acres after mitigation.

Due to many disagreements between Corps and WCA regulations, the developer cancelled the banking application.

Some of the problems that developed with this project included differing amounts of existing wetland between the Army Corps and WCA technical staff. Another problem involved the banking application which was originally approved by the Corps and WCA and involved some excavation in the wetland. After construction the Corps changed their mind and said that the excavated area would not qualify for Corps Banking Credit.

Other problems involved different mitigation amounts and differing amounts of possible bankable credits, and how the state would handle different credit amounts in the banking system.

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
OEA CONFERENCE ROOM – 2ND FLOOR
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 26, 2005

BOARD MEMBERS PRESENT:
Jerome Deal, Dana Allen, Jim Anderson-Minnesota Extension Service, Paul Brutlag, Kay Cook, Wayne Edgerton-Department of Natural Resources, Quentin Fairbanks, Brian Kletscher, Paul Krabbenhoft, Joe Martin-Department of Agriculture, Clair Nelson, Louise Smallidge, LuAnn Tolliver, Dan Wilson-Department of Health

BOARD MEMBERS ABSENT:
Randy Kramer
Lisa Thorvig-Pollution Control Agency

STAFF PRESENT:
Mary Jo Anderson, Tim Fredbo, Jim Haertel, Ron Harnack, Kevin Lines, Doug Thomas, Steve Woods

OTHERS PRESENT:
John Jaschke, Dakota County Vermillion River JPO
Tim Labs, Rice SWCD
Stacey Lijewski, Hennepin Conservation District
Lawrence Zdon, Pollution Control Agency

Chair Deal called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

ADOPT AGENDA – Ron Harnack reported that John Monson is not able to attend the meeting today due to an emergency meeting he had to attend regarding the Vernon Center grain elevator explosion. We will try to reschedule John Monson to attend the BWSR meeting on December 14. Chair Deal reported that under the Northern Water Planning Committee Recommendation, it
** should read Grant County Local Water Management Plan Update. Moved by
05-76 Clair Nelson, seconded by Brian Kletscher, to adopt the agenda as presented. Motion passed on a voice vote.

** **MINUTES OF SEPTEMBER 29, 2005** - Moved by Louise Smallidge, seconded
05-77 by Kay Cook, to approve the minutes of September 29, 2005, as circulated. Motion passed on a voice vote.

OPEN MIKE

- John Uban, DSU, consultation planner, commented on the agenda item regarding RIM Easement Alteration Request from Scott LaFavre, in Rice County. Mr. Uban stated that the request involves an oddly shaped easement that Mr. LaFavre would like to develop. Mr. Uban is exploring an adjustment to a portion of the easement to follow the contour of the land for proper access. Mr. Uban would like feedback from BWSR to guide them in their next step. Mr. Uban and Mr. LaFavre will come before BWSR again to work out a compromise on the county zoning ordinance and BWSR easement process.

- Kim Chapman, ecologist, stated that the design of the easement alteration request for development represented ecological strategies that expand the conservation easement to improve wildlife habitat and provided long-term easement management commitments that are not currently guaranteed.

REPORTS

Chair's Report – Jerome Deal reported that he did not attend the EQB meeting on October 20th. EQB now has draft rules for the Environmental Review Program. Chair Deal stated that a power line request was received for Big Stone.

Executive Director Report – Ron Harnack reviewed information items in board members' packet. Ron encouraged board members to attend the annual conventions: MAWD, December 1-3, Alexandria; MASWCD, December 4-6, Bloomington; and AMC, December 5-7, St. Paul. Registration information is included in members information packets. Board members were invited to attend conventions other than their represented association. Ron stated that BWSR has a booth at each tradeshow.

Ron reported that he attended the Senate Capitol Bonding Tour, held October 19, in Winger, Minnesota. The Committee visited the Vesledahl site. The Committee members acknowledged the State's obligations to local road authorities and the value of the CREP program. There was some discussion relating to the potential impact to CREP by Congressional budget reconciliation discussions going on in Washington, D.C. Hopefully, currently signed CREP would be given priority. The Governor has acknowledged this concern and sent a letter to Senators and Congressmen.

Ron reported on two Supplemental Budget Requests being discussed:
1) An interagency request with DNR to address management of conservation lands. Assisting landowners with controlled burns, managed grazing and haying are options, with burning being emphasized. Proximity to expanding development and large continuous parcels creates greater risk for fire. FSA/NRCS have the primary role in working with landowners during the first 10 –15 years of the CREPs so we are discussing these issues with them. The Administrative Advisory Committee discussed this briefly this morning and this issue may be more appropriate for the regular biennial budget cycle.

2) A proposal to leverage federal technical assistance for conservation practices. Minnesota is currently the third highest state in receipt of federal conservation funds. However, we are at risk of losing that ranking due to the lack of technical assistance to put those conservation practices on the ground in a timely manner. Additional state resources to leverage additional federal resources may be key to keeping the federal funds coming. Staff is communicating with NRCS and FSA on this request. The Administrative Advisory Committee will meet again to discuss the two supplemental budget requests before November 17, the deadline for submittal.

Ron Harnack introduced Commissioner Gene Hugoson, Department of Agriculture, who joined us for a bit.

Dispute Resolution Committee – Jim Haertel reported that one new appeal has been received. Jim reported that the Albertville appeal is moving forward; as well as the appeal in Stearns County. Paul Brutlag commended Jim Haertel for his great work on the appeals, and his mediation and dispute skills.

Wetland Committee – Clair Nelson reported that the Wetland Committee will meet this afternoon immediately following the Board meeting.

Cost-Share/Soil Conservation Committee – Paul Krabbenhoft reported that the Cost-Share/Soil Conservation Committee has recommendations on two agenda items under New Business that will be addressed later on the agenda.

Education Committee – Kay Cook reported that there is a proposal for a State Envirothon for middle schools. Kay reported that the Freshwater Society, the Minnesota Lakes Association, and Rivers Association are continuing down the merger road – looking to sign an alliance as Minnesota Waters in January 2006.

Administrative Advisory Committee – Chair Deal reported that the Administrative Advisory Committee (AAC) met this morning. The AAC will meet again before the November 17 deadline for supplemental budget requests. Chair Deal reported that the AAC has made a referral to the RIM Easement Alteration Sub-Committee regarding a request from a landowner near Fergus Falls for release from a portion of a permanent wetland preserve easement to accommodate construction of an ethanol facility.

Chair Deal reported that the Board was invited to attend an event giving agricultural organizations an opportunity to provide early input on 2007 Farm Bill conservation policy recommendations to be developed for Governor Pawlenty's Clean Water Cabinet. The event will be held November 10 at Charlie's Café in Freeport. Chair Deal requested that Louise Smallidge attend the event.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Vermillion River Watershed Management Organization (WMO) Plan – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Vermillion River Watershed Management Organization Plan and recommends approval. Steve Woods presented information regarding the Vermillion River Watershed and distributed a fact sheet. Moved by LuAnn Tolliver, seconded by Louise Smallidge, to approve the Vermillion River Watershed Management Organization Plan. John Jaschke, Dakota County Water Resources Director was introduced. (John was previously BWSR staff). John provided information on the

** 05-78

Vermillion River Watershed Joint Powers Organization. Motion passed on a voice vote.

Valley Branch Watershed District, Watershed Management Plan – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Valley Branch Watershed District, Watershed Management Plan and recommends approval. Les Lemm presented information on the Plan. Moved by LuAnn Tolliver, seconded by Louise Smallidge, to approve the Valley Branch Watershed District, Watershed Management Plan. Motion passed on a voice vote.

** 05-79

Browns Creek Watershed District, Watershed Management Plan Amendment – LuAnn Tolliver reported that the Metro Water Planning Committee reviewed the Browns Creek Watershed District, Watershed Management Plan Amendment, and recommends approval. Les Lemm reported that the amendment for a capital improvement project is a result of the 2001 challenge grant. Moved by LuAnn Tolliver, seconded by Jim Anderson, to approve the Browns Creek Watershed District, Watershed Management Plan Amendment. Motion passed on a voice vote.

** 05-80

City of Rosemount, Comprehensive Wetland Protection and Management Plan Amendment – LuAnn Tolliver reported that the Metro Wetland Committee reviewed City of Rosemount, Comprehensive Wetland Protection and Management Plan Amendment and recommends approval. Les Lemm stated that comments were received from BWSR only, resulting in only very minor revisions to the Plan. Moved by LuAnn Tolliver, seconded by Jim Anderson, to approve the City of Rosemount, Comprehensive Wetland Protection and Management Plan Amendment. Motion passed on a voice vote.

** 05-81

Northern Water Planning Committee

Lake County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Lake County Local Water Management Plan Update and recommend approval. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Lake County Local Water Management Plan Update. Motion passed on a voice vote.

** 05-82

Cook County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Cook County Local Water Management Plan Update and recommend approval. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Cook County Local Water Management Plan Update. LuAnn Tolliver stated that education is listed

** 05-83

in the Plan update. Paul suggested that the Administrative Advisory Committee look at education as a policy issue at some point. Motion passed on a voice vote.

Roseau County Local Water Management Plan Update – Wayne Edgerton reported that the Northern Water Planning Committee reviewed the Roseau County Local Water Management Plan Update and recommend approval. Quentin reported that this Plan includes ditch and drainage issues. Paul Brutlag suggested that the ditch/drainage issues become a policy issue. Ron Harnack stated that the Priority Concerns Scoping Document (PCSD) is an important first step prior to the final plan where key issues are decided and reviewed and approved by the BWSR. LuAnn Tolliver stated that the metro area does not have PCSD; suggesting that some other appropriate means of ditch and drainage acknowledgement is appropriate. Ron Harnack stated that he will discuss this
** issue with staff. Moved by Wayne Edgerton, seconded by Quentin Fairbanks, to
05-84 approve the Roseau County Local Water Management Plan Update. Motion passed on a voice vote.

Marshall County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Marshall
** County Priority Concerns Scoping Document and recommends approval. Moved
05-85 by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Marshall County Priority Concerns Scoping Document. Motion passed on a voice vote.

Grant County Local Water Management Plan Update – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Grant County Local Water Management Plan and recommends approval. Chair Deal commended Grant County on their cooperative efforts between local units of
** government, land and water managers, and local residents. Moved by Quentin
05-86 Fairbanks, seconded by Paul Brutlag, to approve the Grant County Local Water Management Plan. Motion passed on a voice vote.

Chair Deal called for a break in the meeting at 10:25 a.m. The meeting reconvened at 10:45 a.m.

Southern Water Planning Committee

Houston County Water Management Plan Extension - Brian Kletscher reported that the Southern Water Planning Committee reviewed the Houston
** County Water Management Plan Extension and recommends approval. Moved
05-88 by Dana Allen, seconded by Brian Kletscher, to approve the Houston County Water Management Plan Extension. Motion passed on a voice vote.

RIM Easement Alteration Committee

RIM Easement Alteration Request from Scott LaFavre, Easement 66-03-91-01, Rice County – Paul Brutlag reported that the RIM Easement Alteration Committee has met twice on this easement alteration request from Mr. LaFavre. Paul reported that the Committee does not see an overall positive value by installing five houses in the middle of the easement. The Committee supports the original terms and conditions of the easement. The Committee, by unanimous decision, does not recommend the LaFavre request to alter the easement. Ron Harnack stated that he spoke with Randy Kramer today, and Randy supports the recommendation of the Committee. Paul stated that the revised Order addresses some minor changes: the revised Order states: "the committee with a unanimous vote decided to recommend to the full Board denial of the easement alteration request." Also, a sentence was added to page three of the Order: "If the BWSR were to approve this request it would actually be promoting development of a perpetual conservation easement for housing."

** 05-89 Moved by Paul Brutlag, seconded by Wayne Edgerton, to accept the RIM Easement Alteration Committee's recommendation to deny the LaFavre easement alteration request. Paul Brutlag stated that the Rice SWCD and DNR had strong concerns for the request. Motion passed on a voice vote – the request is denied.

NEW BUSINESS

Petition for Termination of Cooks Valley Watershed District – Jim Haertel explained that on June 28, 2005, the Board received 74 petitions signed by 111 resident owners of the Cooks Valley Watershed District asking for termination of the watershed district pursuant to MS § 103D.271. The Wabasha County Auditor/Treasurer provided the certification of petitioner signatures as required by statute. The petitioners filed the required bond with the board. The petition states the watershed district should be terminated because the watershed district has had no new projects started or taxes levied within the past 25 years, no inspection or maintenance programs have been maintained by the watershed district, currently there is no active appointed board of managers for the watershed district, the continued existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D. The Board ordered a public hearing that was held on September 27th. Presiding over the hearing were Dana Allen, Brian Kletscher and Jerome Deal. The hearing record remained open for two weeks after the hearing. Based on the record, the hearing panel unanimously recommends the watershed district be terminated per the attached draft order.

** 05-90 Moved by Brian Kletscher, seconded by Dana Allen, to adopt the order for termination of the Cooks Valley Watershed District. Motion passed on a voice vote.

SWCD Late Audit Policy – Wayne Zellmer explained that the current policy, agreed to by the Office of the State Auditor (OSA) and BWSR five years ago, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years. Every year, several SWCDs do not follow this procedure or schedule. The Cost-Share Committee is recommending that any SWCD that has not satisfied the SWCD audit requirements shall be subject to subsequent grant penalties. Moved by Louise Smallidge, seconded by Paul Krabbenhoft, to adopt the SWCD Late Audit Policy. Motion passed on a voice vote.

** 05-91

Beaver Damage Control Grants Program – Wayne Zellmer explained that the 2005 Minnesota Legislature, in their first special session, appropriated $100,000 to BWSR for the Beaver Damage Control Grants Program to provide grants for the control of beaver activities. The Cost-Share Committee recommends approval of the authorization of the Beaver Damage Control Grants Program, with allocation criteria, and target dates for program implementation. Moved by Kay Cook, seconded by Louise Smallidge, to approve the Beaver Damage Control Grants. Joe Martin suggested a comprehensive approach to controlling the beaver population. Quentin Fairbanks suggested bringing this issue before the Association of Minnesota Counties (AMC) convention in December. The grant period is November 1 to March 1. Discussion followed.

** 05-92 Moved by Paul Krabbenhoft, seconded by Quentin Fairbanks, to amend the motion by adding an additional statement to #3: "25% - The ability of the applicant to match the state grant, at a minimum of 1:1. Additional points given for excess of 1:1." Also, to shorten the grant period, November 1 to February 1. The amendment passed on a voice vote.

05-93 The original motion – Beaver Damage Control Grants Program was approved as amended. Motion passed on a voice vote.

Alteration Request for CREP Easement 64-67-01-01, Duane Knott, Redwood County – Tim Fredbo explained that the landowner wants to remove 6.9 acres currently under easement and replace it with 13.8 acres. Staff recommends approval, as well as both the Redwood SWCD and the DNR Area Wildlife Manager, that this proposed exchange will improve the wildlife habitat and water quality values of the easement area as well as result in net gain of 6.9 acres (2:1

** ratio exchange) of additional easement lands. Moved by Brian Kletscher, seconded by Louise Smallidge, to accept the staff recommendation for approval of the exchange on the easement alteration request for CREP Easement 64-67-01-01, Duane Knott, Redwood County, that this proposed exchange will improve the wildlife habitat and water quality values of the easement area as well as result in net gain of 6.9 acres (2:1 ratio exchange) of additional easement lands. Discussion followed. LuAnn Tolliver stated that all unique benefits be listed in the recommendations.

** Moved by Paul Brutlag, seconded by Joe Martin, to amend the motion – to table
05-94 this issue and a more formal order be drafted outlining the facts and benefits of the alteration. Affirmative: Dana Allen, Paul Brutlag, Quentin Fairbanks, Joe Martin. Opposed: Kay Cook, Wayne Edgerton, Brian Kletscher, Paul Krabbenhoft, Clair Nelson, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Jerome Deal. Motion was defeated on a roll call vote.

The original motion – to accept the staff recommendation for approval of the exchange on the easement alteration request for CREP Easement 64-67-01-01, Duane Knott, Redwood County, that this proposed exchange will improve the wildlife habitat and water quality values of the easement area as well as result in net gain of 6.9 acres (2:1ratio exchange) of additional easement lands.
05-95 Affirmative: Kay Cook, Wayne Edgerton, Quentin Fairbanks, Brian Kletscher, Paul Krabbenhoft, Joe Martin, Clair Nelson, Louise Smallidge, LuAnn Tolliver, Dan Wilson, Jerome Deal. Opposed: Dana Allen, Paul Brutlag. Motion passed on a roll call vote.

Chair Deal called for a lunch break at 12:05 p.m. The meeting reconvened at 12:35 p.m.

AGENCY REPORTS

Department of Natural Resources (DNR) - Wayne Edgerton stated that hunting season has begun. Wayne reported that the new roadside coordinator is Tom Keefe. Wayne stated that the duck plan and pheasant plan is moving forward.

Department of Agriculture (MDA) - Joe Martin reported that a new innovative partnership practice for controlled drainage is being developed through University of Minnesota research; lots of interest, and more work needs to be done on this drainage project. Joe reported that the gypsy moth caterpillars are ranked among America's most destructive tree pests, the moths are now common in central Wisconsin and are threatening to become established in Minnesota. There is widespread treatment on federal, state, and tribal lands.

ADVISORY COMMENTS

NRCS - Tim Koehler, NRCS assistant state conservationist, introduced John Beckwith, water resources staff leader. Tim reported on collaborative efforts of the Wetland Reserve Enhancement Program (WREP) - able to fund over $5M in easements in Minnesota in 2005, matched with RIM funds, $1.25M from BWSR; RIM/WREP easements will be put together. Tim commented on a new technical service provider effort, as part of the Farm Bill. Tim commented on another NRCS collaborative effort with BWSR staff Greg Larson and Ron Harnack. $80,000 to do monitoring efforts on easements.

Tim reported that NRCS does not have a federal budget yet. Tim responded to an FSA office closure question saying that he heard that all of that has been put on hold for the time being.

Tim reported that NRCS administers the Conservation Security Program (CSP), funding level was less than what was originally announced. Blue Earth watershed was funded, last year another five were funded; high priority applicants were funded; waiting to see what the budget looks like before any more watersheds will be taken in, it's a funding issue, without more funding the program can not expand.

Tim stated that clarifications over the past few months regarding certification of wetlands, federal side of WCA, is a long process. Tim suggested an update at a future meeting. Ron Harnack challenged USDA/NRCS and the US Army Corps of Engineers to work with the State and find agreement relating to wetland delineation and related protocols. It's not right that landowners get caught in the middle of this issue. Tim stated that's a very complex issue, not just in Minnesota. Tim will provide a written update, and have technical staff at a future BWSR meeting to address questions.

UPCOMING MEETINGS

- Next BWSR Meeting, December 14, in St. Paul
- MAWD Annual Meeting, December 1-3, Alexandria
- MASWCD Annual Meeting, December 4-6, Bloomington
- AMC Annual Meeting, December 5-7, St. Paul

Ron Harnack stated that the Wetland Committee and Cost-Share Committee will be meeting during the next several months. Afternoon of Board meetings will not always work and a formal schedule will be developed by the Committees. Ron Harnack stated that the University of Minnesota website has information on drainage issues.

** 05-96 Moved by Paul Brutlag, seconded by Clair Nelson, to adjourn the meeting at 1:05 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
October 13, 2005
by Jim Haertel

There are presently ten appeals pending. All of the appeals involve WCA. There have been no new appeals filed since the last report dated September 15. Also included are two tables showing the current status of all appeals filed in 2004 and through October 13, 2005.

File 05-19. This is an appeal of a restoration order in Kanabec County. At issue is the placement of a pump to drain surface water from a wetland. Also, steep slopes from fill material are unprotected resulting in erosion that has filled part of the wetland. No decision has been made on the appeal.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted and the record has been requested. A pre-hearing conference will be held once the record has been received.

File 05-14. This is an appeal of a Restoration Order in Kandiyohi County. At issue is the placement of fill in approximately 7.39 acres of wetlands and also excavation in wetlands. No decision has been made on the appeal.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conference were held. The appeal is presently in abeyance to allow settlement discussions to continue.

File 04-30. This is an appeal of a Restoration Order in Roseau County. The violation involves excavation in a Type 3-4 wetland along a lake. A decision on accepting the appeal has been placed in abeyance per request from legal counsel for the appellant.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. § 15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, the record has been developed and a pre-hearing conference was held on January 20. The appeal briefing and hearing schedule is presently in abeyance. A settlement agreement is being drafted.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

Appeals Filed in 2004 (All WCA)

File No. 04-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Waseca	MNDOT	Denied as meritless and brought for purposes of delay NOTE: appealed to Court of Appeals-affirmed, appealed to MN Supreme Court-not accepted
2	Exemption	Morrison	SWCD	Accepted, replacement plan application submitted, LGU again denied, denial appealed as 05-3, appeal 05-3 accepted and combined with 04-2, resolved with approval of replacement plan using wetland banking credits
3	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
4	Restoration Order	McLeod	County	Denied, Restoration Order Affirmed
5	Replacement Plan	Sherburne	County	Withdrawn
6	Replacement Plan	Sherburne	County	Withdrawn
7	Replacement Plan	Sherburne	County	Withdrawn
8	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
9	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
10	Exemption	Kanabec	County	Denied as meritless
11	Restoration Order	Douglas	SWCD	Denied, Restoration Order Affirmed
12	Restoration Order	Chisago (North Branch)	County	Denied, Restoration Order Affirmed
13	Restoration Order	Olmsted (Rochester)	City	Denied, Restoration Order Affirmed
14	Exemption	Scott (Prior Lake)	City	Denied as meritless
15	Boundary and Type	Anoka (Blaine)	Rice Creek WD	Remanded
16	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
17	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Remanded, LGU again approved, approval appealed as 05-1, appeal 05-1 accepted and combined with 04-17
18	Restoration Order	Cass	SWCD	Denied, Restoration Order Affirmed
19	Impoundment of water – cannot be appealed	Pine	SWCD	Denied
20	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed
21	No-Loss	Traverse	SWCD	Resolved-stipulated agreement
22	Restoration Order	Hubbard	SWCD	Denied, Restoration Order Affirmed

23	Exemption	Kittson	SWCD	Abeyance, wetland delineation to be completed and replacement plan application to be submitted
24	Restoration Order	Otter Tail	SWCD	Denied, Restoration Order Affirmed
25	Exemption	Wright (Albertville)	City	Accepted, pre-hearing held and settlement being sought
26	Restoration Order	Scott County	SWCD	Pending, LGU waiting for Corps decision on replacement plan application
27	Exemption	Cass	County	Remanded
28	Replacement Plan	Hubbard	County	Denied
29	Restoration Order	Roseau	SWCD	Abeyance, meeting with parties and Corps to take place
30	Replacement Order	Wilken	SWCD	Denied, Replacement Order Affirmed
31	Restoration Order	Rice	SWCD	Denied, Restoration Order Affirmed
32	Replacement Plan	Hubbard	County	Denied
33	Restoration Order	Beltrami	SWCD	Denied, Restoration Order Affirmed

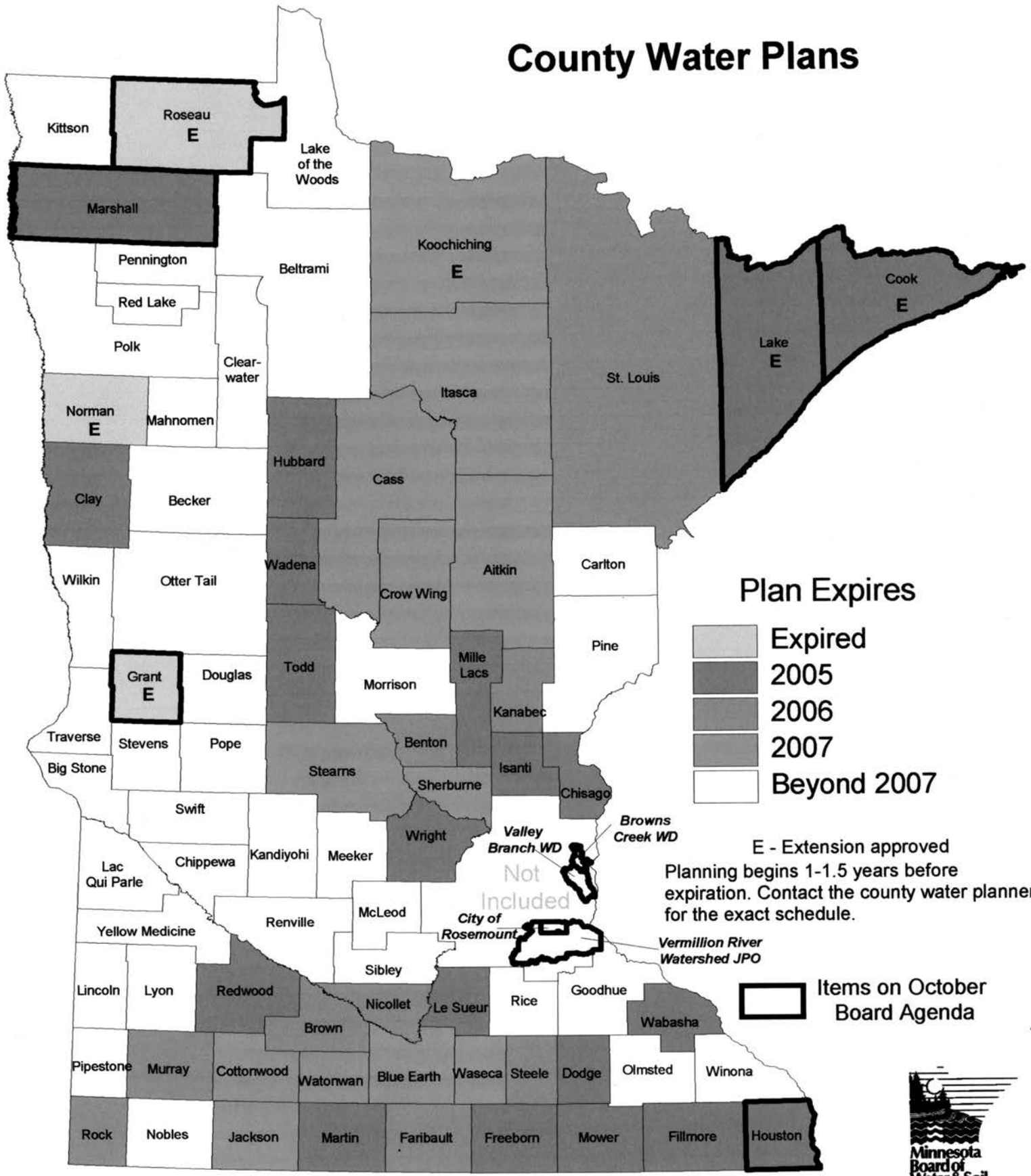
Updated 10/13/05

Appeals Filed in 2005 (All WCA)

File No. 05-	LGU Action	County (City)	LGU	Status
1	Replacement Plan	Anoka (Blaine)	Rice Creek WD	Accepted, combined with 04-17, pre-hearing held and continued, settlement agreement being drafted
2	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
3	Replacement Plan	Morrison	SWCD	Accepted, combined with 04-2, resolved with approval of replacement plan using wetland banking credits
4	Restoration Order	Otter Tail	County	Denied, Restoration Order Affirmed
5	Exemption/No-Loss	Itasca	SWCD	Withdrawn
6	Restoration Order	Chisago	County	Denied, Restoration Order Affirmed
7	Restoration Order	Morrison	SWCD	Denied, Restoration Order Affirmed
8	Restoration Order	Roseau	SWCD	Denied, Restoration Order Affirmed
9	Restoration Order	St. Louis (Hibbing)	City	Denied, Restoration Order Affirmed
10	Restoration Order	St. Louis (Proctor)	City	Denied, Restoration Order Affirmed
11	Replacement Plan	Dakota (Eagan)	City	Denied as meritless
12	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
13	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
14	Restoration Order	Kandiyohi	County	Pending, additional TEP field work
15	Restoration Order	St. Louis	County	Denied, Restoration Order Affirmed
16	Replacement Plan	Renville	SWCD	Denied as meritless
17	Replacement Plan	Stearns (Holdingford)	County	Accepted, record requested
18	Restoration Order	Le Sueur (Montgomery)	SWCD	Denied, Restoration Order Affirmed
19	Restoration Order	Kanabec	County	Pending

Updated 10/13/05

County Water Plans



Plan Expires

- Expired
- 2005
- 2006
- 2007
- Beyond 2007

E - Extension approved

Planning begins 1-1.5 years before expiration. Contact the county water planner for the exact schedule.

Items on October Board Agenda

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

map updated: October, 2005

Minnesota Board of Water and Soil Resources
October 2005 Board Meeting

OVERVIEW
Vermillion River Watershed Joint Powers Organization Plan 2005-2015

Watershed Description

The Vermillion River Watershed Joint Powers Organization (VRWJPO) covers 335 square miles of Dakota and Scott Counties. The Vermillion River flows approximately 38 miles in an easterly direction before dropping 90 feet at the falls in the City of Hastings. East of Hastings, the river splits with one branch flowing north to the Mississippi River while the other flows south another 20 miles before entering the Mississippi near Red Wing. There is only a 420 foot elevation change between the head waters and mouth of the Vermillion which means that once the falls are accounted for, the river has a fairly mild slope with relatively slow flow velocities as it meanders from the upper suburban areas down through the agricultural portions of the watershed.

The Vermillion River supports a naturally reproducing trout population along 49 miles of designated trout habitat. In spite of being high enough water quality to support trout, the river is listed as "impaired" for high levels of fecal coliform bacteria along most of its length. South of the falls in Hastings, the river is listed as impaired due to high turbidity.

Governance

Following passage of the Metropolitan Surface Water Management Act in 1982, the Vermillion River Watershed Management Commission quickly formed. This organization approved a joint powers agreement (JPA) in 1984 and ultimately adopted a watershed plan in 1989. The JPA was updated in 1991 to add in Ravenna Township. The agreement was again revised and updated to comply with changes in Minnesota statute in 1996. During planning efforts for a second-generation watershed management plan the organization died. A draft plan had been prepared and submitted for initial public comments in 1999-2000. However, an inability to settle issues of control, financing, and allocation of revenues led to the organizations dissolution in August of 2000. The area attracted a Board of Innovation grant (administered by BWSR) to study governance options. In September 2002, Dakota and Scott Counties formalized their intention to jointly manage the watershed at the county level when they executed a new JPA.

Based on current valuations in the area, the Dakota County portion of the watershed covers 96.5% of the expenditures and Scott County the remaining 3.5%. Noteworthy communities within the watershed include the developing areas of New Market/Elko, Farmington, Lakeville, Empire Township, Rosemount, and Hastings. In addition more rural townships and towns of Vermillion, Hampton, Castle Rock and Douglas define the southern edge of the watershed. Two counties are now managing 21 cities and townships that were once parties to the original JPA.

Fiscal Context

Prior to the creation of the VRWJPO, annual expenditures typically ranged between $70,000 and $100,000. In the years since reorganization, the VRWJPO budget has climbed to a level consistent with the management challenges present in this largest of all the metropolitan watershed organizations. In 2004 the annual budget was $304,000, in 2005 the budget is set at $571,000, and the proposed budget for 2006 is $1.1 million dollars. BWSR staff opinion is that this budget correlates well with the proposed division of tasks between the watershed and local governments anticipated in the draft plan. In addition, the difficulties in managing such a large watershed with multiple waste water treatment plants, a large trout fishery and a quickly urbanizing upper watershed requires an aggressive budget to actively manage the increasing watershed yield, which threatens the river corridor (see graph on following page).

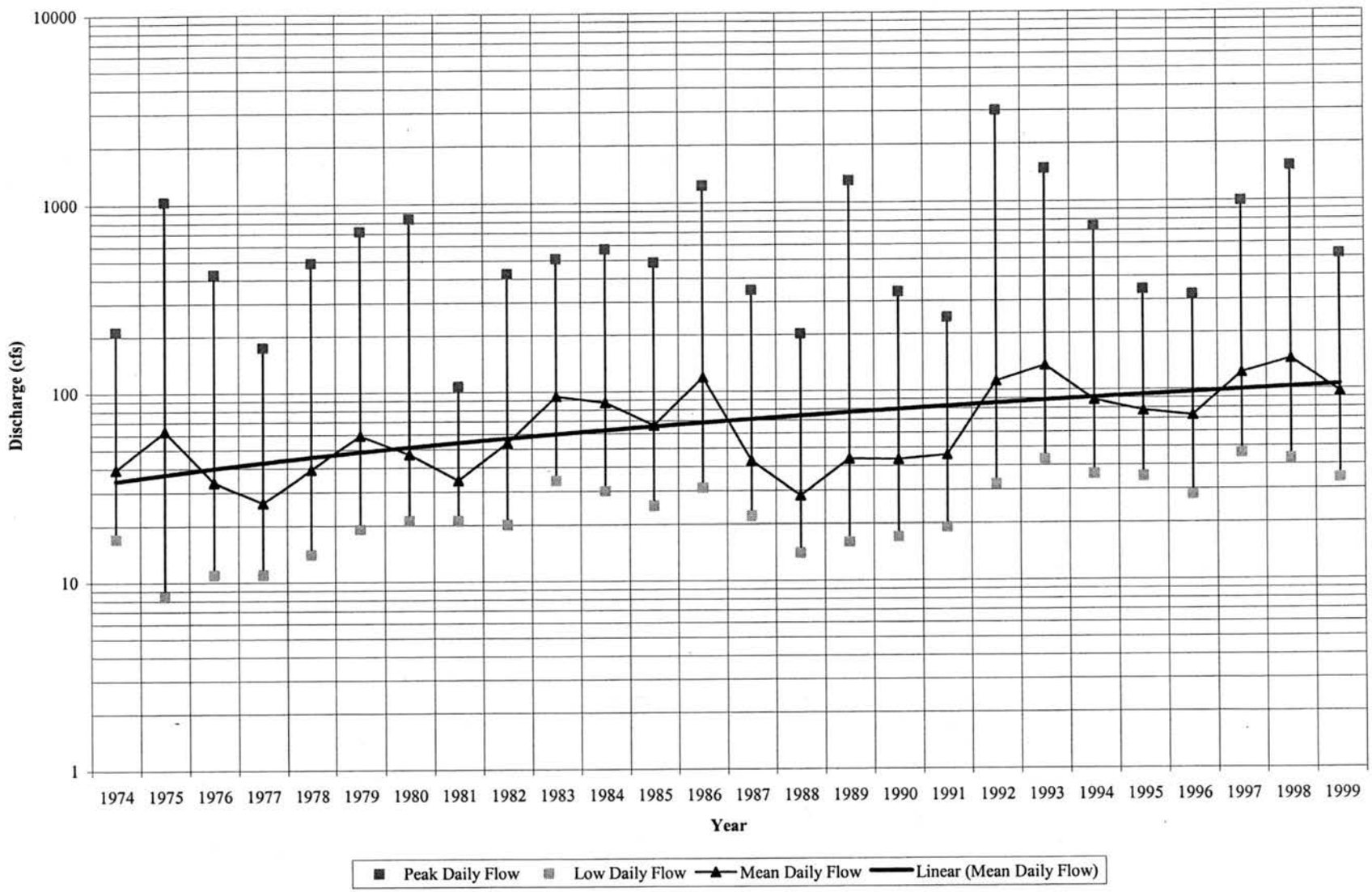
Summary of Plan Review Process

The draft submitted for review in 2000 was essentially abandoned. Once the two counties formed the new JPA, the planning process restarted while borrowing heavily from the old plan and numerous studies that had been done for the area. The redrafted plan was submitted to BWSR, state agencies and local governments for the required 60-day review from mid November 2004 to mid January 2005. The VRWJPO ran a vigorous review and comment period and received comments from BWSR, DNR, PCA, MDA and the Metropolitan Council. In addition to these state review agencies, comments were received from Scott County, Dakota SWCD, Gun Club Lake WMO, Corp of Engineers, Friends of the Mississippi River, Minnesota Conservation Federation, Trout Unlimited, four citizens, and the communities of Apple Valley, Lakeville, Farmington, Vermillion Township, Burnsville, Rosemount and Hastings. A public hearing was held February 24, 2005 and responses to all comments received were issued in May 2005 and included the addition of a new cost share program.

The commission submitted a final draft of the watershed management plan for a 45-day review held in June and July 2005. Comments were received from BWSR, PCA, DNR, MDA, Metropolitan Council, Dakota SWCD, Minnesota Geological Survey, and the cities of Rosemount and Farmington. Discussion below addresses comments of the state review agencies and significant comments raised during the final 45-day review period.

Review Comments and WMO Responses

BWRS's primary concern on the drafts were that they more clearly lay out the relative priority of the over 250 action items listed. The capital improvements portion of the plan did not clearly indicate the source and portion of the total project cost to be addressed by the WMO. Other significant comments addressed the clarity of local planning and regulatory requirements and that sufficient documentation be provided regarding the detailed standards being developed on a parallel-though-slightly-lagging path. The VRWJPO responded by providing the required information for the implementation plan addressing source and timing of funds. The new table clearly articulates the requirements for local plans, and a great deal of clarifying text now signals the organization's intent to adopt detailed regulatory standards via the minor amendment process.


10000
1000
100
10
1
Discharge (cfs)
1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999
Year
Peak Daily Flow
Low Daily Flow
Mean Daily Flow
Linear (Mean Daily Flow)

The DNR provided ample comments for both the 45- and 60-day review periods. The DNR was complimentary of the comprehensive approach, which the plan undertook and provided 11 pages of comments addressing nearly all areas of the plan in their January 2005 correspondence. The DNR indicated in their July 2005 correspondence that the JPO had completely and sufficiently considered responses to these first round of comments. Additional comments raised by the DNR were varied and ranged from typographical corrections to a commitment to continue the agency's participation with the development of rules and standards all the way through the adoption process. Other issues raised included expressing a desire for the watershed to someday undertake measures to address inadequate public access on watershed lakes, incorporation of barriers to fish migration on outlets for landlocked basins, and incorporation of Scott County ground water data which had yet to be included in the plan. As noted earlier, the JPO addressed all the items satisfactorily from the 60-day review. The additional items raised in the DNRs 45-day comments were also addressed. Most notably, DNR had expressed a concern that the local governments place a similar emphasis on protecting the cold-water fishery that the JPO was. The JPO plan text has gone to extraordinary lengths to make sure that local water plans and the standards that they adopt will have full buy-in by the local communities by the time the standards development process is completed in early 2006. The Commission has also articulated the regulatory structure by which communities may elect to regulate development to these standards or defer to JPO rules that will allow the JPO to regulate activity in the absence of local controls.

The PCA provided comments during both review periods. A number of typographical errors were noted and major comments included: clarifying roles of various levels of government and whether the role was voluntary or mandatory, clarifying when the cessation of wastewater flows from the Empire WWTP would occur, the need to address the increasing flow trend observed in the river, the anticipated role of the JPO in addressing the TMDLs needed in the watershed, the development standards to promote infiltration, need to mention the various citizen monitoring programs available for enlarging the monitoring network in the watershed, and a request to eliminate the words "whenever possible" from policy language addressing wetland replacement areas.

The PCA letter of July 2005 indicated that these items were satisfactorily addressed and went on to note additional typographical errors that should be addressed. The JPO did satisfactorily address agency concerns with the exception of one item. The JPO elected to retain their language addressing wetland replacement areas. It was the position of the JPO that removal of the phrase "whenever possible" essentially would constitute a complete prohibition of wetland replacement occurring outside of the subwatershed in which the impact occurred. Noting that this was sometimes physically impossible, the JPO affirmed their desire to see subwatershed wetland replacement but declined to change the policy. In addition several of the PCA comments related to detailed standards were deferred to the upcoming minor amendment process wherein the standards developed through the technical advisory group would be adopted by the JPO.

Metropolitan Council Environmental Services submitted numerous comments and asked for language clarifications. An underlining theme in both review letters was the need for local plans to address detailed standards and hit the goals the JPO establishes for them. To that end, it was desired that additional guidance be provided to local governments. Metropolitan Council

specifically noted allowable peak runoff rates, soil erosion controls, and the need to provide some guidance on how wetlands will be managed over the long haul. The JPO made a number of favorable changes to the plan to accommodate Met Councils concerns. However some language proposed by the JPO ended up seemingly lessening the requirement for local plan development. In their 45-day comment letters both BWSR and Met Council rejected the notion that the local water plans could be de-emphasized from both practical and statutory perspectives. The JPO has since revised the language in response to the comments received.

The Minnesota Department of Agriculture commented during both review periods. Their primary concern was that the JPO was encouraged to continue to work with them on the issues related to ground water protection in the agricultural sand plain areas in the east half of the watershed. The JPO responded that it was their intent to continue the association.

The Dakota SWCD submitted numerous comments addressing the wide variety of topics during the 60-day review period. The voluminous comments addressed a number of historical and current monitoring data that helped bridge the loss of institutional memory, which occurred when the WMO changed its format. Major comments of the SWCD included a request to be more specific with voluntary versus mandatory standards, several key insertions of thermal policy and objectives for the JPO, and comprehensive comments related to the Vermillion's context within the Regional TMDL for Fecal Coliform Bacteria completed for SE Minnesota. The JPO incorporated nearly all of the SWCD clarifications and suggestions. Similar to the response to other commentors regarding standards development, the JPO once again indicated that the line between voluntary and mandatory standards will be clarified as the standards are developed in detail. It is the intent of the JPO to utilize the plan to provide sufficient justification and an indication of where the standards will be headed. By taking this additional measure, the JPO has satisfactorily provided the foundation for undertaking minor amendments per the recommendations of BWSR staff. One last commenting area of note is the SWCDs encouragement and the JPOs willingness to undertake inspection and maintenance activities related to construction site permitting under the NPDES program. Both organizations are interested in localizing this NPDES program to the extent possible.

The city of Rosemount was the last commenting entity we'll highlight that submitted 45-day review comments. The city indicated that they were pleased with the WMO's responses to the earlier comments addressing landlocked basins, policies for designation of storm water storage, and the city's intention for directing surface water discharges toward the Mississippi River rather than the Vermillion River. The remaining issues for the city of Rosemount included a desire to accelerate the watersheds review of the hydrologic and political borders. The city also suggested a process improvement that would address the WMOs desire to have an "audit" function of city regulatory activities. The WMOs current approach of periodically conducting parallel reviews was not preferred by the city due to the unpredictability that would tend to cause for permit applicants and city staff attempting to route materials through the process. An after-the-fact process that looked at the overall program would be much preferred by the city. BWSR comments also concurred with the city's request. The WMO response to the issue related to the review of the hydrologic borders is that given the current prioritization underway in the watershed they could not be more specific in advancing the timeline for the effort other than stating the approximate 2006-2010 window. The plan has incorporated additional text related to

subjects that will require parallel JPO review in an effort to eliminate ambiguity for applicants; however, the JPO will still conduct some concurrent reviews.

Summary of Plan Strength and Weaknesses

The main goals of the watershed are as follows:

1. Manage the rate and volume of runoff
2. Protect and enhance surface water quality
3. Develop or improve recreational, fish and wildlife, and open space areas in conjunction with water quality improvement projects
4. Maintain, restore and create wetlands
5. Protect groundwater quality and quantity
6. Address land use management by promoting sustainable growth through land use planning and rural land conservation
7. Manage and protect the flood plains
8. Offer information that facilitates an understanding of watershed principals

Highlights of the plan include:

- The organization made a conscious decision to save the cold water trout fishery.
- JPO recognizes significant local efforts have been made within the developing communities for managing water resources.
- Plan strikes an informed balance between local implementation and watershed level implementation.
- Local governments are given the option for regulating per watershed standards or, in the absence of local controls, the JPO will have rules with which to regulate directly.

Issues not fully addressed in the plan include:

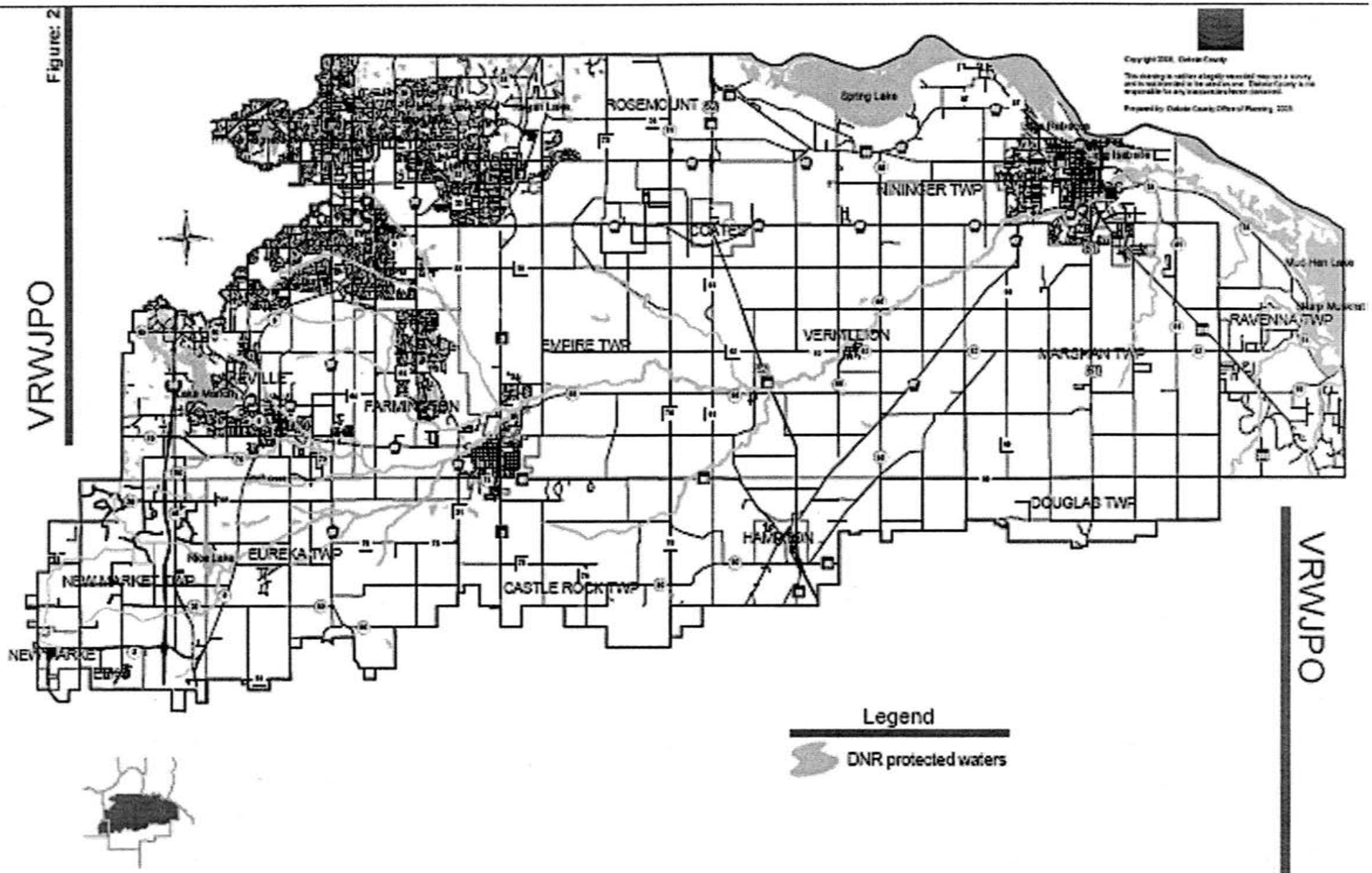
- Detailed performance standards are on a slightly-lagging-but-parallel track. Ample justification and conceptual goals are included in the watershed plan but the complexity detailed standards for preserving cold water habitat was seen to require extra development time with stakeholders in order to produce durable standards. The standards will be adopted via minor amendments early in 2006.
- The relatively young organization is still assimilating results and recommendations from previous monitoring work, runoff modeling, volume studies, and river assessment work. This planning effort took pains to catalog past activities and pull forward broad concepts. It has yet to utilize these in defining those detailed standards mentioned in the previous bullet. This will take time.

- The plan contains an unusually large array of implementation actions that will be undertaken in the next decade. A number of cautions were raised by commentors that the JPO will need to be diligent in prioritizing these efforts in order to achieve significant progress in critical areas of this rapidly developing watershed.

Various BWSR staff have undertaken review of the Vermillion River Watershed Joint Powers organization plan over the past 5 years. Phil Belfiori conducted initial review work and Mary Beth Block helped develop the most recent plan. Steve Woods—who recommends approval of the plan--conducted final review and coordination.

Figure: 2

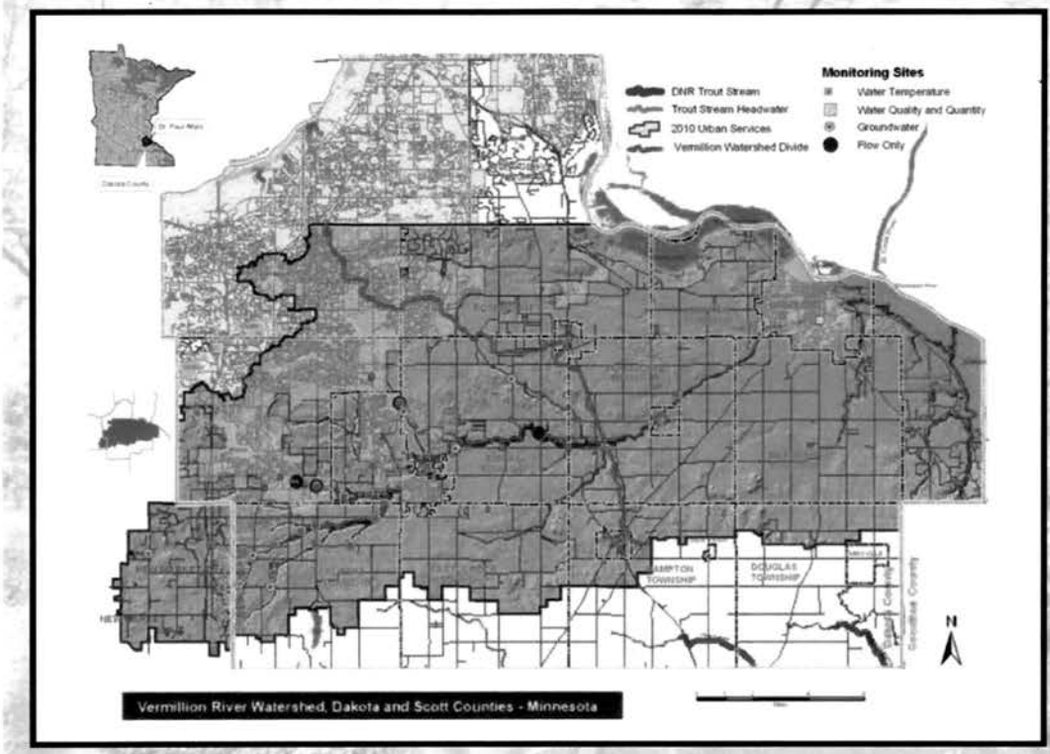
VRWJPO



VRWJPO

The Vermillion River Watershed

Dakota and Scott Counties, Minnesota



The Vermillion River

Something unique and special lives in the Vermillion River. Brown Trout. According to Trout Unlimited, it is the only world-class trout stream within a major metropolitan Area in the United States.



Photo courtesy of the Twin Cities Chapter of Trout Unlimited

Recently, the Minnesota Department of Natural Resources completed a survey of the trout population in the Vermillion River. The survey found an impressive number of trophy-sized brown trout. Equally impressive was that the number of young trout hatched this last spring was higher than previous years. The trout habitat is dependant on cold, clear water, stable channel flows, and vegetated streambanks.

The Vermillion River flows through Dakota and Scott Counties as part of the Vermillion River Watershed. The watershed includes wide variety of land uses from urbanized areas to highly productive agriculture land. The Vermillion River Watershed includes approximately 335 square miles, more than 110,000 households and is the largest in the Twin Cities (Minneapolis/St. Paul) region.



Watershed Governance

The Vermillion River Watershed Joint Powers Organization (VRWJPO) was established through a Joint Powers Agreement between Dakota and Scott Counties in September 2002. A three-member Joint Powers Board consisting of two Dakota County Commissioners and one Scott County Commissioner governs the VRWJPO.

A nine-member advisory Watershed Planning Commission includes eight members from the Dakota County portion of the Watershed and one member from the Scott County portion of the Watershed. Dakota and Scott County staff shares administrative duties, with Dakota County acting as the fiscal agent.



For more information visit www.co.dakota.mn.us/planning and click on "Vermillion River Watershed" or contact John Jaschke at 952-891-7011.

Vermillion River Watershed Joint Powers Organization

14955 Galaxie Avenue ~ Apple Valley, MN 55124
952.891.7030 ~ Fax 952.891.7031

Organization Overview

The Vermillion River Watershed Joint Powers Organization (VRWJPO) was established through a Joint Powers Agreement between Dakota and Scott Counties in September 2002, to manage the Vermillion River Watershed. Dakota and Scott Counties became statutorily responsible for managing the Vermillion River Watershed when the former watershed management organization dissolved in August 2000.

The River

The Vermillion River originates in New Market Township in Scott County and travels 38 miles east across Dakota County before dropping 90 feet at the falls in the city of Hastings. East of Hastings, the river splits: one branch flows north to the Mississippi River; the other flows south, paralleling the Mississippi River for 20 miles through Ravenna and Welch Townships before joining the Mississippi River near the city of Red Wing in Goodhue County. The Vermillion is the only river in Minnesota that flows both north and south.

The Vermillion River, often referred to as a "prairie river," is a relatively slow flowing river that winds its way through alternating rural agricultural and developing suburban areas. The Vermillion River supports a naturally reproducing population of trout. A portion of the main branch of the river





and some of its tributaries, beginning in the southeast corner of Lakeville and central Eureka Township and stretching east through Farmington and Empire Township to Highway 52 in Vermillion Township, have been designated as trout streams by the Minnesota DNR.

Although the Vermillion River is healthy enough to support trout, the U.S. Environmental Protection Agency lists it as impaired for high levels of fecal coliform bacteria from the headwaters to the falls in Hastings. South of the falls, the Vermillion River is listed as impaired due to high turbidity (cloudiness of the water).

Joint Powers Board (JPB)

A three-member Joint Powers Board consisting of two Dakota County Commissioners and one Scott County Commissioner governs the VRWJPO.

JPB Members

- Dakota Co. Commissioner Joseph Harris, Chair
- Scott Co. Commissioner Bob Vogel, Vice Chair
- Dakota Co. Commissioner Paul Krause, Treasurer
- Scott Co, Commissioner Barbara Marschall, Alternate
- Dakota Co. Commissioner Will Branning, Alternate



Staff Contacts

Dakota County
- John Jaschke, Water Resources Manager
  952.891.7011

Scott County
- Dr. Dawn Gibas, Natural Resources Manager
  952.496.8054



Watershed Planning Commission (WPC)

A nine-member advisory Watershed Planning Commission that includes eight members from the Dakota County portion of the Watershed and one member from the Scott County portion of the Watershed supports the Joint Powers Board.

WPC Members

Kevin Bigalke
Mike Brown
Kevin Chamberlain, *Vice-Chair*
Christy Jo Fogarty
Terry Holmes
Michael Kennedy
David Luick
David Moran
Henry Zweber, *Chair*





Check us out on the Web!

www.co.dakota.mn.us/planning/vermillionjpo

Contact us

Email: vrwjpo@co.dakota.mn.us

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan for the **Vermillion River Watershed Joint Powers Organization** pursuant to Minnesota Statutes Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHEDMANAGEMENT PLAN

Whereas, the Board of the Vermillion River Watershed Joint-Powers Organization (VRWJPO) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, 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. **District Establishment.** The VRWJPO was established by an executed joint powers agreement between Dakota and Scott Counties in September 2002. The VRWJPO provides the forum for the counties to prioritize and address intercommunity drainage issues affecting the 21 cities and townships that comprised the former Vermillion River Watershed Management Organization.

2. **Requirement to Plan.** The Metropolitan Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The VRWJPO protects and preserves water resource, establishes policies for water resources management, prevents soil erosion, promotes groundwater recharge and protects wildlife habitat all while minimizing public capital expenditures.

3. **Nature of the Watershed.** The VRWJPO covers 335 square miles of Dakota and Scott Counties. The River flows 38 miles in an easterly direction before dropping 90 feet at the falls in the City of Hastings before entering the Mississippi River. The VRWJPO includes 49 miles of trout habitat, several wastewater treatment plants, and includes the large populations of Lakeville, Farmington, and Apple Valley in the upper watershed (See enclosed overview with map).

4. **Local Review.** The VRWJPO circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, prior to submittal to the Metropolitan Council. Comments were received from ten communities.

5. **Metropolitan Council Review.** In letters dated December 29, 2004 and June 28, 2005 the Council submitted numerous comments. An underlining theme in both review letters was the need for local plans to address detailed standards and hit the goals the JPO establishes for them. To that end, it was desired that additional guidance be provided to local governments. Metropolitan Council specifically noted allowable peak runoff rates, soil erosion controls, and the need to provide some guidance on how wetlands will be managed over the long haul. The JPO made a number of favorable changes to the plan to accommodate Met Councils concerns. However some language proposed by the JPO ended up seemingly lessening the requirement for local plan development. In their 45-day comment letters both BWSR and Met Council rejected the notion that the local water plans could be de-emphasized from both practical and statutory perspectives. The VRWJPO has since revised the language in response to the comments received.

6. **Department of Agriculture Review.** The Minnesota Department of Agriculture commented during both review periods in letters dated January 11, 2004 and June 14, 2005. Their primary concern was that the VRWJPO was encouraged to continue to work with them on ground water protection in the agricultural sand plain areas in the east half of the watershed. It is the VRWJPO intent to continue the association.

7. **Department of Health Review.** The Department did not provide written comments.

8. **Department of Natural Resources Review.** The DNR provided ample comments in letters dated January 14, 2005 and July 26, 2005. The DNR was complimentary of the comprehensive approach, which the plan undertook and provided 11 pages of comments addressing nearly all areas of the plan. The DNR indicated in their July 2005 correspondence that the JPO had sufficiently considered responses to these first round of comments. Additional comments raised by the DNR were varied and ranged from typographical corrections to a commitment to continue the agency's participation with the development of rules and standards all the way through the adoption process. Other issues raised included expressing a desire for the watershed to someday undertake measures to address inadequate public access on watershed lakes, incorporation of barriers to fish migration on outlets for landlocked basins, and incorporation of Scott County ground water data which had yet to be included in the plan. DNR expressed a concern that the local governments place a similar emphasis on protecting the cold-water fishery that the VRWJPO was. The plan text has gone to extraordinary lengths to make sure that local water plans and the standards that they adopt will have full buy-in by the local communities by the time the standards development process is completed in early

2006. The Commission has also articulated the regulatory structure by which communities may elect to regulate development to these standards or defer to JPO rules that will allow the VRWJPO to regulate activity in the absence of local controls.

9. **Pollution Control Agency Review.** The PCA provided comment in January 18, 2005 correspondence. Major comments included: clarifying roles of various levels of government and whether the role was voluntary or mandatory, clarifying when the cessation of wastewater flows from the Empire WWTP would occur, the need to address the increasing flow trend observed in the river, the anticipated role of the JPO in addressing the TMDLs needed in the watershed, the development standards to promote infiltration, need to mention the various citizen monitoring programs available for enlarging the monitoring network in the watershed, and a request to eliminate the words "whenever possible" from policy language addressing wetland replacement areas.

   The PCA letter of July 28, 2005 indicated that these items were satisfactorily addressed and went on to note additional issues. The VRWJPO did satisfactorily address agency concerns with the exception of one item. The VRWJPO elected to retain their language addressing wetland replacement areas. It was their position that removal of the phrase "whenever possible" essentially would constitute a complete prohibition of wetland replacement occurring outside of the subwatershed in which the impact occurred. Noting that this was sometimes physically impossible, the VRWJPO affirmed their desire to see subwatershed wetland replacement but declined to change the policy. Several PCA comments on detailed standards were deferred to the upcoming minor amendment process wherein the standards developed through the technical advisory group would be adopted.

10. **Board Review.** BWSR commented in letters dated January 13, 2005 and July 27, 2005. Primary concerns on both plan drafts were that they more clearly lay out the relative priority of the numerous action items listed. The capital improvements portion of the plan needed to indicate the source and portion of the total project cost to be addressed by the VRWJPO. Other comments addressed the clarity of local planning and regulatory requirements and that sufficient documentation be provided regarding the detailed standards being developed on a parallel path. The VRWJPO responded by providing the required information for the implementation plan addressing source and timing of funds. The new table clearly articulates the requirements for local plans, and a great deal of clarifying text now signals the organization's intent to adopt detailed regulatory standards via the minor amendment process.

11. **Highlights of the Plan.** The critical elements included in the Plan and process are:

    a. The organization made a conscious decision to save the cold water trout fishery
    b. JPO recognizes significant local efforts have been made within the developing

communities for managing water resources

c. Plan strikes an informed balance between local implementation and watershed level implementation
d. Local governments are given the option for regulating per watershed standards or, in the absence of local controls, the JPO will have rules with which to regulate directly
e. Identification of priority issues determined through extensive citizen involvement and agency participation

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 Watershed Management Plan for the Vermillion River Watershed Joint Powers Organization pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Vermillion River Watershed Joint Powers Organization Plan attached to this Order defines water and water-related problems within the VRWJPO boundary, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated June 2001 as the Watershed Management Plan for the Vermillion River Watershed Joint Powers Organization.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

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Minnesota Board of Water and Soil Resources
October 2005 Metro Subcommittee Meeting

OVERVIEW
Valley Branch Watershed District Plan 2005 – 2015

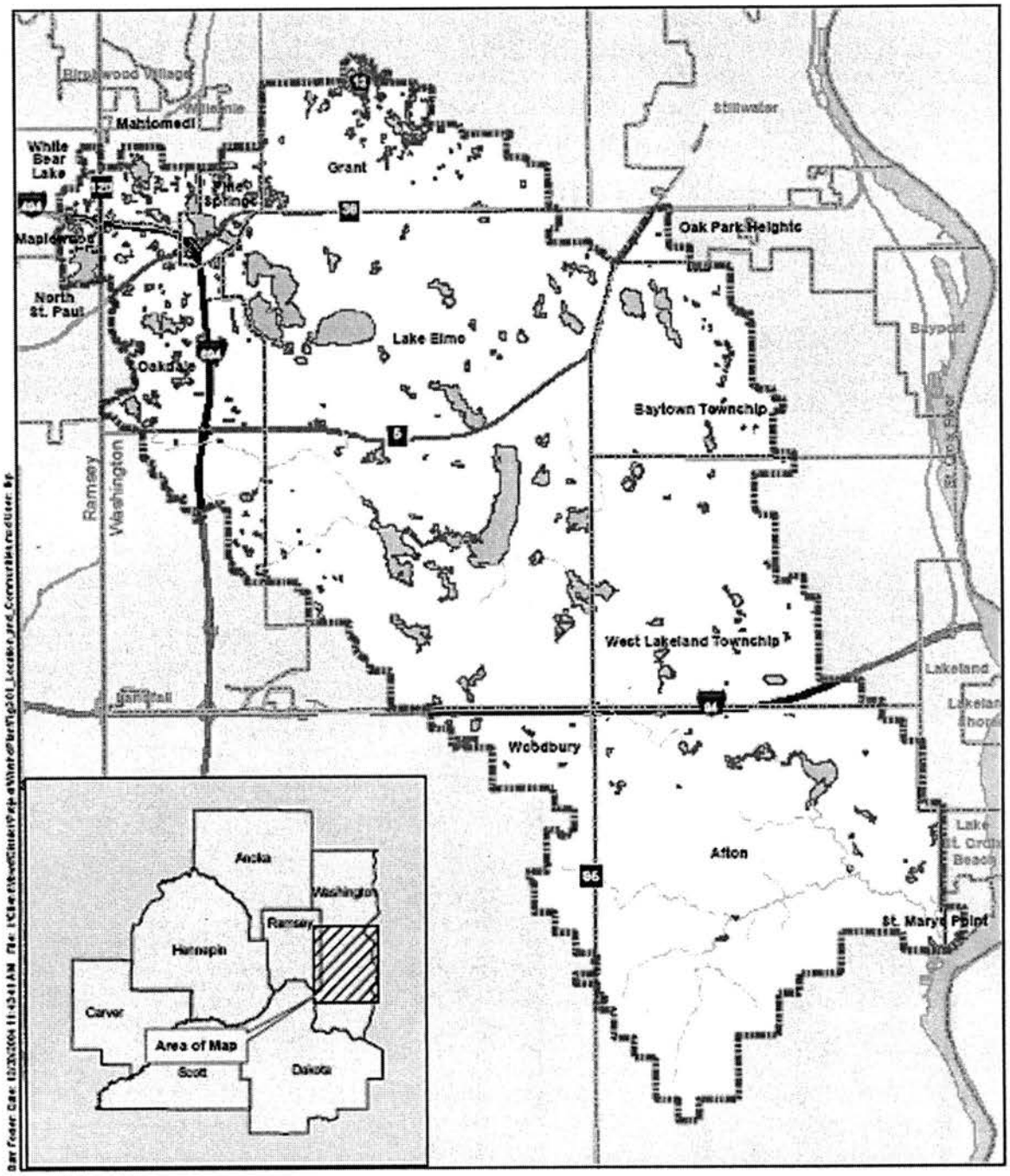


Figure 2-1

LOCATION AND COMMUNITIES
Valley Branch Watershed District

Watershed Description

The Valley Branch Watershed District (VBWD) is located on the eastern edge of the Minneapolis-St. Paul Metropolitan area and covers approximately 65 square miles. Approximately one square mile is in Ramsey County, the remainder of the VBWD lies in Washington County. The above figure shows the location of the VBWD and the communities that lie or partially lie within the VBWD. The following is a list of these communities:

Ramsey County Communities	Washington County Communities		
Maplewood	City of Afton	City of Mahtomedi	City of St. Mary's Point
North St. Paul	Baytown Township	City of Oak Park Heights	West Lakeland Township
White Bear Lake	City of Grant	City of Oakdale	City of Woodbury
	City of Lake Elmo	City of Pine Springs	

The namesake of the Valley Branch Watershed District is Valley Branch Creek. When the State of Minnesota approved the citizen's petition to form a watershed district, the State named the watershed district "Valley Branch Watershed District" because State maps labeled the creek which was the ultimate receiving water body of the area as "Valley Branch Creek." Local residents call the creek, "Valley Creek."

The land of the VBWD all eventually drains to the St. Croix River, and therefore, is within the St. Croix River watershed. Prior to the VBWD constructing a flood relief and water quality project (Project 1007), all of the land within the VBWD eventually drained to Valley Creek on its way to the St. Croix River. All of the VBWD still drains to the St. Croix River, but the outflows from the northern two-thirds of VBWD have been diverted from Valley Creek to a storm sewer pipe along Interstate 94.

The VBWD is adjacent to the following watershed districts and joint powers watershed management organizations:

- Ramsey-Washington Metro Watershed District, along west-northwest boundary of VBWD
- Rice Creek Watershed District, along north-northwest boundary of VBWD
- Browns Creek Watershed District, along north-northeast boundary of VBWD
- Middle St. Croix Water Management Organization, along east boundary of VBWD
- Lower St. Croix Water Management Organization, along southeast boundary of VBWD
- South Washington Watershed District, along southwest boundary of VBWD

The Twin Cities metropolitan region, particularly Washington County, is developing rapidly. By the year 2015, it is estimated that 36,500 new households will be added to Washington County. Inevitably, some of this development will occur in the VBWD, which will have an impact on water resources. National studies show that when the level of impervious surface in a watershed exceeds around 10%, the quality of streams becomes impacted. The current level of impervious surfaces in the VBWD varies greatly by subwatershed. In the Valley Creek watershed, the level of imperviousness is low (around 3% in 1994) due to the rural nature and limited amount of development in the watershed. In comparison, the level of imperviousness in the Silver Lake watershed is about 40%.

Fiscal Context and Implementation

Watershed Organizations Operating Parameters for select adjacent and 2nd ring suburban areas

Watershed	Type	Counties	Size (M^2)	Actual Expenditures			Exp./ Sq. Mile
				2001	2002	2003	
Bassett Creek	WMO	Hennepin	40	$433,208	$390,653	$318,823	7,971
Browns Creek	WD	Washington	28	$1,035,814	$536,531	$403,906	14,425
Capitol Region	WD	Ramsey	37	$397,354	$386,503	$577,504	15,608
Carnelian-Marine	WD	Washington	43	$404,561	$447,838	na	10,415
Coon Creek	WD	Anoka	96	$467,285	$601,544	$660,523	6,880
Gun Club Lake	WMO	Dakota	33	$42,900	$28,125	$18,451	559
Lower Mississippi River	WMO	Dakota, Ramsey	56	$43,324	$50,727	$57,383	1,025
Minnehaha Creek	WD	Hennepin	184	$6,086,030	$5,270,636	$3,343,963	18,174
Prior Lake-Spring Lake	WD	Scott	42	$410,171	$610,534	na	14,537
Ramsey-Washington Metro	WD	Ramsey, Washington	53	$3,048,986	$3,329,310	$3,370,862	63,601
Rice Creek	WD	Ramsey, Anoka, Washington	201	$1,319,055	$1,692,567	na	8,421
Shingle Creek	WMO	Hennepin	44	$238,813	$353,581	na	8,036
Vadnais Lake Area	WMO	Ramsey	24	$63,192	$66,409	$78,431	3,268
Valley Branch	WD	Washington	64	$443,537	$526,532	$730,992	11,422
West Mississippi	WMO	Hennepin	24	$83,385	$125,104	na	5,213

The table above reveals an increasing trend with regards to expenditures of VBWD over the past three years of available data. VBWD expenditures appear to be comparable to other Metro Watershed Districts in the lower funding bracket. Expenditures for the VBWD implementation program are projected to vary from approximately $1.1 million to $4.7 million annually during the life of the Plan, with most years averaging approximately $1.5 million.

Summary of Plan Review Process

VBWD was established on November 14, 1968 to address existing flooding problems and prevent future flooding problems in the watershed. This watershed management plan (Plan) will be the fourth VBWD Plan approved by the Minnesota Board of Water and Soil Resources (BWSR) or its predecessor. The previous VBWD Plans were:

1. 1970 – *Overall Plan, Valley Branch Watershed District*
2. 1987 – *Valley Branch Watershed District Water Management Plan* (The Minnesota Water Resources Board (now BWSR) approved the Plan in March 1986, but the order formally approving the plan was not issued until September 1987; the Plan was printed in 1988).
3. 1995 – *Valley Branch Watershed District Water Management Plan*

The current Plan was submitted for formal review to the following, in accordance with Minnesota statutes:

VBWD Cities:	VBWD Counties:	State/Regional Agencies:
Afton Grant Lake Elmo Mahtomedi Maplewood North St. Paul Oak Park Heights Oakdale Pine Springs St. Mary's Point White Bear Lake Woodbury **VBWD Townships:** Baytown West Lakeland	Ramsey County Ramsey Conservation Dist. Washington County Washington Conservation District	Metropolitan Council MN Board of Water and Soil Resources MN Dept. of Agriculture MN Dept. of Health MN Dept. of Natural Resources MN Pollution Control Agency

Prior to submitting the Plan for formal review, the VBWD solicited comments on a preliminary draft of the Plan from the above list of reviewers, plus the following:

VBWD Citizens Advisory Committee	Local legislators
July 31, 2003 Issue Identification Workshop invitees	Adjacent watershed management organizations
Minnesota Department of Transportation	Other interested citizens

The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on January 24, 2005. In response to the 60-day review, VBWD received comments from BWSR, the MN Department of Natural Resources (DNR), Met Council, Washington County, Ramsey County Department of Public Works, Ramsey Conservation District, the City of Oakdale, the City of Mahtomedi, the City of Grant, the City of Lake Elmo, the Brown's Creek Watershed District, and the Lower St. Croix Watershed Management Organization. A public hearing was held on April 28, 2005 and no comments were received.

On June 9, 2005, all review agencies had received the revised draft plan for the required 45-day review period. VBWD received comments from BWSR, Met Council, DNR, and the MN Department of Agriculture (MDA). On August 9, 2005, VBWD managers and staff met with BWSR staff to discuss the District's response to BWSR and Met Council comments from the 45-day review. The meeting was productive and resulted in agreement on acceptable plan content regarding wetland management and plan amendments. The final draft Plan was submitted to BWSR on September 6, 2005.

Reviewing Agencies'/ LGUs' Comments and VBWD Responses

The following is a summary of the state review agencies' comments and any other significant comments raised during the 45-day review:

BWSR's comments pertained to the development of a wetland management planning strategy and plan revisions for capital improvement projects requiring amendment. BWSR recommended moving up the implementation date for developing a wetland management plan and corresponding policies, which originally was scheduled to start sometime after 2015. BWSR also supported the use of real dollars in cost estimates for capital improvement projects by adjusting for inflation, but recommended

lowering the proposed percentage increase allowed without completing a Plan amendment. These issues were discussed at the August 9, 2005 meeting with BWSR staff. As a result of that meeting, VBWD agreed to move up the date for beginning developing a wetland management plan, targeting specific areas likely to see increasing development pressures in the near future. Already developed areas and areas less likely to be developed in the near future will be addressed in later stages. The meeting also resulted in agreement on specific dollar amounts and percentage change of cost for capital improvement projects that is allowable without completing a plan amendment.

DNR commented that, overall, the Plan is very comprehensive and well presented. Specific recommendations after the 60-day review included adding information about the Minnesota Land Cover Classification System, rare animal species and plant communities, and the overarching problem of land cover conversion within VBWD. The DNR recommended the Surface Water Quality section be revised to refer to the goals established by the St. Croix River Basin Planning Team for a 20 percent nutrient load reduction to the St. Croix River Basin, to emphasize the importance of the St. Croix River as a water resource, and to include specific guidance language regarding restoration of river systems, which was provided. The DNR suggested that VBWD consider modifying the District's rules to require alternative stormwater treatment options rather than just "encouraging" them, and to require infiltration. Concerning individual watershed management plans, the DNR recommended the use of alum to control phosphorus should be limited to those basins with anaerobic hypolimnion, cautioned on the limited observed benefit of wide-spread application of the curly leaf pond-weed control methods proposed, and included information about fisheries management activities for several specific water bodies. Other DNR comments largely related to wording and clarifications. In the 45-day comment letter, the DNR found that VBWD had sufficiently and appropriately responded to the DNR's 60-day written comments.

MPCA did not provide comments on the VBWD plan.

MDH did not provide comments on the VBWD plan.

MDA provided comments for the 45-day review. MDA complimented VBWD on the excellent job it did, stating the Plan is very thoughtful in considering the issues impacting the watershed.

Met Council found the plan to be generally consistent with its Water Resources Management Plan. Due to development pressures in the area, the Council recommended moving forward the schedule for developing a comprehensive wetland plan including a function and value assessment and variable buffer widths. This comment was addresses as described above. The Council also expressed concern and posed several questions relating to Valley Creek as an identified trout stream, and the adoption by reference of the Plan as a local government's local surface water management plan.

Washington Conservation District requested that VBWD provide them with water resource data yearly, and recommended a set, regular monitoring schedule on high priority lakes.

Washington County found the plan generally consistent with County activities. The County expressed concern about the lack of specificity in the Plan as to what activities the County may be required to fund pursuant to Minn. Stat. 103B.251, and included recommended wording and draft County guidelines. The County also commended VBWD for the inclusion of groundwater protection into their rule making process.

Ramsey Conservation District recommended providing Best Management Practices assistance to agricultural producers within VBWD, supplementing the cities street sweeping activities, keeping

runoff velocities to a minimum to maintain natural drainage systems, and adopting a "net wetland gain" policy.

Ramsey County recommended more specificity in VBWD's plan to adopt rules and regulate stormwater runoff volume, and to discuss potential funding mechanisms and the process it intends to follow in implementing a stormwater pond maintenance program. VBWD responded with more specifics and clarifications. The County also recommended placing a higher priority on development of a wetland management plan and proceeding with its implementation much before 2015. Again, this was addressed as described above.

Summary of Plan Strengths

The VBWD general Vision and Mission statements are as follows:

VBWD Vision:
Always be careful stewards of the water resources within our watershed boundaries.

VBWD Mission:
To manage and protect our water resources: lakes, ponds, creeks, streams, wetlands, drainages, and groundwater by:

A. Promoting open communication with our constituents, both our citizen base and pertinent governmental units.
B. Improving and protecting the quality of water for all water bodies within the VBWD.
C. Managing the quantity of water and minimizing the negative impact on the VBWD from floods, high flows, and droughts by providing public works projects and other prudent measures.
D. Understanding the effects of community growth and other activities on groundwater, initially focusing on the groundwater-surface water interface.
E. Continuing to enforce the Wetland Conservation Act requirements as the responsible local unit of government.
F. Educating our constituents and the local units of government within the VBWD on water quality and quantity issues, management, and means of improvement.

The VBWD Plan addresses nine major topic areas, with each major topic area including a more specific mission statement and detailed policies to accomplish the District's mission. The major topic areas are:

1. Public Involvement and Public Information
2. Surface Water Quality
3. Stream Management and Restoration
4. Stormwater Runoff Management
5. Water Level and Floodplain Management
6. Groundwater Management
7. Wetland Management
8. Erosion Prevention and Sediment Control
9. Funding

The highlights of the plan include:

- The Plan is very comprehensive and contains a wealth of information on the resources of the watershed.
- The Plan contains a specific individual watershed management plan for 36 waterbodies and sub-watersheds within VBWD.
- The Plan includes an aggressive implementation program, focusing on water quality improvement projects.
- The District appears to do a good job of prioritizing energy and fiscal resources given the array of issues and development pressures they will face during the life of the plan.
- The Plan outlines a specific procedure to assess the need for completing a plan amendment for differences in projected and actual cost of capital improvement projects.
- The District has a focused and clearly defined vision.

BWSR Board Conservationist Les Lemm recommends approval of the Valley Branch Watershed District 2005-2015 Watershed Management Plan.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan For the **Valley Branch Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Valley Branch Watershed District (VBWD) submitted a Watershed Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, 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. **VBWD Establishment.** VBWD was established on November 14, 1968 to address existing flooding problems and prevent future flooding problems in the watershed. This Plan will be the fourth VBWD Plan approved by the Board or its predecessor. The draft plan was submitted to BWSR, other state agencies, and local governments for the required 60-day review on January 24, 2005. A public hearing was held on April 28, 2005 and no comments were received. On June 9, 2005, all review agencies had received the revised draft plan for the required 45-day review period. The final draft Plan was submitted to BWSR on September 6, 2005.

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed.** The Valley Branch Watershed District (VBWD) is located on the eastern edge of the Minneapolis-St. Paul Metropolitan area and covers approximately 65 square miles. Approximately one square mile is in Ramsey County, the remainder of the VBWD lies in Washington County. The following communities lie wholly or partially within the VBWD: Maplewood, North Saint Paul, White Bear Lake, City of Afton, Baytown Township, City of Grant, City of Lake Elmo, City of Mahtomedi, City of Oak Park Heights, City of Oakdale, City of Pine Springs, City of St. Mary's Point, West Lakeland Township, and the City of Woodbury.

The land of the VBWD all eventually drains to the St. Croix River, and therefore, is within the St. Croix River watershed. Prior to the VBWD constructing a flood relief and water quality project (Project 1007), all of the land within the VBWD eventually drained to Valley Creek on its way to the St. Croix River. All of the VBWD still drains to the St. Croix River, but the outflows from the northern two-thirds of VBWD have been diverted from Valley Creek to a storm sewer pipe along Interstate 94.

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4. **Local Review.** The VBWD circulated a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.

- Washington County found the plan generally consistent with County activities. The County expressed concern about the lack of specificity in the Plan as to what activities the County may be required to fund pursuant to Minn. Stat. 103B.251, and included recommended wording and draft County guidelines. The County also commended VBWD for the inclusion of groundwater protection into their rule making process.

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the process it intends to follow in implementing a stormwater pond maintenance program. VBWD responded with more specifics and clarifications. The County also recommended placing a higher priority on development of a wetland management plan and proceeding with its implementation much before 2015. Again, this was addressed as described above.

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5. **Metropolitan Council Review.** The Council found the Plan to be generally consistent with its Water Resources Management Plan. Due to development pressures in the area, the Council recommended moving forward the schedule for developing a comprehensive wetland plan including a function and value assessment and variable buffer widths. This comment was addresses after a later meeting with BWSR staff. The Council also expressed concern and posed several questions relating to Valley Creek as an identified trout stream, and the adoption by reference of the Plan as a local government's local surface water management plan.

6. **Department of Agriculture Review.** MDA complimented VBWD on the excellent job it did, stating the Plan is very thoughtful in considering the issues impacting the watershed.

7. **Department of Health Review.** MDH did not provide comments on the VBWD Plan.

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9. **Pollution Control Agency Review.** PCA did not provide comments on the VBWD Plan.

10. **Board Review.** Comments from Board staff pertained to the development of a wetland management planning strategy, and plan revisions for capital improvement projects requiring amendment. Board staff recommended moving up the implementation date for developing a wetland management plan and corresponding policies, which originally was scheduled to start sometime after 2015. Board staff also supported the use of real dollars in cost estimates for capital improvement projects by adjusting for inflation, but recommended lowering the proposed percentage increase allowed without completing a Plan amendment. The District discussed these issues with Board staff at an August 9, 2005 meeting. As a result of that meeting, VBWD agreed to move up the date for beginning developing a wetland management plan, targeting specific areas likely to see increasing development pressures in the near future. Already developed areas and areas less likely to be developed in the near future will be addressed in later stages. The meeting also resulted in agreement on specific dollar amounts and percentage change of cost for capital improvement projects that is allowable without completing a plan amendment.

11. **Highlights of the Plan.**

- The Plan is very comprehensive and contains a wealth of information on the resources of the watershed.
- The Plan contains a specific individual watershed management plan for 36 waterbodies and sub-watersheds within VBWD.
- The Plan includes an aggressive implementation program, focusing on water quality improvement projects.
- The District appears to do a good job of prioritizing energy and fiscal resources given the array of issues and development pressures they will face during the life of the plan.
- The Plan outlines a specific procedure to assess the need for completing a plan amendment for differences in projected and actual cost of capital improvement projects.
- The District has a focused and clearly defined vision.

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 Watershed Management Plan for the Valley Branch Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Valley Branch Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the VBWD boundaries, possible solutions thereto, and an implementation program.

4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan dated August 2005 as the Watershed Management Plan for the Valley Branch Watershed District.

Dated at Saint Paul, Minnesota this 26th day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Kern Center Pond - Project Description and Need

The Kern Center Pond is a regional stormwater management facility that serves the Kern Center Commercial Area (see Figure 1). The commercial area, which is approximately 92 acres in size, is bounded by Hwy 5 on the east and Hwy 36 to the north. Drainage from the Kern Center Pond enters a series of wetlands that drains north through an existing 30" diameter culvert under Hwy 36 and discharges into Long Lake. This project enhances an existing regional stormwater management facility by redesigning the pond into a regional infiltration facility.

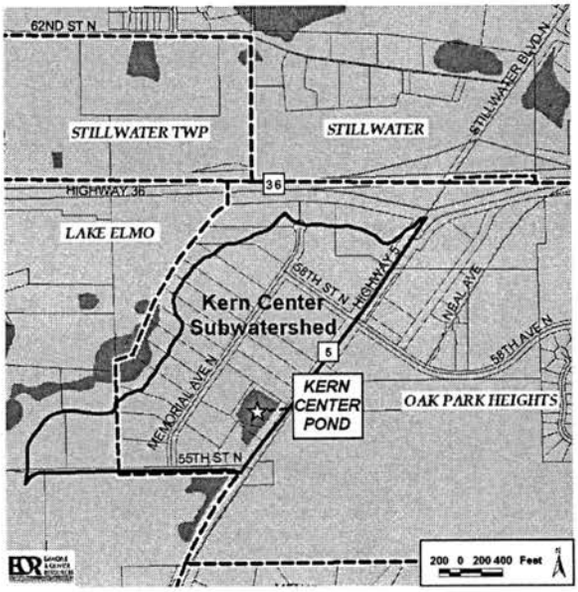


Figure 1. Location Map of the Kern Center Pond

Originally the Kern Center Pond, which was located in Baytown TWP, was a natural depression that was partially landlocked. The overflow for the depression routed excess flows to the south into the Valley Branch Watershed District (VBWD). In 1998, the City of Oak Park Heights annexed the Kern Center Area. Prior to this annexation, an 18" reinforced concrete pipe (RCP) culvert was installed to drain the pond to the west as it does today. In 1998, the 18" culvert was replaced by a 42" pipe restricted by a 12" orifice as part of the utility improvements for the area. According to the Kern Center Commercial Area Drainage Report (February 2002), the 12" orifice restriction was intended to be a temporary measure until outlet modifications to the downstream wetland complex were in place. The City of Oak Park Heights intended to use the downstream wetland complex as a regional ponding facility in order to reduce the peak flow rates under Hwy 36 per the City of Stillwater's Alternative Urban Areawide Review.

In 1999, the Brown's Creek Watershed District adopted Rules and Regulations, which made the use of the downstream wetland complex as a regional storage facility undesirable. While the existing Kern Center Pond was designed to meet the City of Oak

Park Heights' stormwater requirements under ultimate development conditions, it did little to reduce the volume of stormwater being transferred downstream. In an effort to alleviate on-going flooding issues on Long Lake and to reduce the peak flow rates under Hwy 36 to more closely match assumptions made in the City of Stillwater's Alternative Urban Areawide Review, the District decided to pursue modifications to the existing Kern Center Pond.

In 2001, the BCWD was awarded $25,000 from the Minnesota Board of Water and Soil Resources' (BWSR) Local Water Planning Challenge Grant Program. The objective of the project *BCWD Rules Implementation – Demonstration Site Plan* was to develop a demonstration site for the education of member communities, developers and citizens regarding the environmental controls and stormwater management standards required by the District's rules.

By 2002, the BCWD had identified the Kern Center Pond as a potential demonstration site for the District's rules. In order to ensure that future development within the Kern Center Commercial Area would meet the District's standards, and that peak flow rates and volumes under Hwy 36 were reduced, the BCWD offered to design the modifications that would achieve these goals. Since this decision was made, the BCWD and the City of Oak Park Heights have been collaborating on the following: development of a Cooperative Agreement; design of the pond modifications; development of an Operation and Maintenance Plan; development of a Monitoring Plan; the construction process. A copy of the signed Cooperative Agreement and construction documents can be found as an attachment to this amendment.

The construction of the Kern Center Pond modifications began in December of 2004. Final excavation and restoration of the site will be completed in the spring of 2005. Modifications to the Kern Center Pond will result in the following improvements: increased storage capacity; pretreatment of stormwater runoff; increased infiltration; and improved wildlife habitat. Since the existing outlet structure will not be modified as a result of this project, there will be no adverse impacts to the downstream receiving water body.

Estimated Cost

The following table summarizes the estimated total project cost for the design and construction of the Kern Center Pond modifications.

Project Component	**Cost**
Development of Construction Documents	$28,250.00
Kern Center Pond Construction	$290,000.00
Construction Services Administration	$22,000.00
Construction Observation	$10,000.00
Estimated Total Cost	**$350,250.00**

Schedule

Project Component	Completion Date
Preliminary Design Plans and Specifications	10/02
Final Design Plans and Specifications	10/04
Construction	12/04 – 04/05
Restoration	04/05 – 06/05

Method of Financing

The District funded completed feasibility and preliminary design work through a Local Water Planning Challenge Grant Program managed and disbursed by the Minnesota Board of Water and Soil Resources. All or a significant portion of the cost of construction, construction contract management and maintenance is intended to be borne by the City of Oak Park Heights pursuant to a cooperative agreement executed by the District and the City in December 12, 2004. The amount and method of further funding to be provided by the District will be determined by the Board of Managers at the time it orders the project. The source of District funding is likely to be an ad valorem levy on all property within the District pursuant to District funding and levy authorities specified in Minnesota Statutes §§103B.241 and 103B.251. Other potential sources include other federal, state or local contributions, grants, a subwatershed levy or special assessments.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan Amendment for the **Browns Creek Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 9

ORDER APPROVING WATERSHED MANAGEMENT PLAN AMENDMENT

Whereas, the Board of Managers of the Browns Creek (BCWD) submitted a Watershed Plan Amendment (Amendment) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Amendment;

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

FINDINGS OF FACT

1. **BCWD Establishment.** The BCWD was formed from the Brown's Creek Watershed Management Organization in October 1997. The second generation Watershed Management Plan was written and adopted in 2001. The draft plan Amendment was submitted to BWSR, other state agencies, and local governments for the required 60-day review on April 18, 2005. On August 2, 2005, all review agencies had received the revised Amendment for the required 45-day review period. The final draft Amendment was submitted to BWSR on September 26, 2005.

2. **Requirement to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed.** The BCWD is located exclusively in Washington County in the east-central portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire Browns Creek watershed is approximately 29.4 square miles in size. Approximately 48.5 percent of the watershed eventually flows overland to the St. Croix River. The remaining 51.5 percent of the watershed is composed of a series of landlocked basins. The

watershed contains several land uses and is a developing watershed with a number of significant natural resources.

4. **Local Review.** The BCWD circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

   Washington County expressed concern with the lack of specificity in the Amendment as to what activities the County may be required to fund in the future pursuant to MN Stat. 103B.251, and requested the inclusion of a clarifying statement regarding the County's position on providing funding for capital improvement projects. BCWD responded that they are not requested any funding from the County for the implementation of this project, and that they would discuss these comments with the County for future projects rather than address them in this plan Amendment.

5. **Metropolitan Council Review.** The Council found the Amendment to be consistent with the Council's Water Resources Management Plan

6. **Department of Agriculture Review.** MDA did not comment on the draft plan Amendment.

7. **Department of Health Review.** MDH did not comment on the draft plan Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the draft plan Amendment.

9. **Pollution Control Agency Review.** PCA requested information and clarification on potential wetland impacts that may fall under the jurisdiction of MN Rule 7050. BCWD responded that the Kern Center Pond was a stormwater management facility constructed in upland and added clarifying text, including a statement that the area was already an existing stormwater treatment facility.

10. **Board Review.** BWSR did not comment on the draft plan Amendment.

11. **Highlights of the Amendment.**

    - The project was the result of a 2001 Local Water Planning Challenge Grant from BWSR.
    - The project develops a demonstration site for the education of member communities, developers, and citizens regarding the environmental controls and stormwater management standards required by the District's rules.

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 Watershed Management Plan Amendment for the Browns Creek Watershed District pursuant to Minnesota Statutes Sections 103B.201, Subd. 9.

3. The Browns Creek Watershed District Plan Amendment attached to this Order defines the need and purpose of the project, its relation to the District's goals, and the method of financing.

4. The attached Plan Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Amendment to the Browns Creek Watershed District dated September 26, 2005.

Dated at Saint Paul, Minnesota this 26th day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Jerome Deal, Chair

Memorandum

DATE: October 17, 2005

TO: BWSR Metro Subcommittee

FROM: Les Lemm, BWSR Board Conservationist

SUBJECT: Rosemount Comprehensive Wetland Management Plan Amendment Review

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BACKGROUND

The City of Rosemount is located in southern Dakota County, and is expected to be one of the top ten growth cities in the metropolitan area between 1995 and 2020. Land development has put great pressure on the quality and benefits associated with the City's surface water resources. The total wetland area in Rosemount covers about 1,832 acres, or about eight percent of the City. About 1,174 of these acres are associated with the Mississippi River corridor.

GOAL OF THE PLAN

The city of Rosemount's Comprehensive Wetland Management Plan (CWMP) was developed and approved by BWSR in 1998. Past and present land development has influenced the administration of the CWMP since the adoption of the plan in 1998. Since then a number of issues have been brought to the attention of city staff that affect wetland mitigation and management. These issues have been handled administratively by City staff, by the Rosemount City Council, or through Technical Evaluation Panel discussions. Based on the implementation of this CWMP since 1998, it has been determined by the City that a number of policy clarifications were needed. This is a minor plan amendment. The purpose of this minor amendment is to address and clarify the following issues:

- Wetland buffer zones and related policies
- Location of storm ponds within buffers
- Public education
- Wetland management classification appeals
- Wetland mitigation regulations and procedure

Wetlands have been prioritized for management based on the assessed functional score. Each wetland has been mapped and included in the City's Geographic Information System. The functional assessment information contained within the CWMP consists of the previously performed field evaluations and assessments conducted by City staff in the development of the 1998 plan.

The purpose of establishing the CWMP was to develop policies related to the use and protection of wetlands within the City and provide the City with the authority to rule on wetland impacts and implement regulations based on the needs of the community. The CWMP was also designed to provide information to land developers and the public regarding the amount, characteristics, and value of local wetlands and surface water. The stated goals of this plan are to:

- Determine the quantity and quality of the wetland resources in Rosemount
- Map wetlands at a scale appropriate for local planning purposes
- Maintain data for use by residents and developers
- Focus limited resources in the most effective direction
- Solve chronic wetland management problems
- Identify key educational areas
- Achieve no net loss in the quantity, quality, functionality, and biological diversity of Rosemount's existing wetlands
- Increase the quantity, quality, functionality, and biological diversity of Rosemount's wetlands by enhancing diminished or drained wetlands
- Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands
- Replace wetland values where avoidance of activity is not feasible and prudent
- Optimize management of City surface water and wetland by integrating all surface water related management plans and ordinances
- To identify existing and potential problems or opportunities for protection, management, and development of water resources and related land resources in the County
- To develop and implement a plan of action to promote sound management of water resources in the City

HOW THE PLAN MEETS, EXCEEDS, OR VARIES FROM WCA RULE 8420

Wetlands within the City were assessed in 1997 and 1998 as part of the CWMP development using a modified version of the Minnesota Routine Assessment Method (MnRAM). This field assessment focused on the undeveloped Municipal Urban Service Area (MUSA) identified in the 2020 Land Use Plan. Upon development of a site, the City requires that the applicant complete a re-assessment of the wetlands using the Rosemount Wetland Functional Assessment worksheet.

Wetlands are classified for management and protection based on the total score of each functional parameter evaluated. Each management category has a different management strategy. The management classifications and corresponding functional scores are as follows:

Preserve: Wetlands placed into the Preserve category received the highest functional score, ranging between 425-660.

Manage 1: Wetlands placed into the Manage 1 category received functional scores between 280-420 and were selected for the M1 category due to their special value.

Manage 2: Wetlands placed into the Manage 2 category received functional scores between 280-420.

Manage 3: Wetlands placed into the Manage 3 category received functional scores between 0-275

Replacement Policy: Dakota County is a less than 50 percent pre-settlement wetland county with a minimum 2:1 wetland replacement ratio required under WCA rule. The Rosemount plan increases the mitigation ratio for Preserve wetlands to 3:1. Increasing the replacement ratio for Preserve wetlands may act as a disincentive for impacting highly functioning wetlands.

The Rosemount plan maintains a 2:1 replacement ratio for all other wetland impacts. Increasing the ratio for Preserve wetlands while maintaining the 2:1 ratio for all impacts will ensure that no net loss of wetlands will occur within the plan area.

Sequencing: MN Rule 8420.0650 subp. 2B allows for the variation of sequencing standards based on the classification and criteria set forth in the CWMP. The Rosemount plan only allows impacts to Preserve wetlands under extreme hardship, allowing for the maximum amount of protection for these wetlands. Manage 3 wetlands are eligible for maximum sequencing flexibility. Due to the low functionality of these wetlands, the plan anticipates that replacement wetlands will have higher functions and values.

Wetland Buffers: WCA rules do not require maintenance of an upland buffer around wetlands. As part of the Rosemount plan, buffer zones around existing wetlands will be required for all new development as follows:

Preserve:	75 feet
Manage 1:	50 feet
Manage 2:	30 feet
Manage 3:	15 feet (non-agricultural areas only)

Buffer monumentation is required at the edge of all buffer areas except those adjacent to Manage 3 wetlands. Buffer averaging may be allowed on a case-by-case basis at a minimum of 30 feet for Preserve and Manage 1 wetlands, and a minimum of 15 feet for Manage 2 and Manage 3 wetlands. Conservation easements are required over the buffer perimeter and will be recorded at the time of final plat.

Buffers will also be required to be established around wetland mitigation sites. The required buffer width will be that of the existing wetland for expansions, or that of the impacted wetland if the mitigation site is an isolated site. Buffers are encouraged, but not required in previously developed areas.

Stormwater Pre-Treatment: Generally, WCA rules do not require pretreatment of stormwater before entering wetlands. The Rosemount plan regulates stormwater inputs to wetlands as follows:

Preserve:	Sediment and nutrient pretreatment required, consider diversion if possible
Manage 1:	Sediment and nutrient pretreatment required
Manage 2:	Sediment pretreatment required
Manage 3:	No pretreatment

These requirements are left somewhat open as to the particular method selected for each case, and the plan allows for flexibility in these standards.

CITIZEN PARTICIPATION

The Rosemount Minor Amendment process utilized a Wetland Management Plan Committee, which included agency staff and citizen representatives. A public hearing was also held in conjunction with a City Council meeting.

AGENCY PARTICIPATION

Agencies were notified of the City's intent to update the plan, and were provided with a copy of the draft minor plan amendment for a 45-day review period prior to submittal of the final plan amendment for review and approval. These agencies included the State Review Agencies, adjacent cities and townships, Dakota SWCD, Dakota County, and the U.S. Army Corps of Engineers. The City received comments from Met Council and BWSR.

MET COUNCIL

Met Council believes the plan provides an excellent framework for managing wetlands within the city and recommends that BWSR approve the plan.

BOARD OF WATER AND SOIL RESOURCES

BWSR staff recommended numerous minor changes in wording, additions, and clarifications. No substantive changes were recommended. BWSR comments were satisfactorily addressed.

BWSR STAFF RECOMMENDATION

The BWSR Staff recommends approval of the City of Rosemount Wetland Plan Amendment contingent on City Council approval of the plan and City of Rosemount Surface Water Management Ordinance.

The updates to the plan were generally clarifications and minor changes. The plan complies with Minnesota Rules 8420.0650 and the flexibility allowed for counties with less than 50% presettlement wetlands. The plan is expected to meet the no net loss provisions of WCA.

BWSR staff are currently discussing the stormwater pre-treatment provisions of the plan with representatives from the City for additional clarification. Any additional wording clarifications would likely be minor.

Overall, the Rosemount Amendment clarifies several aspects of their CWMP and wetland ordinance, and represents an improvement in the management of the City's wetland resources.

cc: Steve Woods, BWSR (file copy)
Brad Johnson, Army Corps of Engineers
Pat Lynch, DNR
Doug Norris, DNR
David Johnson, MPCA
Becky Balk, MDA
Jack Frost, Met Council
Jon Larson, EQB
Art Persons, MDH
Andrew Brotzler, City of Rosemount
Andi Moffatt, WSB & Associates
Brian Watson, Dakota SWCD
John Jaschke, Dakota County

Enclosed:
Section IX, Wetland Management Policies
Table IX-1, Wetland Management and Protection Requirements
Section X, Wetland Replacement

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the review of the Wetland Management Plan Amendment for the **City of Rosemount** pursuant to Minnesota Statues Section 103G.2242, Subdivision 1 (c)

ORDER APPROVING WETLAND MANAGEMENT PLAN AMENDMENT

Whereas, the City of Rosemount submitted a Comprehensive Wetland Protection and Management Plan Amendment (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 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) and Minnesota Rules Chapter 8420.650 allow the Board to approve a Comprehensive Wetland Protection and Management Plan developed by a city, provided it is implemented by an ordinance adopted under Minnesota Statues Chapter 462. The City of Rosemount intends to implement the plan through a Surface Water Management section of the City ordinance.

   The Plan was approved by the Board in 1998. The intent of the plan was to provide the means for the City of Rosemount to protect and manage its wetlands by utilizing the flexibility within the Wetland Conservation Act (WCA). The Plan provides guidelines for wetland protection and management, assistance with WCA, 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 WCA. The intent of the Plan amendment is to address needed policy clarifications that have arisen since adoption of the plan in 1998.

2. **Nature of the Plan Area.** The City of Rosemount is located in southern Dakota County, and is expected to be one of the top ten growth cities in the metropolitan area between 1995 and 2020. Land development has put great pressure on the quality and benefits associated with the City's surface water resources. The total wetland area in Rosemount

covers about 1,832 acres, or about eight percent of the City. About 1,174 of these acres are associated with the Mississippi River corridor.

3. **Local Review.** The Plan amendment was developed, reviewed, and revised in consultation with the state agencies, technical evaluation panel, landowners, and local governments. The amended Plan also has an amended Surface Water Management Ordinance that will be adopted by the City.

4. **Dakota Soil and Water Conservation District Review.** The Dakota SWCD did not provide comments on the Plan Amendment.

5. **Department of Agriculture Review.** The MDA did not provide comments on the Plan Amendment.

6. **Minnesota Environmental Quality Board Review.** The EQB did not provide comments on the Plan Amendment.

7. **Department of Health Review.** The MDH did not provide comments on the Plan Amendment.

8. **Department of Natural Resources Review.** The DNR did not provide comments on the Plan Amendment.

9. **Pollution Control Agency Review.** The MPCA did not provide comments on the Plan Amendment.

10. **Metropolitan Council.** Met Council believes the amended Plan provides an excellent framework for managing wetlands within the city and recommends that the Board approve the plan.

11. **Board Review.** Board staff recommended numerous minor changes in wording, additions, and clarifications. No substantive changes were recommended. Board comments were satisfactorily addressed.

12. **Highlights of the Amended Plan.** The critical elements of the Plan are similar to the original Plan. They include:

    - A functional assessment of all wetlands in the plan area.
    - Development of management categories based on the functional assessment and comments from agencies and the public.
    - A 3:1 replacement ratio is required for the highest ranked wetlands, a 1:1 ratio is allowed for passive recreation projects, and a 2:1 ratio is required for all other wetland impacts.
    - Flexibility in sequencing is allowed for the lowest ranked wetlands.
    - Upland buffers are required around all wetlands, varying by management category.
    - Varying levels of bounce are allowed, varying by management category.

12. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on October 5, 2005 with representatives of the City to review and discuss the amended Plan. Board staff recommended approval of the Plan amendment. After discussion, the Committee unanimously decided to recommend approval of the City of Rosemount's Amended Comprehensive Wetland Protection and Management Plan and Ordinance to the full Board.

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 an Comprehensive Wetland Protection and Management Plan for the City of Rosemount pursuant to Minnesota Statutes Sections 103G.2242, Subd. 1 (c).

3. The City of Rosemount Comprehensive Wetland Protection and Management Plan attached to this Order provides a function and value assessment framework for all wetlands within the City of Rosemount, management strategies based on this assessment, and an implementation program.

4. The attached Plan Amendment is in conformance with the requirements of Minnesota Statutes Sections 103G.221 to 103G.2373 and Minnesota Rules Chapter 8420.

ORDER

The Board hereby approves the attached Comprehensive Wetland Protection and Management Plan, dated September 2005, for the City of Rosemount, Dakota County, Minnesota.

Dated at Saint Paul, Minnesota this 26th day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Jerome Deal, Chair

Lake County
Local Water Management
Plan Update

July 2005

Duration: 2006 – 2015

Prepared By:

Wayne Seidel, Lake County Water Plan Administrator

With Assistance From:

Lake County Water Plan Advisory Committee

Cliff Bentley – MN DNR Area Hydrologist
John Eaton – Citizen Member
Lenore Johnson – Lake County Commissioner
Michelle Larson – Lake County Health Department
*** Debra Kosiak was selected to fill Ms. Larson's position on the committee effective May 2005.**
Jim Linscheid – Lake County Planning Commission
Brenda VanBergen – Lake County SWCD Supervisor
Walt VanDenHeuvel – Lake County Land Use Specialist
Don Warner – Lake County SWCD Supervisor

Executive Summary

The Lake County Local Water Management Plan was updated by a ten-member Water Plan Advisory Committee that was led by Wayne Seidel, Lake County Water Plan Administrator. The update process was started in 2002, suspended in 2003 due to the state budget shortfall, resumed in 2004, and completed in 2005. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, ground water and related land resources within Lake County. The Advisory Committee developed a planning process designed to incorporate input from the general public, input from local units of government and state agencies, and to develop consistency with local, state and federal plans and controls.

Following meetings with township officials, completion of a water issues survey (230 respondents), and feedback from state agencies, the Advisory Committee identified seven *Priority Concerns*.

1. Increased Development Pressures – Erosion Control on Construction Sites, Road Management, Cumulative Impacts, Shoreline Erosion Control
2. Enforcement of Existing Land Use Laws and Use of Best Management Practices in Development Activities and Forest Management Activities
3. Storm Water Management
4. Wastewater Management - Non-Conforming Sewage Treatment Systems, Surface and Groundwater Contamination, Drinking Water Quality
5. Natural Resources Education on Water/Land Issues
6. Lake and Stream Water Quality, Water Quantity and Biological Integrity
7. Supportive of Total Maximum Daily Load (TMDL) research project efforts on north shore streams.

After assessing the seven *Priority Concerns* and additional ongoing water plan programs, the Advisory Committee endorsed the overall goal of the original Local Water Management Plan (1993) as still being relevant for Lake County. The overall goal states, "Maintain and improve both surface and groundwater quality and quantity through sound ecosystem management." This overall goal encompasses three components that include: Education and Information; Natural Resources Planning and Practices; and Administration. The Advisory Committee combined this overall goal with six specific objectives, within the framework of a ten-year plan of work, to address the needs of the *Priority Concerns* and ongoing water plan programs.

The six objectives identified to achieve the overall goal include:

Objective 1: Promote and Implement Sound Land Use Practices

Objective 2: Promote Proper Use and Disposal of Household Hazardous Wastes

Objective 3: Improve the Management and Maintenance of Individual Sewage Treatment Systems

Executive Summary (cont.)

Objective 4: Coordinate Local Government Efforts to Address Surface and Ground Water Pollution Problems

Objective 5: Implement a Natural Resources Education Program that instills a Stewardship Ethic

Objective 6: Administer the Lake County Local Water Management Plan in an Efficient and Cost-Effective Manner

The ten-year plan of work concentrates on tasks that address priority concerns that are within current budgetary and staff time constraints. Presently, the Lake County Water Plan budget is approximately $23,000 per year and implementation has been delegated to the Lake County Soil and Water Conservation District. Examples of work plan items include:

a. Conduct an annual Erosion Control Workshop for Contractors.
b. Assist the Lake County Planning Commission on land use issues related to erosion control and storm water management.
c. Conduct a variety of natural resources education programs for students – Natural Resources Field Day, Area III ENVIROTHON Competition, Lake County Demonstration Forest, and Wastewater Treatment.
d. Provide educational opportunities on the proper maintenance of sewage treatment systems.
e. Encourage the development of a set of guidelines to evaluate cumulative impacts of development on water resources.
f. Provide a copy of the *Lake County Property Owner's Resource Guide* to all new property owners.

Background of Planning Process

The Lake County Comprehensive Water Management Plan, originally approved in 1993, was updated in 1998 by a 17-member Water Planning Task Force. The revised plan was set to expire on July 22, 2003, therefore, the second update process was begun in early 2002. The Water Plan Advisory Committee met bi-monthly to assess the previously identified issues and to develop a planning process that would incorporate public input.

In July and August of 2002, a notification letter was sent to townships and cities in Lake County informing them of the water plan update process and requesting their participation. Wayne Seidel, Water Plan Administrator, met with three of the five township boards (Beaver Bay, Crystal Bay, Silver Creek) and spoke with representatives of the other two townships (Stony River and Fall Lake) to gather input on water-related issues. Based on this input, a written survey tool was developed to gather public opinions on priority water issues in Lake County. The survey was used at the 2002 Lake County

Background of Planning Process (cont.)

Fair and over 220 people participated by rating water-related issues and identifying additional concerns. Township and city officials were also encouraged to complete and return the written survey. Altogether, 230 surveys were completed and the results were tabulated.

In February 2003, the State of Minnesota budget shortfall led to the unallottment of all local water management funds administered by the Minnesota Board of Water and Soil Resources. In response to this situation, the Lake County SWCD laid off the Water Plan Coordinator in March and suspended all water plan update activities due to the uncertainty of future funding. Following legislative action, a portion of local water planning funding was restored for FY 2004

The Water Plan Update process was resumed on April 14, 2004 when the Lake County Board of Commissioners approved a resolution to revise and update its current local water management plan. The County Board delegated to the Lake County SWCD the responsibility of coordinating, assembling, writing and implementing the revised local water management plan pursuant to M.S. 103B.301. The County Board also approved a ten-member Water Plan Advisory Committee (WPAC) to complete the update process. Members of the committee included:

Cliff Bentley – MN DNR Area Hydrologist
John Eaton – Citizen Member
Lenore Johnson – Lake County Commissioner
Michelle Larson – Lake County Health Department
* Debra Kosiak was selected to fill Ms. Larson's position on the committee effective May 2005.
Jim Linscheid – Lake County Planning Commission
Nancy Norlen – Citizen Member (resigned 8/04)
Dick Sigel - Lake County Land Use Administrator (retired 6/04)
Brenda VanBergen – Lake County SWCD Supervisor
Walt VanDenHeuvel – Lake County Land Use Specialist
Don Warner – Lake County SWCD Supervisor

The Water Plan Advisory Committee met on May 20, 2004 to resume the update process and completed the written survey to prioritize water issues. Letters were sent to townships, cities, and adjacent counties to notify them that Lake County was resuming the process of updating the Lake County Local Water Management Plan. Copies of the *Water Quality Issues Prioritization Survey* were included along with a request for a copy of any water and related land resources plans and official controls. Letters were also sent to the six state review agencies (BWSR, DNR, MPCA, MDA, MDH, EQB) requesting input on priority water concerns.

Background of Planning Process (cont.)

The Water Plan Advisory Committee hosted a Public Input Meeting on August 31, 2004 at the Lake County Courthouse. Wayne Seidel facilitated the meeting and the participants learned about the Lake County Water Management Plan (history, highlights, update process) and had an opportunity to share water quality concerns. The meeting was attended by eleven people and a number of water quality concerns and related issues were identified.

Over the next seven months, the Water Plan Advisory Committee – identified seven priority concerns; completed the *Priority Scoping Document*; received input from the public, state agencies, and local units of government; identified goals and objectives; and developed a ten-year plan of work. The work plan concentrates on priority concerns that are within the budgetary and staff time constraints of current funding levels.

Relevant Plans and Controls

The following plans and controls are consistent with the work plan efforts outlined in the Lake County Water Management Plan.

Lake County Environmental Review
Lake County ISTS Ordinance
Lake County Land Use Ordinance / Comprehensive Plan
Lake County Solid Waste Ordinance
Lake County Subdivision Ordinance
Lake County Soil and Water Conservation District Comprehensive Plan
Minnesota DNR Protected Waters Permit Program
Minnesota Wetland Conservation Act
North Shore Management Plan
Source Water Assessments for Beaver Bay, Silver Bay and Two Harbors

The additional plans and programs listed below, though not official controls, may have components implemented in Lake County provided that the components are consistent with the Lake County Water Management Plan and approved locally.

Lake Superior Basin Plan
Lake Superior Pilot Beach Monitoring Program
Minnesota's Lake Superior Coastal Resources Plan
Rainy River Basin Plan
Two Harbors Storm Water Management Plan

The Water Plan Advisory Committee is not recommending specific changes to official controls at this time. However, the committee is interested in strengthening storm water management controls and addressing cumulative impacts of

Relevant Plans and Controls (cont.)

development on water resources. The committee will be reviewing the proposed Cook County Storm Water Ordinance if it is approved by the Cook County Board.

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

In the Matter of Reviewing the Local Water Management Plan Update for Lake **County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Lake County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on July 20, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On September 30, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Lake County, pursuant to M.S. Section 103B.312.

2) On December 15, 2004, **the** Board of Water and Soil Resources approved official comments on the Lake County Priority Concerns Scoping Document, which were mailed to the county on December 16.

3) The priority concerns the local water management plan addresses include:

   A) Increased Development Pressue – Erosion Control on Construction Sites, Road Management, Cumulative Impacts, Shoreline Erosion Control.
   B) Enforcement of Existing Land Use Laws and Use of Best Management Practices.
   C) Storm Water Management – Cumulative Impacts

4) On July 19, 2005, the BWSR received the **Lake** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 5, 2005 the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Lake County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends approval.
   B) Minnesota Department of Health recommends approval.
   C) Minnesota Department of Natural Resources recommends approval.
   D) Minnesota Pollution Control Agency recommends approval.
   E) Minnesota Environmental Quality Board recommends approval.

F) Minnesota Board of Water and Soil Resources regional staff recommends approval.
G) Board Water Plan Review Committee Meeting recommends approval with condition.

6) This update will be in effect until October 26, 2015.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Lake County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Lake County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Lake County Local Water Management Plan on October 26, 2005 with the condition of updating the action plan in 5 years (2010).

Dated at St. Paul, Minnesota, this October 26, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Cook County Comprehensive Local Water Management Plan

2006 - 2012

Executive Summary

1. Purpose

The intent of this plan is to provide strategies to address the water related issues and problems in Cook County. Issues were identified during a systematic, regional-wide scoping process performed between October 2003 and January 2004. During 2004 the Local Water Plan Committee met five times using the scoping document to formulate strategies listed herein. This Plan was then reviewed during five public information meetings and was approved by the County Board of Commissioners.

2. Priority Concerns

A priority scoping strategy for the Cook County Water Management Plan revision was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statutes: 103B.304 – 103B.355. Described below are the priority concerns the Cook County Water Management Task Force has identified and chosen as work priorities.

1) Water Quality Monitoring
2) Wetlands management
3) Water quality management (several categories listed)
4) Water Related Initiatives and New Resources
*

*Education and Information/Outreach is a component of each of the priority concerns, therefore, it is not categorized as a priority concern on its own.

Summary of Concerns/Issues (Note: The summary describes general needs. A more developed discussion of issues is found in the priority scoping document)

Water quality monitoring: County leadership in the area of water quality monitoring needs to continue and expand. There is a need for more lake monitoring and an easy to access database of local information. There is a need for continued partnering with Grand Portage to monitor county waters that form a boundary with reservation waters. There is a need to monitor near shore and lake surface use that can negatively impact water quality: e.g. trash from fisherman, snowmobilers, jet ski and boating activities, exotic species impacts.

Wetlands: There is a need to consider a comprehensive wetland management and protection plan with at least two specific items of focus: conservation of significant wetlands on private property, development of a local wetland bank program.

Water Quality Management - General land use and development: There is a need for assistance with community planning issues related to wastewater and drinking water as communities develop and in specifically targeted county locations (i.e. Caribou Lake AUAR), There is a need to assess and document the impacts of cumulative developments at sub-watershed levels. There is a need to develop a response to program and policy inadequacies and failures i.e. variance, plats, conditional use requirements that are not completed by property owner.

Water Quality Management - Septic systems and sewage management: There is a need for continued focus and improvement of private property individual sewage treatment systems. There is a need for long term and regional / larger countywide wastewater planning. There is a need to ensure the long-term maintenance of properly operating septic systems.

Water Quality Management - Stormwater and erosion control: There is a need for more vigilant inspection, and a response to program inadequacies i.e. inadequate or poor construction site controls, vegetated buffers, etc. Stormwater ordinances must intersect water plan goals of protecting and improving water quality with code requirements and enforcement. There is a need to complete several stormwater management projects: Grand Marais stormwater plan and priority projects, various road, ditch and streamside erosion/protection projects, riparian buffer improvements, erosion/stormwater control and management along the Poplar River. There is a need to improve plat reviews with verifiable runoff models for the purposes of calculating soil loss/stormwater impacts. There is a need to ensure private roads/subdivision stormwater controls are properly maintained.

Water Quality Management – Roads/design, construction and long-term impacts There is a need for improved road planning and construction strategies relative to water quality. State agencies reported all phases of road planning have impacted water by location, orientation, proliferation where not needed, and problems or issues with abandonment. Runoff treatment adjacent to roads has been described as inadequate, flow patterns of intermittent or perennial streams have been interrupted or overloaded with concentrated flows, and erosion control intervention has been described as inadequate. There is a need for better policy that translates into adequate, permanent stewardship of private roads.

Water Initiatives/New water resources: There is a need to stay current with improving methods of assessing, sampling and monitoring water, creation and management of data and models, and training to effectively use these emerging tools. There is a need for continued coordination and partnering with state, federal and tribal resources. There is a need to develop a county response to the total maximum daily load impaired waters of Poplar River. There is a need for better stormwater and erosion control management that recognizes and addresses

unique features of county landscape i.e. bedrock, highly erodible soils, springs, perched aquifers, small surface water fed streams, extreme slopes etc.

Education: There is a need for enhanced outreach education via newsletters, workshops, newspaper articles, website and radio spots. There is a need for topic specific education in the areas of stormwater management for contractors and property owners. There is a need in educational messages to tie water quality issues to citizen health and the link between land use and water quality.

3. Summary of Goals and Actions

Water Management Mission Statement

> "Cook County, a land of forests, lakes, streams and wildlife; is blessed with an abundance of relatively pristine, life sustaining surface and ground waters. This resource, if managed wisely, will remain a basis of wealth – material as well as biological, aesthetic and spiritual – for many years to come.
>
> Accordingly, Cook County pledges to work diligently to protect its water resources; to use them wisely, with the goal that these resources will be as available and as sustaining to future generations of humans and other species, as they are to we who live now."

Goals

The mission statement sets the tone for the overall goals the water plan should accomplish. These goals are:

Goal 1 Maintain or improve the quality and availability of surface and groundwater resources.
Goal 2 Ensure that our uses of water are sustainable.
Goal 3 Promote a better understanding of the nature and value of Cook County's water resources.
Goal 4 Promote a better understanding of the critical link between land use, water quality and quantity.
Goal 5 Resolve to uniformly and consistently manage land use to maintain and/or improve water quality and quantity.

Actions

The objectives and actions identified for each goal are derived primarily from five major components. These components will reinforce a comprehensive planning approach and include: information & education, protection & sustainable use planning, program administration, database management , and broad citizen participation. This comprehensive planning approach was the basis for developing practical and realistic actions.

Projected Total Cost

Costs to implement actions identified in this plan will determined on a yearly basis. Primary funding will be the Natural Resource Block Grant from the State of Minnesota a mandated county levy. For 2006 this amount will be $19,528 and $3,562 respectively. This is a non-mandated state grant so funds for following years cannot be predicted. Yearly work plans will be developed with leadership from the Water Plan Committee and the Soil & Water Board. After yearly work plans are set, Cook County intends to

supplement the state grant funding by seeking grant dollars from other sources such as the Minnesota Lake Superior Coastal Program and the Great Lakes Commission.

Cook County is the local government unit responsible for the county water management plan. The Cook County Soil & Water Conservation District has been assigned as the primary agency responsible for the plan (County Resolution, 9/13/2005). Both Soil & Water staff and County Planning Department technical staff will be assigned to the work.

4. Consistency with Other Pertinent Local, State, and Regional Plans

This plan is consistent with other local plans such as the Soil & Water Conservation District Comprehensive Plan, City of Grand Marais Public Utilities & Water Emergency and Conservation Plan, and the County Land Use Guide Plan. Consistency is also achieved with the Minnesota Source Water Protection Program. The Lake Superior Basin Plan, the North Shore Management Plan, and the Lake Superior Coastal Management Program are pertinent regional plans which are reviewed and referenced throughout this plan.

Cook County adopted a water management program on January 1, 1994, revised the plan in 1998 and adopted the revision on July 13, 1999 which is currently scheduled to expire on December 31, 2005.

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

In the Matter of Reviewing the Local Water Management Plan Update for Cook **County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Cook County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on July 30, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On September 30, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Cook County, pursuant to M.S. Section 103B.312.

2) On October 27, 2004, **the** Board of Water and Soil Resources approved official comments on the Cook County Priority Concerns Scoping Document, which were mailed to the county on October 28.

3) The priority concerns the local water management plan addresses include:

   A) Water Quality Monitoring.
   B) Wetlands Management.
   C) Water Quality Management

4) On July 30, 2005, the BWSR received the **Cook** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 5, 2005 the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Cook County Plan Update . Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture recommends approval.
   B) Minnesota Department of Health recommends approval.
   C) Minnesota Department of Natural Resources recommends approval.
   D) Minnesota Pollution Control Agency recommends approval.
   E) Minnesota Environmental Quality Board recommends approval.
   F) Minnesota Board of Water and Soil Resources regional staff recommends approval.
   G) Board Water Plan Review Committee Meeting recommends approval with condition.

6) This update will be in effect until October 26, 2012.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Cook County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Cook County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Cook County Local Water Management Plan on October 26, 2005 with the condition of the final plan approved by the county prioritizes the objectives and includes stronger action items for each objective.

Dated at St. Paul, Minnesota, this October 26, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Date: September 26, 2005

To: BWSR Northern Region Water Plan Management Review Committee Members

From: William Best – Board Conservationist

RE: Review of Roseau County Final Local Water Management Plan (LWMP)

The BWSR and the other state review agencies received the Roseau County Priority Concerns Scoping Document (PCSD) on September 28, 2004. The North Region Water Plan Management Review Committee (herein known at the "Committee") met January 12, 2005, to discuss state agency review comments, the content of the PCSD, and recommendations on the content of the final plan. The BWSR letter of January 26, 2005, written pursuant to Minnesota Statutes section 103B.313, subdivision 5, communicated the State's official review comments pertaining to the Priority Concerns chosen by Roseau County.

BWSR commended Roseau County for the process used to select the Priority Concerns and did not recommend or require any changes to the PCSD. The BWSR did recommend that the water plan address pursuing a comprehensive land use plan. Also, a footnote should be added to the PCSD and final water plan update "beneficial and designated uses".

Roseau County completed the final draft of the LWMP in July of 2005, held the required public hearing on July 26, 2005 and submitted the final draft for review by state agencies. Agency comments were to be sent to Ron Shelito (BWSR Northern Region Supervisor) by September 21, 2005.

The duration of the LWMP is a five-year period with a five-year implementation program with an effective date of December 31, 2009.

The MPCA, DNR, **MDH**, and MDA stated in their written comments that the Roseau County LWM plan update does not violate any statutory or rule requirements administered by their agency. The agencies recommended that the BWSR Board approve the entire water plan as submitted and, offered comments for consideration when reviewing and acting on the plan update. The MPCA recommends the LWM plan objectives are consistent with MPCA water quality goals and activities within the county. The DNR noted that organized townships in the county have either passed resolutions or ordinances prohibiting floodwater retention projects greater than one acre in size, and that this could impede floodwater management options and improvements in water quality for the Roseau River Watershed. Planned ditch maintenance activities (FEMA funded) have the potential to have short and/or long term implications to water quality. The DNR also noted that the retirement of CRP contracts have the potential to negatively affect water quality. **The MDH commended Roseau County for**

its recognition of the importance of protecting groundwater quality and quantity and encourages the county to recognize wellhead protection areas, as they are determined.

The Roseau County LWMP update meets all requirements of M.S. 103B.314 including:

- Focuses on the priority concerns identified in the PCSD;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Provides a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

BWSR staff recommended approval of the Roseau County Local Water Management Plan update, years 2005-2009. Committee members at the October 5, 2005 northern region LWM plan review committee meeting recommended approval.

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

In the Matter of Reviewing the Local Water Management Plan Update for **Roseau County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the **Roseau** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **August 11, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On **September 28, 2004,** the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Roseau** County, pursuant to M.S. Section 103B.312.

2) On **January 26, 2005** the Board of Water and Soil Resources approved official comments on the **Roseau** County Priority Concerns Scoping Document, which were mailed to the county on **January 27, 2005**.

3) The priority concerns the local water management plan addresses include:

   A) Impaired water due to low oxygen on the Roseau River from Hay Creek to the Canadian Border.
   B) Revision of the ISTS ordinance.
   C) Timely implementation of existing plans and controls targeted at water resource management.

4) On **August 11, 2005** the BWSR received the **Roseau** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **October 5, 2005,** the northern region Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Roseau County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;

D) Minnesota Pollution Control Agency: recommends approval;
E) Minnesota Environmental Quality Board: no recommendation received
F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
G) Board Water Plan Review Committee recommends approval.

6) This update will be in effect until **December 31, 2009.**

CONCLUSIONS

1) All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Roseau** County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2) The **Roseau** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the **Roseau County** Local Water Management Plan with a required update by May 31, 2010.

Dated at St. Paul, Minnesota, this **twenty-sixth day of October, 2005**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

October 27, 2005

Roseau County Commissioners
Roseau County Government Center
605 5th Street SW
Roseau, MN 56751

Dear Roseau County Commissioners:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you it approved Roseau County's revised Comprehensive Local Water Plan at its regular meeting held on October 26, 2005. Attached is a signed Findings of Fact, Conclusion, and Order that documents approval of the plan and indicates it meets all relevant requirements of law and rule. This update of the Roseau County Comprehensive Local Water Plan is effective for a five-year period until December 31, 2009.

The County must adopt and begin implementing the plan within 120 days (1990, M.S. 103B.08, Subd. 6, Adoption and Implementation). An example of a resolution adopting the plan can be found on BWSR's website at:
http://www.bwsr.state.mn.uswatermgmt/guidance/Adoption.doc
Upon adoption, please forward the resolution to your Board Conservationist.

Roseau County Soil and Water Conservation District staff Janine Lovold and water plan advisory members are to be commended for writing a plan that clearly presents the water management goals, actions and priorities. With continued implementation of your water plan, the protection and management of Roseau County's water resources will be greatly enhanced. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Sincerely,

Ronald D. Harnack
Executive Director

cc: Janine Lovold, County Water Plan Coordinator
Ron Shelito
Bill Best

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520 Lafayette Road N.
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Executive Summary

Roseau County located in north-western Minnesota has the distinction of being part of two ecoregions (Red River Valley and Northern Minnesota Wetlands) and two main river basins (Red River and Rainy River). An ecoregion is identified by land use, land-surface form, potential natural vegetation and soil characteristics (Fandrei et al, 1988). These features cause Roseau County to be a transitional region with many interesting characteristics.

Located about 350 miles (286 miles as the crow flies) northwest of St. Paul and 10 miles south of the Canadian border, the City of Roseau operates as the county seat. Roseau County is home to 16,338 residents and land use is mainly agricultural (see Appendix B).

Purpose of the Local Water Management Plan

The purpose of the updated Local Water Management Plan for Roseau County is:

1. To actively work on the existing local priority concerns and to identify future potential priority concerns so that our water resources and related land resources are protected, managed and developed.
2. To update and continue the process of developing and applying an action plan to promote sound water and related land resource management in the county.
3. To continue working towards effective environmental protection and management in Roseau County through focusing on priority concerns and recognizing potential priority concerns.

Informational meetings from the three major watersheds provided the Water Resources Advisory Committee the opportunity to identify three priority concerns that would be worked on during the next five years. Details regarding these concerns can be found in the Priority Concerns Scoping Document in Appendix A.

Description of Roseau County Priority Concerns

<u>Priority Concern 1:</u> Impaired Waters Due to Low Oxygen on the Roseau River from Hay Creek to the Canadian Border

Roseau River is one of the many recreational opportunities that Roseau County has to offer. Many residents enjoy fishing on this river summer and winter, especially on reaches around the old Roseau Lake to Caribou in Kittson County. Five fish surveys between 1978 and 2000 have found that fish species and population have been consistent on the Roseau River (see Roseau River Overall Plan and Red River Basin Stream Survey Report 2000). The DNR also has a tentative plan to reestablish lake sturgeon in Roseau River waters by an annual stocking of fry for 25 years (2002 draft stream management plan, DNR Fisheries – Baudette). The fisheries are an important part of this river. With all the modifications and land use changes that have impacted this watershed from the beginning of the late 1800s through the 1900s, it is important to protect and improve the water quality of the Roseau River. However, it is also important to determine if the impaired reach of the Roseau River is truly detrimental to local fisheries and downstream waters and whether it is caused by natural phenomena, landuse, nutrient runoff or a mixture of all conditions.

Plan Objectives

- Protect, Improve, and Monitor the Quality and Quantity of Water in Roseau County
- Educate the Public on Water and Soil Stewardship

Estimated Five Year Water Plan Total Cost: $95,100

Watershed: Roseau River, All

Priority Concern 2: Revision of the ISTS Ordinance

The county-wide ISTS ordinance should be amended to reflect revision made to the Minnesota Rules Chapter 7080. High priority areas are shoreland areas, flood prone areas, and high density unsewered areas.

Not much is known about the county's groundwater and its movement, but Roseau County must maintain, protect and improve groundwater quality. In some high density areas on sand ridges, ground water is becoming contaminated and this water is spreading to surrounding rural homesteads. Roseau County desires to have good, clean water for all residents. For more information about Roseau County groundwater, potential groundwater and surface water contaminates, see Appendices G & H.

Plan Objectives

- Revision of the ISTS Ordinance
- Protect, Improve and Monitor the Quality of Groundwater in Roseau County

Estimated Five Year Water Plan Total Cost: $5,000

Watershed: All

Priority Concern 3: Timely Implementation of Existing Plans and Controls Targeted at Water Resource Management

Currently, Roseau County has many agencies that have plans or conducting water resource management activities. It is important that agencies knows what each of these plans entail and what goals and objectives are being carried out. Agencies and local interest groups must be willing to listen, cooperate in a professional manner and aid in getting goals and objectives completed efficiently.

Plan Objective

- Hold Meetings Twice a Year with All Agencies and Local Interest Groups

Estimated Five Year Water Plan Total Cost: $140 Each agency or local interest group should fund their representative to participate as needed.

Watershed: All

Consistency with Other Plans

Many water management plans from watershed organizations, surrounding county water plans, regional, state and national agency plans were reviewed during this water plan update. This process was done to ensure that the new plan would be consistent with other plans dealing with water management currently being accomplished. (See Appendix C for more details on the goals for each local, region and state plans and some background information.) At this time, the Roseau LWMP is consistent with local, regional and state plans. All the neighboring local water plans (except Marshall County*), relevant overall watershed plans (except the Warroad River WD*), basin plans, and the state plan are on file in the Roseau SWCD office.

***Currently being updated in 2005**

All the plans from state down to the local level have the same basic goal of maintaining or improving water quality with various action items dealing with ground or surface water and/or soil. Many of these plans want to identify and replace failing / potentially failing Individual Septic Treatment Systems (ISTS) or needed community sewer systems for certain sensitive areas to prevent groundwater contamination and to ensure public health. The more recent updated plans are starting to focus on impaired waters as this has become a concern for the State of Minnesota. Two Rivers and Roseau River Watershed Districts also recognize that various agencies must work together in a coordinated effort to resolve and realize water management goals and concerns, as both overall plans mention this. These two local watershed districts utilize Project Work Teams (PWT) that are made up of local, regional and state agencies to help with important water management issues.

The State Plan puts the burden of goal accomplishment on the citizens of Minnesota. The Plan goals include improving, conserving, restoring & maintaining, and the opportunity to enjoy water resources through a variety of ways.

The Regional Plans include the Rainy River and Red River Basin Plans. The overall basin wide goal for the Rainy River Basin is maintaining or improving the existing condition of streams, rivers, lakes, and groundwater. This basin would include the Warroad / Lake of the Woods Watersheds located in the eastern part of Roseau County. The rest of the goals synchronize efforts to realize the main overall goal to maintain or improve surface and groundwater. The Red River Basin Plan goals are conserving soil, keeping water to where it falls, monitoring & assessing watersheds, studying and addressing impaired waters, and using key watersheds to achieve water quality goals. This basin includes the Roseau River and Two Rivers Watersheds, which are the central and western part of Roseau County.

The Roseau and Two Rivers Overall Plans were updated in 2004 and will cover the next 10 years. These plans include flood damage reduction (FDR) and natural resource enhancement (NRE) goals. The watersheds identify the FDR goals of flood issues, drought issues and preserving groundwater. The NRE goals are improving water quality; protecting, restoring, enhancing, or maintaining stream corridors, riparian areas, surface waters, wetland & upland habitats, and unique natural resource communities; increasing recreational activities dealing with water resources; and providing education and outreach opportunities. The Warroad River Watershed is starting their Overall Plan update this year (2005) and will be identifying FDR and NRE goals. This plan will be on file in the Roseau SWCD office when the Plan is approved by the State of Minnesota.

The surrounding counties' CLWPs are updated every five years and include a variety of water management goals relevant to the concerns in their respective county. Kittson County places a great emphasis on groundwater as most groundwater resources are high in saline. Beltrami County is committed in ensuring that their water management continues to be successful in improving and maintaining their county's water resources. The Beltrami County CLWP high priorities consist of maintaining and improving surface waters. Lake of the Woods County is very much water orientated and they place a very high degree of importance on water resources. The LoW CLWP contains goals dealing with ground and surface waters. Marshall County is currently updating their LWMP and plans to be done at the end of the year (2005). Their plan will be on file in the Roseau SWCD when the plan is approved by the State of Minnesota.

Recommended Amendments to Other Plans and Official Controls

There are no amendment recommendations to other plans and official controls at this

MEMORANDUM

DATE: October 12, 2005

TO: BWSR North Region Water Management Plan Review Committee

FROM: Bill Best, Board Conservationist

SUBJECT: Review of the Marshall County Priority Concerns Scoping Document (PCSD)

Jan Kaspari – the Marshall County Local Water Plan Coordinator - is responsible for the administration of the Local Water Management (LWM) Plan for Marshall County.

The update process began on January 18, 2005, when Marshall County passed a resolution to update the county's LWM plan. The current plan's effective date will expire on December 31, 2005.

The county prepared and submitted in late February of 2005 to the state review agencies, adjacent counties, watershed districts, local governments, and WRAC members a "Notice of Decision to Revise and Update the Marshall County Local Water Plan". The notice requested that water and related land resource plans & official controls, and water related priority issues and concerns, be submitted to the county by April 20, 2005.

Marshall County received state agency priority concern input statements from the MDA, MPCA, DNR, **EQB**, and the BWSR.

- The MDA listed priority concerns related to the impact of flooding on water quality, improving the county drainage infrastructure and the implementation of conservation drainage practices to improve water quality, and the need to reduce impacts to surface/groundwater from open pastures and feedlots.
- MPCA provided priority concerns regarding the need to address impaired waters/Total Maximum Daily Loads (TMDL) and the issues of stormwater problems.
- The DNR identified priority concerns with the need to address non-point pollution, improvements to surface water quality, restoration of fish passage and habitats, restoration of stream flows and habitats, and the improvement & protection of habitat corridors.
- EQB provided information and suggestions related to ground water contamination susceptibility, TMDL/impaired waters, the availability of ground water, and population extrapolations for Marshall County.

- BWSR priority concerns were the need to address soil erosion, sedimentation, and nutrient management, the trend towards the conversion of marginal agricultural land to rural residential or recreational uses, the reduction of flood damages, and ground water quality.

The WRAC discussed how many government entities were already addressing many of the priority concerns submitted by the agencies and public. These concerns were considered by the county to be important and that they may become a higher priority concern in the next local water management plan update.

The following list of the priority concerns were chosen by Marshall County because they are inter-related, major concerns that are within the scope of the LWM plan.

Priority Concern 1: Soil erosion causing water quality impairments to surface waters of the county. Address the high volume of sedimentation and low dissolved oxygen in the Snake and Thief Rivers.
Priority Concern 2: Protect ground water-based drinking water sources.
Priority Concern 3: Promote flood damage reduction to preserve agricultural land and prevent damage to property.

In late June 2005 Marshall County submitted its PCSD to the BWSR for final agency review and approval. The MDH and MPCA sent letters stating that their agency concurred with the priority concerns developed by Marshall County. DNR strongly recommended revisions to the priority concerns identified but did not require these revisions be made to the PCSD. MPCA did offer comments to be considered when preparing the water plan update. The MPCA stated that the plan update should identify priority impaired waters and the county's participation and development of TMDL pollutant allocations, include maps of impaired waters and identification of pollutant(s) causing the impairments, the county's commitment to submit data collected, plans for monitoring unmonitored waters for comprehensive assessment, and describe actions & timing intended to reduce pollutants causing the impairment plus actions to be part of an approved implementation plan for TMDL's.

INSERT COMMITTEE COMMENTS/ISSUES/CONCERNS AND ACTION HERE

Based on my review of the Marshall County PCSD I have determined that the document does meet the requirements of the guidance material provided by the BWSR and that of 103B.312 and 103B.313 subp.1– 4.

I. Executive Summary

Introduction:

Grant County is located in west central Minnesota, approximately 160 miles northwest of Minneapolis. It has a total land area of 546 square miles and 29 square miles of water. Grant County was first settled in the late 1860's. The first settlers were mainly hunters and trappers, followed by farmers. The county was formally organized on March 8, 1868. Elbow Lake, located in the north central part of the county was designated as the county seat. The population of Grant County in the 2000 census was 6,289 this was a 0.7% change from the 1990 census.

Grant County is fortunate to have an abundant supply of water for recreation, agriculture, industry, and home use. By planning now, we can offset problems and avoid situations that could be costly and difficult to control. If we do not take action to protect and manage our own resources, it is very likely we will find ourselves working with programs that are not necessarily responsive to the local needs and concerns. It is important that programs dealing with natural resource protection assure no one segment of the population bears the burden of protecting these resources.

The Comprehensive Local Water Management Act of 1985 (Minnesota Statutes, Chapter 110B) provided counties the opportunity to develop a course of action to better manage and protect their water and related resources. The legislation recognized that local residents and those involved with water related issues in the county are in the best position to determine priorities and set direction to assure local issues are addressed in the local water plan.

Grant County passed a resolution in October of 1985 to enter into the Comprehensive Local Water Plan (CLWP) process under Chapter 110B. The original Grant County water plan was adopted in May of 1990 and implementation began that year. The plan was revised in 1997. Administration of the Local Water Plan has been the responsibility of the Grant Soil and Water Conservation district since 1990.

While many of the issues and concerns outlined in the original plan remain unchanged, Grant County has taken this opportunity to review the water plan and make the necessary revisions that reflect the water and related land resource assessments, goals, objectives, and action plans for the next ten years.

This water plan revision is the result of a cooperative effort between Local units of government, land and water managers, and local residents.

Purpose of the Local Water Management Plan:

The purpose of this updated Local Water Management Plan (LWMP) is to identify existing and potential problems and opportunities for protection, management and development of water resources and related land resources in Grant County. Pursuant to the requirements of Minn. Stat. 103B.311 subd.4, the five requirements of this plan are as follows:

1. The plan must cover the entire county.

2. The plan must address problems in the context of watershed units and groundwater systems.

3. The plan must be based upon principals of sound hydrologic management of water, effective environmental protection, and efficient management.

4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.

5. The plan will cover a ten year period (2005-2015) with an implementation plan that will cover a five year period (2005-2010) and will then be updated for the remaining five years.

Description of priority concerns:

Information collected through public meetings and participation was analyzed and used to develop three priority concerns. The process used to collect this information and identify priority concerns is thoroughly described in the Priority Concerns Scoping Document in Appendix A. The three priority concerns identified to focus water management efforts in Grant County are as follows:

Priority Concern 1: Contaminated runoff from both urban and agricultural land entering surface waters.
Uncontrolled runoff from agricultural land and urban areas are contributing to the decline of surface water quality through sedimentation and nutrient loading of the counties streams, wetlands, lakes and rivers. While none of the County lakes or rivers are currently listed as impaired, monitoring data collected from 1990 to 1995 indicates that surface water resources in all county watersheds have been negatively impacted by contaminated runoff.

Priority Concern 2: Excessive runoff water volumes from urban and agricultural land.
Excessive stormwater runoff volume from urban areas as well as agricultural areas is contributing to flooding problems in all watershed areas of the County. This problem is generally related to drainage and land use conversion.

Description of priority concerns: (continued)

Priority Concern 3: Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

Grant County has many shallow lakes located in the Chippewa, Pomme de Terre and Mustinka river watersheds. These lakes are beginning to experience development pressure as the availability of land on recreational lakes has diminished. Grant County recognizes the importance of establishing shore land management ordinances and surface water use ordinances that adequately protects sensitive areas and natural environment lakes.

Summary of goals and actions:

Priority Concern 1: Contaminated runoff from both urban and agricultural land entering surface waters.

- Promote and implement vegetated buffers adjacent to all surface water resources.
- Protect existing buffers adjacent to protected waters from development through the County Shoreland Ordinance.
- Promote and implement agricultural best management practices such as; conservation tillage and nutrient management on agricultural lands near surface water resources that have established vegetated buffers.
- Encourage compliance with stormwater rules and ordinances by continuing public education and promotion of stormwater best management practices.

Cost --- $600,000.00 --- 2005 to 2010 (see implementation schedule page IV-1)

Priority Concern 2: Excessive runoff water volumes from urban and agricultural land.

- Promote and implement the restoration of drained wetlands.
- Promote the installation of stormwater retention basins when more than an acre of impervious surface is constructed.
- Promote crop rotations that utilize perennial crops such as alfalfa.

Cost --- $265,000.00 --- 2005 to 2010 (see implementation schedule page IV-2)

Summary of goals and actions: (continued)

Priority Concern 3: Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

- Protect and improve water quality, and fish and wildlife habitat of protected surface water resources by initiating a process to reclassify lakes or portions of lakes where appropriate and clearly defining and mapping sensitive areas.

- Identify and implement a process of enacting surface water use regulations on selected lakes and or portions of lakes and rivers.

Cost --- $ 340,000.00 --- 2005 to 2010 (see implementation schedule pages IV-2 and IV-3)

Consistency with other plans:

In preparation of the Grant County Local Water Plan the most recent plans from several entities were examined to ensure consistency with their concerns. Major basin plans included the Red River Basin Water Quality Plan and the Minnesota River Basin Plan. Watershed plans included the Bois de Sioux Watershed District Overall Plan. Local plans included the Grant County Comprehensive Plan and Local Water Management Plans from adjacent counties. These plans were reviewed for compatibility and collaboration. The Grant County Local Water Management Plan update has utilized appropriate action items to support these plans and is consistent with goals and objectives presented in these plans.

Recommendations to other plans and official controls:

1. The Grant County Environmental Advisory Council recommends statewide revision of the Shoreland Regulations. While Grant County recognizes that they can adopt a more restrictive County Shoreland Ordinance that adequately protects shallow lakes and sensitive areas it would provide greater consistency for the state to provide a minimum statewide standard that adequately addresses water quality, and fish and wildlife issues created by the unforeseen development of natural environment lakes and sensitive areas on recreational and general development lakes.

2. The Grant County Environmental Advisory Council recommends that the State of Minnesota through the Department of Natural Resources review laws and policies related to the permitting of aquacultural activities in wetlands and natural environment lakes. Specifically, it is believed that it is inappropriate to issue a permit for this use without proper notification and input from all riparian landowners and local officials.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

In the Matter of Reviewing the Local Water Management Plan Update for Grant County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Grant County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 3, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On October 15, 2004, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Grant County, pursuant to M.S. Section 103B.312.

2) On January 26, 2005, the Board of Water and Soil Resources provided official comments on the Grant County Priority Concerns Scoping Document, which were mailed to the county on January 26, 2005.

3) The priority concerns the local water management plan addresses include:
   1. Contaminated runoff from both urban and agricultural land entering surface waters.
   2. Excessive runoff water volumes from urban and agricultural land.
   3. Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

4) On August 3, 2005, the BWSR received the Grant County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On October 5, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Grant County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: no recommendation received;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2015; with the Goals, Objectives and Action Items amended by December 31, 2010.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Grant County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Grant County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Grant County Local Water Management Plan through December 31, 2015; with the Goals, Objectives and Action Items being amended prior to December 31, 2010.

Dated at St Paul, Minnesota, this twenty-sixth day of October 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

October 7, 2005

A. Peter Johnson
Houston County Auditor
204 South Marshall Street STE 111
Caledonia, MN 55921-1324

Dear Mr. Johnson:

I have received your request for a two-year extension to the current Houston County Water Management Plan. I previously discussed this extension request with Ralph Tuck, County Water Planner, and recognize the benefits for the county to update both the Water Plan and the Comprehensive Land Use Plan concurrently.

The BWSR has communicated the State's official comments pertaining to the priority concerns Houston County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan in a letter dated June 22, 2005 and I have enclosed this letter for your reference. Please be advised that if the county decides to change these priority concerns, during the concurrent local plans update process, a notification to BWSR is required so these revisions can be officially commented on by the state agencies as per statutes.

I will submit this request, with my recommendation to grant this extension, to the BWSR Board for action. Depending on the timing of BWSR board packet materials, agenda items, and processing this request, the BWSR will take this up at their October 26, 2005 or December 14, 2005 board meeting. The BWSR does not have a board meeting in November.

If you have any questions please contact me at (507)280-2873. Please keep me informed of these updates and the timetable so proper state review procedures and final approvals can be completed prior to December 30, 2007. I look forward to working with the county and your partners as you continue to update your local plans and address your priority resource concerns.

Sincerely,

Mary Kells
Board Conservationist

CC: Ralph Tuck, Houston County Water Planner (emailed)
Jeff Nielsen, BWSR Regional Supervisor (emailed)
Brian Kletscher, Chair, Southern LWP Committee (emailed)
Attachment

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

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

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

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

A. PETER JOHNSON
HOUSTON COUNTY AUDITOR

304 South Marshall Street STE 111
Caledonia, Minnesota 55921-1324

(507) 725-5803
FAX (507) 725-2647

Received
OCT 03 2005

September 28, 2005

Mary Kells
MN BWSR
2300 Silver Creek Road NE
Rochester, MN 55904

RE: Houston County Comprehensive Water Management Plan

Dear Ms. Kells:

The Houston County Board of Commissioners, at yesterday's meeting, voted unanimously to adopt a resolution requesting a two-year extension to its current Water Plan. A copy of this resolution is enclosed for your review. Houston County is in the process of updating both the Water Plan and the Comprehensive Land Use Plan. Since these plans are interrelated, the Board felt that it would make sense to work on updating them simultaneously. In order to allow sufficient time for this process, we feel that a two-year extension to the current Water Plan is needed.

Your favorable consideration of this request will be greatly appreciated.

Sincerely,

A. Peter Johnson

A. Peter Johnson
Houston County Auditor

Enclosure

RESOLUTION 05-30

WHEREAS, Houston County is currently in the process of updating their Comprehensive Water Management Plan; and,

WHEREAS, Houston County is currently planning to update their Comprehensive Land-Use Plan; and

WHEREAS, many of the issues in each of the two plans are interrelated; and

WHEREAS, considering these two documents simultaneously would save time and tax dollars, as well as provide a more comprehensive framework for planned implementation; and

WHEREAS, Houston County's current Water Plan expires December 31, 2005; and

WHEREAS, the Water Plan rules allow the Minnesota Board of Water and Soil Resources to grant a 2-year extension to current Water Plan documents;

NOW, THEREFORE BE IT RESOLVED, that Houston County hereby requests the Minnesota Board of Water and Soil Resources to grant a 2-year extension of its current Water Plan in order to coordinate efforts with the Houston County Land-Use Plan update.

*****CERTIFICATION*****

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, A. Peter Johnson, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at a special session dated September 27, 2005.

WITNESS my hand and the seal of my office this 27th day of September, 2005.

(SEAL)

A. Peter Johnson

A. Peter Johnson, County Auditor

October 10, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Easement 66-03-91-01, Scott LaFavre

BACKGROUND:

Mr. LaFavre is requesting the Board to change his RIM Reserve easement boundary on his 40.4 acres of land currently under a perpetual easement. The parcel is located in the W1/2 of the NW ¼ of Section 14 of Webster Township in Rice County. Mr. LaFavre was not the original easement grantor. He purchased this property with the easement already in place on November 22, 2002 from Greg Anderson. The RIM easement with Greg Anderson was originally recorded on the property on October 27, 1992. Mr. LaFavre, working through Applied Ecological Services, Inc., has requested the BWSR to remove 12.78 acres of land currently under easement to accommodate a 5 lot cluster type subdivision development of the property. The acres proposed for release lie along the west edge of the easement adjacent to Canby Avenue. Mr. LaFavre is proposing to replace the 12.78 acres he would like released with 12.78 acres of non-crop upland, plus an additional 17.46 acres of existing wetland and surrounding upland that would be granted in easement to the MN Land Trust. Total land under easement if the proposal were approved would increase to 57.9 acres. If the proposal is approved these easement acres will be owned by the homeowners association.

Trees were planted on 32.2 acres of the 40.4 acre easement that were in cropland prior to enrollment. At the time of enrollment all these acres were in hay and introduced grasses so all the trees were planted into existing cover. The site proposed for release was all planted to trees. As part of this proposal Mr. LaFavre plans to undertake a $40,000 wildlife habitat improvement plan on the site where acres remain under easement. In addition, Mr. LaFavre is proposing to establish a $10,000 stewardship fund via dues to the homeowners association to ensure long-term care and maintenance of the common easement areas.

Mr. LaFavre has been working with the Rice SWCD and the DNR Area Wildlife Mgr. for the last few months to come up with a proposal that will work for all involved. Up to this point Mr. LaFavre has not been successful in satisfying their concerns with his proposal.

The Board stopped at this site on their tour of Rice County on September 28, 2005. The easement alteration subcommittee also met on September 28, 2005 to consider the LaFavre request to alter this easement.

Section 8400.3610 of the RIM Reserve rule allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in

making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

A) A letter from the landowner to the SWCD Board requesting the change.
B) A letter or minutes from the SWCD recommending either approval or disapproval of the proposed change.
C) A letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

Mr. LaFavre has submitted his proposal, as prepared by Applied Ecological Services, Inc., to both the SWCD and BWSR. The easement alteration subcommittee members have all received copies of this proposal. Both the SWCD and the DNR Area Wildlife Manager have reviewed copies of this proposal and reviewed the site in the field.

A map of the area, copied from the proposal prepared by Applied Ecological Services, is enclosed for reference. I have outlined the current easement boundary with a marker.

A letter dated September 21, 2005 from the Rice SWCD Board outlines their opposition to the proposal. A copy is attached for your review.

The Area Wildlife Manager, Jeanine Vorland, has also reviewed this proposal and is not in support of it. A copy of her October 7, 2005 letter is attached.

FINDINGS:

This alteration request, as currently proposed, would release 12.78 acres and replace it with 12.78 RIM acres, and 17.46 in a MN Land Trust easement, 30.24 acres total. This represents a 2.4 to 1 replacement ratio, and a net gain in acres under easement of 17.46 acres.

This parcel, owned by Mr. LaFavre, is 79.7 acres in total. There currently are 40.4 acres under easement. The current easement boundary and existing wetlands on the site make it somewhat difficult to develop the site but there are options that could work. Mr. LaFavre's proposal has merit as far as seeking to preserve open space and enhancing habitat, but that does not change the fact that the land proposed for development is under a perpetual RIM Reserve conservation easement. Mr. LaFavre is not the original easement holder. He bought the property knowing that the easement was there and that he would need to abide by it's terms and conditions. Releasing the easement to enable a 5 lot subdivision is not conducive to the long term resource protection and wildlife habitat benefits of the easement and surrounding area. Any development of the non-easement lands on this site, given the current easement boundary and existing wetland regulations, would likely amount to less than 5 new building sites on this 79 acre parcel.

OPTIONS AND RECOMMENDATION:

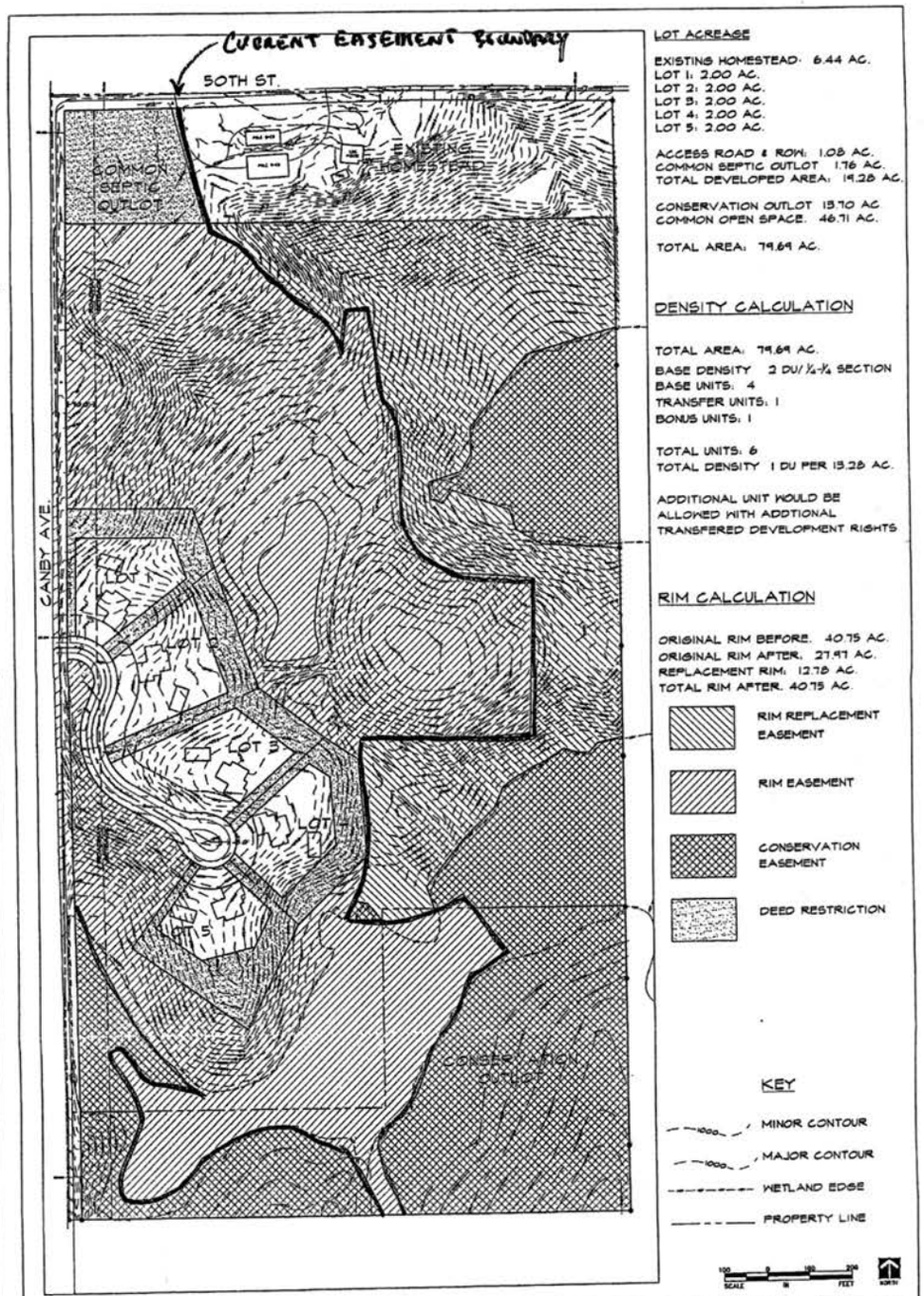
1. Approve of the exchange on the easement. NOT RECOMMENDED. This proposed exchange does not offer clear improvements in the water quality protection benefits or the wildlife habitat values over what the easement currently provides. Even though there would be a net increase in acres under state easement, releasing this easement to in effect promote development is not in the best interest of the RIM Reserve program or the State.

I am concerned with establishing a precedent that would enable land speculators to purchase easement lands and be free to amend them to promote development. This is not in line with the objectives of the RIM Reserve program, which is to take marginal lands out of crop production and preserve them in permanent habitat, not enable residential development on these lands.

If the Board were to decide to approve of Mr. LaFavre's proposed exchange, I would suggest that a motion for approval to amend the easements be made conditional on the following items being received prior to amending the easement:

- Provide a legal survey to the BWSR to be used as part of new legal description for the amended easement.
- Provide a letter from the local zoning administrator stating that the proposed subdivision has received county and township approval.
- The 17.46 acres of easement slated for the MN Land Trust be made part of the state RIM easement
- The home owners association (HOA) dues for the $10,000 stewardship fund must be put into an escrow account that the state and SWCD can access in the event that the HOA fails to maintain or carry out the habitat improvement plan.
- A $500 processing fee be paid to the BWSR by Mr. LaFavre.

2. Deny the request to exchange. **RECOMMENDED**. The easement alteration subcommittee unanimously voted to deny Mr. LaFavre's proposal to alter this easement at it's September 28, 2005 meeting. This proposal, while having merits for planned unit developments where easements are not involved, would set a poor precedent for the RIM Reserve easement program. If the BWSR were to approve of this proposal it would in essence be facilitating residential subdivision development on easement lands. This is not something that RIM Reserve should be condoning. Both the Rice SWCD and the local DNR wildlife manager are opposed to this proposal. The BWSR administers it's conservation easement program via the local SWCDs. Going against their recommendations could have negative implications for future easement program administration and delivery.



LOT ACREAGE

EXISTING HOMESTEAD: 6.44 AC.
LOT 1: 2.00 AC.
LOT 2: 2.00 AC.
LOT 3: 2.00 AC.
LOT 4: 2.00 AC.
LOT 5: 2.00 AC.

ACCESS ROAD & ROW: 1.08 AC.
COMMON SEPTIC OUTLOT 1.76 AC.
TOTAL DEVELOPED AREA: 19.28 AC.

CONSERVATION OUTLOT 13.70 AC
COMMON OPEN SPACE: 46.71 AC.

TOTAL AREA: 79.69 AC.

DENSITY CALCULATION

TOTAL AREA: 79.69 AC.
BASE DENSITY 2 DU/¼-¼ SECTION
BASE UNITS: 4
TRANSFER UNITS: 1
BONUS UNITS: 1

TOTAL UNITS: 6
TOTAL DENSITY 1 DU PER 13.28 AC.

ADDITIONAL UNIT WOULD BE ALLOWED WITH ADDTIONAL TRANSFERED DEVELOPMENT RIGHTS

RIM CALCULATION

ORIGINAL RIM BEFORE: 40.75 AC.
ORIGINAL RIM AFTER: 27.97 AC.
REPLACEMENT RIM: 12.78 AC.
TOTAL RIM AFTER: 40.75 AC.

RIM REPLACEMENT EASEMENT

RIM EASEMENT

CONSERVATION EASEMENT

DEED RESTRICTION

KEY

MINOR CONTOUR

MAJOR CONTOUR

WETLAND EDGE

PROPERTY LINE

SCALE IN FEET

NORTH

LOT PLAN W/ EASEMENTS
SCOTT & SHARI LAFAVRE
WEBSTER TOWNSHIP
RICE COUNTY, MN

DAHLGREN SHARDLOW AND URBAN

CONSULTING PLANNERS LANDSCAPE ARCHITECTS
505 - 23RD AVENUE NORTH
ST. CLOUD, MN 56303
PH 320.253.4243

SURVEY: BDA/LH
DRAWN BY: CEB
CHECKED BY: CLW
APPROVED:
DATE: NOV. 22, 2004
PROJECT NO.: 0405

REVISIONS | DATE

Rice Soil and Water Conservation District

1810 30th Street NW, ❖ Faribault, MN 55021 Phone: (507)332-5408
Website: www.1rl.com Fax: (507)332-9892

September 21, 2005

Minnesota Board of Water & Soil Resources
Attn: Kevin Lines and Tim Fredbo
520 Lafayette Road North
St. Paul, MN 55155

Dear Gentlemen:

The Rice SWCD Board of Supervisors met at a regular monthly board meeting on September 21, 2005. We had received a revised request from Scott LaFavre to extinguish 12.78 acres of a perpetual Reinvest in Minnesota easement. In exchange for the 12.78 acres, Mr. LaFavre is proposing to enlarge the existing 40.4 acre easement to 58.26 acres by adding other non-easement lands, and creating new wildlife habitat improvements. Mr. LaFavre desires to do this to build five new homes on the current RIM site. Development restrictions would also be placed on an additional 5.93 acres.

After much discussion, the Rice SWCD Board voted not to support the cancellation of this easement for the same reasons as the first proposal including:

- The land was put into RIM as a perpetual easement, which our board strongly feels should be upheld to the original intentions of the landowner who acquired the easement.

- Rice County is experiencing tremendous residential growth. Allowing this easement to be altered in any way could set a dangerous precedent for other RIM easements in Rice County as well as elsewhere in Minnesota. Currently, there are many other sites available to build housing. Releasing a RIM easement for this purpose is not necessary for additional growth.

- Placing five houses in this easement will likely drive wildlife away from the area. Jeanine Vorland, DNR wildlife, concurred with this in a letter from the first proposal that she saw no long term benefit to wildlife to modify this easement.

We look forward to discussing this proposal further with the BWSR Board at the BWSR Tour and Board Meeting in Rice County on September 28, 2005..

Sincerely,

SWCD Acting Board Chairman

Minnesota Department of Natural Resources

Area Wildlife Office
8485 Rose Street
Owatonna, Minnesota 55060
Telephone: (507) 455-5841
Facsimile: (507) 446-2326
E-mail: jeanine.vorland@dnr.state.mn.us

7 October 2005

Tim Labs
Rice Soil and Water Conservation District
1810 30th Street Northwest
Faribault, Minnesota 55021

Re: LaFavre RIM Easement (#66-03-91-01) Revised Proposal

Dear Mr. Labs:

I have reviewed the request from Scott and Shari LaFarvre to extinguish a 12.8-acre portion of a 40.8-acre Reinvest in Minnesota (RIM) easement. The purpose of the request is to enable subdivision and development of 5 additional residences on the property currently protected by the conservation easement. The LaFarvres have provided a revised proposal illustrating how they intend to mitigate the unavoidable adverse impacts of the proposed development and should be commended. However, I am unable to conclude that the proposal offers a clear conservation advantage over alternatives that maintain the configuration of the existing easement while taking into consideration other protections provided by the Wetland Conservation Act and local zoning regulations. Therefore, I have not been able to conclude it is in the long-term interest of wildlife conservation and wildlife-based recreation to extinguish or modify this easement.

I recognize that the RIM easement does not cover the entire property and it is possible some development may occur regardless of the fate of this easement. The proposal does provide for a potential net gain of 17.5 acres of lands protected by conservation easement. The additional easement would include some natural forested lands in the southeast corner of the property, some additional planted woodland and offer an overlay of protection to some wetlands. The proposal also contains a mechanism to partially buffer the remaining protected lands from the housing development and provisions for funding additional conservation work through a homeowner's association. Unfortunately, it is difficult to mitigate the foreseeable impacts from the addition of 5 residences to this property.

Thank you for the opportunity to comment on this project. I would be willing to attend an upcoming Rice Soil and Water Conservation Board meeting to discuss the proposal. Please feel free to contact me if you have questions, comments or need more information.

Sincerely,

Jeanine Vorland

Jeanine Vorland
Area Wildlife Manager

c: Don Nelson
Wayne Edgerton
Dave Peterson
Kevin Lines

RECEIVED
OCT 11 2005
Bd. of Water & Soil Resources
St. Paul

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the request to Alter RIM Reserve Conservation Easement 66-03-99-1, Scott LaFavre, pursuant to RIM Reserve Rule Section 8400.3610

ORDER DENYING REQUEST

Whereas, Scott LaFavre has requested the Board to alter his RIM Reserve easement boundary on his 40.4 acre perpetual conservation easement located in the W1/2 of the NW ¼ of Section 14, Webster Twp., Rice County, and;

Whereas, RIM Reserve Rule Section 8400.3610 allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources, and;

Whereas, RIM Reserve Rule Section 8400.3610 states that an easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action, and;

Whereas, the Board, through its Easement Alteration Subcommittee, has completed its review of the Request;

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

FINDINGS OF FACT

1. **Alteration request.** The request to alter easement 66-03-99-1, dated July 27, 2005, was received on August 9, 2005. This request was prepared jointly by Dahlgren, Shardlow and Uban, Inc., and Applied Ecological Services, Inc.. Mr. LaFavre is requesting release of 12.78 acres of land currently under a perpetual conservation easement to accommodate a 5 lot subdivision on the property he owns in the W ½ of the NW ¼ of Section 14, T112N, R21W, Rice County. Mr. LaFavre is proposing to replace the acres released with 30.24 acres of existing woodland and wetland. (Exhibit 1)

2. **Existing RIM Reserve Easement.** The easement currently in place on this property was recorded on October 27, 1992 as document 371624 in Rice County. This is a 40.4 acre perpetual easement that the state paid $29,987.42 for to the original landowner, Greg Anderson.

3. **Sale of Land.** Scott LaFavre purchased the property with the easement in place from Greg Anderson on November 22, 2002. The warranty deed for this transaction was recorded as document 518163 on 5-30-03 in Rice County.

4. **Subdivision development proposed.** The LaFavre easement alteration proposal is being sought to allow a 5 lot cluster type development on the land. Moving the easement is necessary to accomplish this. As part of this proposal the development would seek to enhance the existing habitat by spending $40,000 to plant additional native species on the site and establish a home owners association (HOA) that would establish a $10,000 stewardship fund to carry out needed restoration and management activities on the easement lands. (Exhibit 1)

5. **SWCD Board Review.** The Rice SWCD has reviewed Mr. LaFavres alteration request pursuant to the requirements of RIM Rules Section 8400.3610. They are opposed to the alteration of the easement area and state the reasons for their opposition in their September 21, 2005 letter. (Exhibit 2)

6. **DNR Wildlife Manager Review.** Pursuant to the requirements of RIM Rules Section 8400.3610, the LaFavre alteration proposal has been reviewed by Jeanine Vorland, DNR Area Wildlife Manager. Her June 10, 2005 letter to Tim Labs at the Rice SWCD states her opposition to the LaFavre's proposal. Ms. Vorland reviewed an earlier copy of the LaFavre proposal that was nearly the same as the July 27, 2005 version, plus she was on-site to review on May 20, 2005. (Exhibit 3)

7. **Rice County Board Tour.** The BWSR stopped at the LaFavre site on its Rice County tour on September 28, 2005. The Board viewed the site and was given a presentation of the proposal by Scott LaFavre and representatives from Applied Ecological Services, Inc.

8. **Easement Alteration Subcommittee.** The easement alteration subcommittee met to consider the LaFavre proposal on September 28, 2005. Committee members in attendance were Paul Brutlag, Randy Kramer, Louise Smallidge, Paul Burns (Ag.), and Wayne Edgerton (DNR). Based on the entire record in the matter and after due consideration, the committee with a unanimous vote decided to recommend to the full Board denial of the easement alteration request.

CONCLUSIONS

1. All items required for the BWSR to review a request to alter a conservation easement as required by RIM Reserve Rules Section 8400.3610 have been submitted.

2. The BWSR has reviewed the request at it's September 28, 2005 Rice County tour of the property and the subsequent Easement Alteration Subcommittee meeting voted unanimously to not approve the alteration.

3. The Rice SWCD and the DNR Area Wildlife Manger are opposed to the LaFavre easement alteration proposal. Neither entity was able to determine any positive impacts for wildlife or water resources if the easement were to be altered as proposed.

4. The purpose of this alteration proposal is to enable subdivision and development of up to 5 additional residences on the 79.7 acre parcel owned by Mr. LaFavre. This proposal, while having some merit for planned unit developments where existing RIM easements are not involved, is not in the best interests of the RIM Reserve easement program or the natural resources that the program seeks to protect and preserve. The positive wildlife usage of the easement area would be damaged. If the BWSR were to approve this request it would actually be promoting development of a perpetual conservation easement area for housing. This would set a poor precedent and send the wrong message to local SWCDs and other easement program stakeholders for the continued success of the State's conservation easement program efforts.

5. The Board finds that the publics interest and general welfare are not better served by releasing and amending RIM Reserve conservation easement 66-03-91-1.

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby denies the Scott LaFavre request to alter his 40.4 acre perpetual RIM conservation easement 66-03-91-1, located in the W ½ of the NW ¼ of Section 14, T112N, R21W, Rice County, pursuant to RIM Reserve Rule Section 8400.3610.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

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 Termination Petition for the Cooks Valley Watershed District in Wabasha County pursuant to Minn. Stat. § 103D.271.

ORDER TERMINATION OF COOKS VALLEY WATERSHED DISTRICT

Whereas, 111 resident owners residing in the Cooks Valley Watershed District in Wabasha County filed a Petition dated June 10, 2005, with the Board of Water and Soil Resources (Board) on June 28, 2005, to terminate the Cooks Valley Watershed District pursuant to Minn. Stat. § 103D.271, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Termination Petition Filing.** The Termination Petition (Petition) to terminate the Cooks Valley Watershed District (Exhibit 2) dated June 10, 2005, was filed with the Board on June 28, 2005. (Exhibit 1) The Petition, consisting of 74 pages, was signed by 111 resident owners residing in the Cooks Valley Watershed District pursuant to Minn. Stat. § 103D.271.

2. **Required Proofs of Service.** On June 21, 2005 at 9:00 AM, Jerry Leisen, Wabasha County Auditor/Treasurer, signed, and affixed his official seal unto, a statement of receipt of the Petition (Exhibit 4), which was included in the filing of the Petition with the Board on June 28, 2005, pursuant to Minn. Stat. § 103D.271, Subd. 4 (b).

3. **Certification of Petitioner Signatures.** On June 21, 2005, Jerry Leisen, Wabasha County Auditor/Treasurer, pursuant to Minn. Stat. § 103D.271, Subd. 5, based upon his inspection of the Petition and tax records, certified the Petition was signed by at least 25 percent of the resident owners residing in the Cooks Valley Watershed District. (Exhibit 5)

4. **Petitioner's Bond.** The Petitioner's filed a surety bond dated June 8, 2005, underwritten by Auto-Owners Insurance (Exhibit 3), pursuant to Minn. Stat. § 103D.271, Subd. 6, which was included in the filing of the Petition with the Board on June 28, 2005. The bond in the amount of two thousand dollars ($2,000.00) is conditioned on the payment of all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied.

5. **Property Description.** The territory of the Cooks Valley Watershed District is approximately 44.5 square miles and is entirely within Wabasha County in all or parts of the Cities of Kellogg and Wabasha, and the Towns of Glasgow, Greenfield, Highland, Minneiska and Watopa.

6. **Frequency of Termination Petition.** The Board has not accepted a termination petition for the Cooks Valley Watershed District within the past five years, pursuant to Minn. Stat. § 103D.271, Subd. 3.

7. **Reasons for Termination.** The Petition lists the following:

   a. The Cooks Valley Watershed District was established on December 9, 1963.

   b. The Cooks Valley Watershed District has had no new projects started or taxes levied within the past 25 years.

   c. No inspection or maintenance programs have been maintained by the Cooks Valley Watershed District.

   d. Currently, there is no active appointed Board of Managers for the Cooks Valley Watershed District.

   e. The continued existence of the Cooks Valley Watershed District does not benefit the public welfare and public interest, and the Cooks Valley Watershed District is not needed to accomplish the purposes of Minnesota Statutes Chapter 103D.

8. **Hearing Order.** At its regular meeting on August 24, 2005, the Board determined the Petition met the requirements of Minn. Stat. § 103D.271 and consequently ordered a public hearing to be held on the Petition. (Exhibit 6)

9. **Hearing Notice.** Legal notice of the public hearing on the Petition, pursuant to Minn. Stat. § 103D.271, Subd. 8, was published in the Wabasha County Herald on September 7, 2005. (Exhibit 10) Further, a copy of the legal notice was mailed to approximately 20 addressees including the affected county Board of Commissioners, County Auditor, County Water Planner, all of the cities in the watershed district, all of the towns in the watershed district, the SWCD, and the DNR. (Exhibit 8)

10. **Public Hearing.** A public hearing was held on the termination of the Cooks Valley Watershed District on September 27, 2005 at the Wabasha County Courthouse located at 625 Jefferson Avenue in Wabasha, Minnesota. The hearing started at 6:30 PM. The proceedings were tape recorded. The hearing panel consisted of Board members Dana Allen, Brian Kletscher, and Jerome Deal as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on October 11, 2005, for receipt of written comments.

The following list of exhibits comprise the hearing record. Jim Haertel, Board staff, entered Exhibits 1 through 11 into the hearing record by reading a brief description of each exhibit. All exhibits in the hearing record are one page unless otherwise noted. Double sided pages count as two pages.

Exhibit 1. Letter dated June 10, 2005, from Larry Kronebusch forwarding the original Termination Petition for the Cooks Valley Watershed District, which is Exhibit 2.

Exhibit 2. Original Termination Petition for the Cooks Valley Watershed District containing 111 signatures, 74 pgs.

Exhibit 3. Surety Bond dated June 8, 2005, underwritten by Auto-Owners Insurance Company, in the amount of $2,000.00 conditioned on the payment of all costs and expenses of the termination proceedings if the termination petition proceedings are dismissed or denied, 3 pgs.

Exhibit 4. Proof of receipt of a copy of the Termination Petition for the Cooks Valley Watershed District dated June 21, 2005, signed by Jerry Leisen, Wabasha County Auditor/Treasurer.

Exhibit 5. Certification of Petitioner signatures dated June 21, 2005, signed by Jerry Leisen, Wabasha County Auditor/Treasurer, that the required number of signatories have been met and meet the applicable eligibility requirements under Minnesota Statutes Chapter 103D for the Termination Petition for the Cooks Valley Watershed District.

Exhibit 6. Order of the Board of Water and Soil Resources dated August 24, 2005, signed by Jerome Deal, Chair, setting the date, time and location of the public hearing on the Petition, 4 pgs.

Exhibit 7. News Release dated August 24, 2005, from the Board of Water and Soil Resources announcing the public hearing on the Petition, 2 pgs.

Exhibit 8. Letter dated September 6, 2005, from Jim Haertel to several addressees providing notification of the public hearing, with attached Legal Notice and List of Addressees, 3 pgs.

Exhibit 9. Notarized Affidavit of Service by Mail of Exhibit 8 signed by Deborah A. Salinas on September 8, 2005, with attached list of addressees, 2 pgs.

Exhibit 10. Affidavit of Publication of Legal Notice of Public Hearing in the Wabasha County Herald on September 7, 2005.

Exhibit 11. Cooks Valley Watershed District Overall Plan prescribed by the Minnesota Water Resources Board on September 10, 1964, 34 pgs.

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After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on October 11, 2005, for receipt of written comments. The following exhibits were received while the record was open.

- - - - - - -

Exhibit 12. Notarized easement for watershed protection in favor of the Cooks Valley Watershed District dated January 13, 1966, signed by Carl and Mina Reinke, 3 pgs.

11. **Watershed Management Plan.** The Cooks Valley Watershed District Overall Plan was prescribed by the Minnesota Water Resources Board, which is now the Minnesota Board of Water and Soil Resources, on September 10, 1964. The plan must be revised at least once every ten years pursuant to Minn. Stat. § 103D.405, Subd. 1 (a). No revisions have been made to the plan since September 10, 1964.

12. **Managers Oath and Bond.** The Board of Managers of the Cooks Valley Watershed District must file oaths of office and bonds with the Board pursuant to Minn. Stat. § 103D.315, Subd. 1 and 2. The Board of Managers has not filed oaths or bonds with the Board since 1969.

13. **Board of Managers Meetings.** The Board of Managers of the Cooks Valley Watershed District must meet annually, at a minimum, pursuant to Minn. Stat. § 103D.315, Subd. 10. The Board of Managers has not met since 1991.

14. **Advisory Committee.** The Board of Managers of the Cooks Valley Watershed District must annually appoint an advisory committee pursuant to Minn. Stat. § 103D.331, Subd. 1. The Board of Managers has not appointed an advisory committee since the watershed district was established in 1963.

15. **Administration Bylaws.** The Board of Managers of the Cooks Valley Watershed District must adopt bylaws for the administration of the business and affairs of the watershed district pursuant to Minn. Stat. § 103D.315, Subd. 11. The Board of Managers has not adopted bylaws since the watershed district was established in 1963.

16. **Rules.** The Board of Managers of the Cooks Valley Watershed District must adopt rules to accomplish the purposes of Minnesota Statutes Chapter 103D and to implement the powers of the managers pursuant to Minn. Stat. § 103D.341, Subd. 1. The Board of Managers has not adopted rules since the watershed district was established in 1963.

17. **Annual Report and Audit.** The Board of Managers of the Cooks Valley Watershed District must have an annual report and annual audit completed and file the documents with the Board pursuant to Minn. Stat. §§ 103D.351 and 103D.355. The Board of Managers has not filed the required report or audit with the Board since the watershed district was established in 1963.

18. **Funds.** The Board of Managers of the Cooks Valley Watershed District has not levied or collected funds in more than 25 years. The present balance of all funds of the Cooks Valley Watershed District is approximately three hundred thirty-nine dollars ($339.00).

19. **Projects and Programs.** The Board of Managers of the Cooks Valley Watershed District has not commenced any type of project or program in more than 25 years.

20. **Easement.** An easement (Exhibit 12) to the Cooks Valley Watershed District was not recorded on the title for the property. The property currently has a different landowner from the landowner who signed the easement.

21. **Hearing Panel.** Based on the entire record in the matter and after due consideration, the hearing panel unanimously decided to recommend to the full Board the Cooks Valley Watershed District be terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. Further, all remaining funds of the watershed district should be transferred to the Wabasha County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State. Larry Kronebusch, the most recent Treasurer of the watershed district who continues in such position until a successor is appointed and qualified pursuant to Minn. Stat. § 103D.315, Subd. 6, shall conduct the transfer of funds from the watershed district to Wabasha County.

CONCLUSIONS

1. The Petition for termination of the Cooks Valley Watershed District is valid in accordance with Minn. Stat. § 103D.271.

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

3. The Board has proper jurisdiction in the matter of terminating the Cooks Valley Watershed District.

4. The Cooks Valley Watershed District should be terminated for the following reasons:

   A. The watershed management plan is required to be revised at least once every ten years and the plan has not been revised in more than 40 years.

   B. Oaths of office and bonds for the managers are required to be filed with the Board of Water and Soil Resources and none have been filed since 1969.

   C. The Board of Managers are required to meet at least annually and they have not met since 1991.

   D. An advisory committee is required to be appointed annually and no advisory committee has been appointed since the watershed district was established in 1963.

   E. Bylaws are required to be adopted and none have been adopted since the watershed district was established in 1963.

   F. Rules are required to be adopted and none have been adopted since the watershed district was established in 1963.

G. A report and audit is required to be filed annually with the Board of Water and Soil Resources and none has been filed since the watershed district was established in 1963.

H. The watershed district has collected no funds in more than 25 years.

I. The watershed district has not commenced any type of project or program in more than 25 years.

5. The Cooks Valley Watershed District should be terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D.

6. All remaining funds of the Cooks Valley Watershed District should be transferred to the Wabasha County Auditor/Treasurer within 30 days of the date this Order is filed with the Secretary of State. Larry Kronebusch, the most recent Treasurer of the watershed district who continues in such position until a successor is appointed and qualified pursuant to Minn. Stat. § 103D.315, Subd. 6, shall conduct the transfer of funds from the watershed district to Wabasha County.

ORDER

The Board hereby orders that the Cooks Valley Watershed District is terminated because the existence of the watershed district does not benefit the public welfare and public interest, and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D. The Board further orders that all remaining funds of the watershed district must be transferred to the Wabasha County Auditor/Treasurer by Larry Kronebusch, Treasurer of the watershed district, within 30 days of the date this Order is filed with the Secretary of State.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Jerome Deal, Chair

SWCD LATE AUDIT POLICY

BACKGROUND
Current policy, agreed to by the Office of the State Auditor (OSA) and BWSR five years ago, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years. This results in 30 – 40% of all SWCDs being required to have an audit each year. Statute 103C.325 subd. 2, and our grant agreements also state that an audit is required.

BWSR sends out audit notices in late May. Most SWCDs know when they need to have an audit, and make audit arrangements early in the year. Some forget about the audit until they are notified. The audit notice states that SWCDs should hire a private CPA or request a state auditor to perform their audit and send a draft of the audit to the OSA for review by October 31. The OSA returns the review, with any notes, to the CPA, and then the final audit is due to BWSR by December 31.

ISSUE
Every year, several SWCDs do not follow this procedure or schedule. The OSA sends updates on which audits they have reviewed and when. Notices are sent out in November reminding SWCDs to get their draft audit sent in when the OSA has not received it yet. The same is done in December, January, etc. In March, BWSR may even offer to hold up their annual base grants until their audit is received, which usually starts the ball rolling, but it is then another month or so until the audit is received.

RECOMMENDATION
The Cost Share Committee is recommending that any SWCD that has not satisfied the SWCD audit requirements*, and submitted their audit to the BWSR by the due date, shall be subject to the following penalties, affecting Cost Share, General Services, and Easement Services base grants, hereafter collectively referred to as the base grants:

- An immediate five percent (5%) reduction to the next fiscal year base grants.
- An additional five percent per month base grant reduction each month past the due date.
- Base grants may be revoked if audits are not received within 90 days of the due date.

* According to the Office of the State Auditor and BWSR Policy.

The Committee also directed staff to discuss with MASWCD the potential of reserving a portion of the General Services appropriation for funding SWCD audits with a general vendor.

ACTION
Decision. Board support of this Recommendation by the enclosed resolution would implement this Policy effective January 1, 2006, and apply to all audits due in 2006 and thereafter.

Board Resolution #_____

SOIL AND WATER CONSERVATION DISTRICT
LATE AUDIT POLICY

WHEREAS, Current policy, agreed to by the Office of the State Auditor (OSA) and BWSR, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years; and,

WHEREAS, Minnesota Statute 103C.325 subd. 2, and BWSR grant agreements state that an SWCD audit is required; and,

WHEREAS, SWCD non-compliance with audit requirements for several SWCDs is an annual occurrence.

NOW THEREFORE, effective January 1, 2006, and applicable to all SWCD audits due in 2006 and thereafter, any SWCD that has not satisfied the SWCD audit requirements*, and submitted their audit to the BWSR by the due date, shall be subject to the following penalties, affecting Cost Share, General Services, and Easement Services base grants, hereafter collectively referred to as the base grants:

- An immediate five percent (5%) reduction to the next fiscal year base grants.
- An additional five percent per month base grant reduction each month past the due date.
- Base grants may be revoked if audits are not received within 90 days of the due date.

* According to the Office of the State Auditor and BWSR Policy.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:LAPR

Board Resolution # 05-91

SOIL AND WATER CONSERVATION DISTRICT
LATE AUDIT POLICY

WHEREAS, Current policy, agreed to by the Office of the State Auditor (OSA) and BWSR, requires SWCDs to have an audit when their cumulative revenues reach $400,000 since their last audit, or at least once every three years; and,

WHEREAS, Minnesota Statute 103C.325 subd. 2, and BWSR grant agreements state that an SWCD audit is required; and,

WHEREAS, SWCD non-compliance with audit requirements for several SWCDs is an annual occurrence.

NOW THEREFORE, effective January 1, 2006, and applicable to all SWCD audits due in 2006 and thereafter, any SWCD that has not satisfied the SWCD audit requirements*, and submitted their audit to the BWSR by the due date, shall be subject to the following penalties, affecting Cost Share, General Services, and Easement Services base grants, hereafter collectively referred to as the base grants:

- An immediate five percent (5%) reduction to the next fiscal year base grants.
- An additional five percent per month base grant reduction each month past the due date.
- Base grants may be revoked if audits are not received within 90 days of the due date.

* According to the Office of the State Auditor and BWSR Policy.

October 26, 2005

Jerome Deal
Chair

Jerome Deal, Chair
Board of Water and Soil Resources

H:LAPR

BEAVER DAMAGE CONTROL GRANTS PROGRAM

BACKGROUND

In CY 1994 the Minnesota Legislature appropriated $50,000 to the Commissioner of Agriculture for a grant to the beaver damage control joint powers board formed by Beltrami, Clearwater, Marshall, Pennington, Polk, and Red Lake Counties. The grant was required to be matched by $30,000 from the joint powers board. A total of 2,425 problem beavers and several dams were removed.

Legislative appropriations continued and the Beaver Damage Control Grants were allocated to a variety of LGUs until 2002.

ISSUE

The MN Legislature of 2005 in their 1st Special Session appropriated to BWSR $100,000 for this Program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property.

The grants may be made to:

(1) A joint powers board established under section 471.59 by two or more governmental units;
(2) Soil and water conservation districts; and
(3) Indian tribal governments.

A 1:1 match is required.
The Cost Share Committee is recommending Program Policy.

RECOMMENDATION

	Targets
Program Policy Recommendation	Sept. 28 Cost Share Committee
Program Policy Approval	Oct. 26 BWSR Meeting
Application Period	Nov. 1 – March 1
Allocation Recommendation	March Cost Share Com. Meeting
Allocation Approval	April 26
Grant Agreements Sent	May 1

Allocations - $5,000 max. For individual LGU Applicant or tribal gov't. Unit
$20,000 max. Multi-LGU Applicant and/or tribal gov't. Units

Application Evaluation
Grants will be awarded on the following considerations:

1. 25% Description of the extent of the beaver control problem.

2. 25% Description of the beaver control program including how beaver damage control will be accomplished.
3. 25% The ability of the applicant to match the state grant.
4. 25% How will grant and match funds be spent? – Budget
5. Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

ACTION

Decision. The Committee is requesting the Board to approve the authorization of the Beaver Damage Control Grants Program, allocation criteria, and target dates for Program implementation.

H:BDCGPBA

Board Resolution #_____

BEAVER DAMAGE CONTROL GRANTS PROGRAM AUTHORIZATION

WHEREAS, The MN Legislature of 2005 in their 1st Special Session Appropriated to BWSR $100,000 for this Program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property.

NOW THEREFORE, The BWSR authorizes staff to implement the Beaver Damage Control Grants Program according to the Laws of the State of Minnesota and the following administrative policies:

Allocation Maximums - $5,000 max. for individual LGU Applicant or tribal gov't. Unit
$20,000 max. for Multi-LGU Applicant and/or tribal gov't. Units

Application Evaluation
Grants will be awarded on the following considerations:

1. 25% Description of the extent of the beaver control problem.
2. 25% Description of the beaver control program including how beaver damage control will be accomplished.
3. 25% The ability of the applicant to match the state grant. at a minimum 1:1 add'l points given for excess of 1:1
4. 25% How will grant and match funds be spent? – Budget
5. Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

* shorten to Feb. 1st

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

_____ Date: _____

Jerome Deal, Chair
Board of Water and Soil Resources

H:BDCGPR

Board Resolution # 05-93

BEAVER DAMAGE CONTROL GRANTS PROGRAM AUTHORIZATION

WHEREAS, The MN Legislature of 2005 in their 1st Special Session Appropriated to BWSR $100,000 for this Program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches, and adjacent private property.

NOW THEREFORE, The BWSR authorizes staff to implement the Beaver Damage Control Grants Program according to the Laws of the State of Minnesota and the following administrative policies:

Application Period – November 1, 2005 – February 1, 2006

Allocation Maximums - $5,000 max. for individual LGU Applicant or tribal gov't. Unit
$20,000 max. for Multi-LGU Applicant and/or tribal gov't. Units

Match – A 1:1 minimum cash and/or in-kind match is required.

Application Evaluation
Grants will be awarded on the following considerations:

1. 25% Description of the extent of the beaver control problem.
2. 25% Description of the beaver control program including how beaver damage control will be accomplished.
3. 25% The ability of the applicant to match the state grant at a minimum 1:1. Local match offered in excess of 1:1 may receive increased point considerations.
4. 25% How will grant and match funds be spent? – Budget
5. Extra consideration will be given to applicants who can reference a relationship to priority problems in a Local Water Plan.

Considerations 1 – 5 will each be evaluated as Excellent – 3 points, Good – 2 points, Fair – 1 point, or No Consideration – 0 points.

Jerome Deal

Date: 10/26/05

Jerome Deal, Chair
Board of Water and Soil Resources

Mary Jo
RECEIVED
NOV 14 2005
Bd. of Water & Soil Resources
St. Paul

H:BDCGPR

BWSR Meeting Date _____

Motion:

_____

_____

_____

_____

_____

Moved by: _____

Seconded by: _____

attempt to approved Table

		Affirmative	Opposed
	~~*Perry Aasness*~~		
no	*Dana Allen*	✓	
	Jim Anderson	out	
no	*Paul Brutlag*	✓	
yes	*Kay Cook*		✓
yes Wayne Edgerton			✓
yes	*Quentin Fairbanks*	✓	
yes	*Brian Kletscher*		✓
y	*Paul Krabbenhoft*		✓
	~~*Randy Kramer*~~	out	
y Joe Martin	~~*Gene Merriam*~~	✓	
yes	*Clair Nelson*		✓
y	*Louise Smallidge*		✓
	~~*Lisa Thorvig*~~	out	
y	*LuAnn Tolliver*		✓
y	*Dan Wilson*		✓
y	*Jerome Deal*		✓

defeated

Passed

H: roll-call vote

October 10, 2005

TO: Board Members

THRU: Kevin Lines, Easement Section Administrator

FR: Tim Fredbo, Conservation Easement Specialist

RE: Alteration of Conservation Easement 64-67-01-01, Duane Knott

BACKGROUND:

Duane Knott, through the Redwood SWCD, has requested the BWSR to remove 6.9 acres of land currently in a perpetual RIM Reserve conservation easement. The land is located in the South ½ of Section 3, T109N, R38W, (North Hero Township), of Redwood County. Mr. Knott is proposing to replace it with 13.8 acres of land adjacent to the present easement area boundary. The original easement on Mr. Knott's property for 115.5 acres was recorded on October 29, 2002. The land was eligible as a MN River CREP riparian area adjacent to Plum Creek. The acres for release are non-crop riparian woodlands as are the replacement acres proposed. Mr. Knott has requested the alteration to alleviate a problem with trying to fence his cattle herd out of the existing easement area in the area he would like released. Topography is very steep in the area and difficult to maintain fencing. Mr. Knott is the original easement grantor with the State.

Section 8410.3600 of the RIM Reserve rule allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources. An easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action. To assist the Board in making it's decision the rule also states that the following items must be submitted before the Board will consider a request to alter, release or terminate an easement:

A) A letter from the landowner to the SWCD Board requesting the change.
B) A letter or minutes from the SWCD recommending either approval or disapproval of the proposed change.
C) A letter from the DNR area wildlife manager recommending either approval or disapproval of the proposed change.

Items B and C have been received and are attached for your review. The photo was prepared by easement staff to show the area for release and the replacement acres. The landowner worked with SWCD staff in Redwood County to come up with the proposed alteration request.

SUMMARY OF INFORMATION PROVIDED TO SUPPORT REQUEST:

The Redwood SWCD Board approved Mr. Knott's request at their June 9, 2005 meeting. This is confirmed in the attached July 6, 2005 letter from Marilyn Bernhardson, District Administrator.

Mr. Jeff Zajac, DNR area wildlife manager from Redwood Falls, has also reviewed this proposal. Mr. Zajac concludes that the trade is a good one for the State's RIM program in that we will be protecting a larger parcel of riparian woodlands than the current easement provides.

FINDINGS:

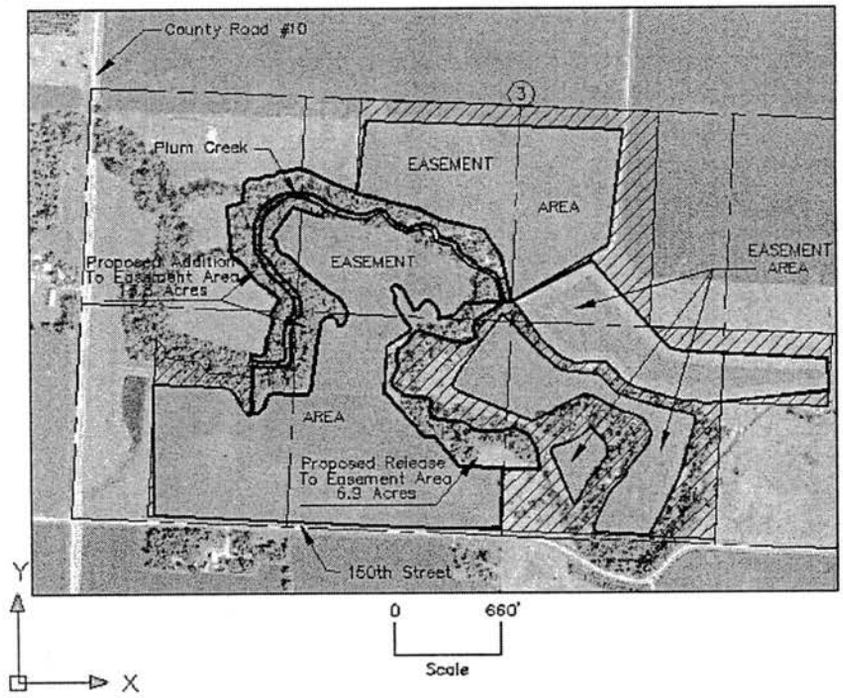
This alteration request, as proposed, would release 6.9 acres and replace it with 13.8 acres, a net gain of 6.9 acres in wildlife habitat and riparian buffer along Plum Creek for the State. All acres proposed for release and replacement, are in woodland that has never been cropped. The landowner requests this change to better be able to manage and fence off his pasture in areas where topography is not so steep with fences being remote and difficult to maintain.

OPTIONS AND STAFF RECOMMENDATION:



1. Approve of the exchange on the easement. **RECOMMENDED**. It is my opinion, along with both the Redwood SWCD and the DNR Area Wildlife Manager, that this proposed exchange will improve the wildlife habitat values of the easement area ~~simply due to the~~ net gain of 6.9 acres of additional easement lands. + water quality as well as result in (2:1 ratio exchange)
2. Deny the request to exchange. NOT RECOMMENDED. This is a reasonable request proposed by the landowner. Mr. Knott worked with the SWCD staff to make his proposal fit the resource protection needs on the site while also making things more manageable for pasturing his livestock. The RIM Reserve easement program needs to be flexible when the benefits to the soil, water and wildlife resources our easements are protecting are maintained or increased.

Section 3 T. 109 N., R. 38 W., Redwood County



REDWOOD SOIL AND WATER CONSERVATION DISTRICT
1241 East Bridge Street, Suite C
Redwood Falls, MN 56283
(507) 637-2427 Ext. 3 or Fax: (507) 637-6002

Danny Potter	Donald Steffen	Ralph Heiling	Tom Daub	Mike Hewitt
District I	District II	District III	District IV	District V
(507) 641-3337	(507) 648-3485	(507) 249-3568	(507) 342-5493	(507) 859-2406

JUL 28 2005

July 6, 2005

Tim Fredbo
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Dear Tim:

Duane Knott, RIM contract 64-67-01-01, has requested a switching of RIM acres. There is an 8.7 acre non-cropped RIM field as part of his CREP contract, from which he would like to remove some of the acres. He is having a very difficult time keeping livestock off the area in question. This is because he is not able to construct a fence due to land topography.

At our June 9, 2005 board meeting the board approved the exchange of land Mr. Knott is requesting. The contract would be revised by removing 6.9 acres and adding 13.8 acres in a new location. Therefore, the state will gain 6.9 acres because Mr. Knott is willing to provide a 2:1 ratio for exchange. See the enclosed map.

Please give us a call if you have any questions.

Sincerely,

Marilyn Bernhardson

Marilyn Bernhardson
District Administrator

Minnesota Department of Natural Resources

Division of Wildlife
1241 East Bridge Street
Redwood Falls, MN 56283
PHONE: (507) 637-4076
FAX: (507) 637-4073

July 26 ,2005

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

To whom it may concern,

This letter is in response to the request to transfer 6.9 acres of RIM into grazing and replace it with 13.8 acres of new land into RIM by Duane Knott in Section 3 of T 109N, R 38 W. As said project will improve the public interest by safeguarding an even greater amount of habitat than was originally protected I support this request.

Yours truly,

Jeff Zajac
Area Wildlife Manager
Redwood Falls

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of the request to Alter RIM Reserve Conservation Easement 66-03-99-1, Scott LaFavre, pursuant to RIM Reserve Rule Section 8400.3610

ORDER DENYING REQUEST

Whereas, Scott LaFavre has requested the Board to alter his RIM Reserve easement boundary on his 40.4 acre perpetual conservation easement located in the W1/2 of the NW ¼ of Section 14, Webster Twp., Rice County, and;

Whereas, RIM Reserve Rule Section 8400.3610 allows the Board to alter, release or terminate an easement after consultation with the commissioners of agriculture and natural resources, and;

Whereas, RIM Reserve Rule Section 8400.3610 states that an easement may only be altered, released or terminated if the Board determines that the public interests and general welfare are better served by the proposed action, and;

Whereas, the Board, through its Easement Alteration Subcommittee, has completed its review of the Request;

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

FINDINGS OF FACT

1. **Alteration request.** The request to alter easement 66-03-99-1, dated July 27, 2005, was received on August 9, 2005. This request was prepared jointly by Dahlgren, Shardlow and Uban, Inc., and Applied Ecological Services, Inc.. Mr. LaFavre is requesting release of 12.78 acres of land currently under a perpetual conservation easement to accommodate a 5 lot subdivision on the property he owns in the W ½ of the NW ¼ of Section 14, T112N, R21W, Rice County. Mr. LaFavre is proposing to replace the acres released with 30.24 acres of existing woodland and wetland. (Exhibit 1)

2. **Existing RIM Reserve Easement.** The easement currently in place on this property was recorded on October 27, 1992 as document 371624 in Rice County. This is a 40.4 acre perpetual easement that the state paid $29,987.42 for to the original landowner, Greg Anderson.

3. **Sale of Land.** Scott LaFavre purchased the property with the easement in place from Greg Anderson on November 22, 2002. The warranty deed for this transaction was recorded as document 518163 on 5-30-03 in Rice County.

4. **Subdivision development proposed.** The LaFavre easement alteration proposal is being sought to allow a 5 lot cluster type development on the land. Moving the easement is necessary to accomplish this. As part of this proposal the development would seek to enhance the existing habitat by spending $40,000 to plant additional native species on the site and establish a home owners association (HOA) that would establish a $10,000 stewardship fund to carry out needed restoration and management activities on the easement lands. (Exhibit 1)

5. **SWCD Board Review.** The Rice SWCD has reviewed Mr. LaFavres alteration request pursuant to the requirements of RIM Rules Section 8400.3610. They are opposed to the alteration of the easement area and state the reasons for their opposition in their September 21, 2005 letter. (Exhibit 2)

6. **DNR Wildlife Manager Review.** Pursuant to the requirements of RIM Rules Section 8400.3610, the LaFavre alteration proposal has been reviewed by Jeanine Vorland, DNR Area Wildlife Manager. Her June 10, 2005 letter to Tim Labs at the Rice SWCD states her opposition to the LaFavre's proposal. Ms. Vorland reviewed an earlier copy of the LaFavre proposal that was nearly the same as the July 27, 2005 version, plus she was on-site to review on May 20, 2005. (Exhibit 3)

7. **Rice County Board Tour.** The BWSR stopped at the LaFavre site on its Rice County tour on September 28, 2005. The Board viewed the site and was given a presentation of the proposal by Scott LaFavre and representatives from Applied Ecological Services, Inc.

8. **Easement Alteration Subcommittee.** The easement alteration subcommittee met to consider the LaFavre proposal on September 28, 2005. Committee members in attendance were Paul Brutlag, Randy Kramer, Louise Smallidge, Paul Burns (Ag.), and Wayne Edgerton (DNR). Based on the entire record in the matter and after due consideration, the committee with a unanimous vote decided to recommend to the full Board denial of the easement alteration request.

CONCLUSIONS

1. All items required for the BWSR to review a request to alter a conservation easement as required by RIM Reserve Rules Section 8400.3610 have been submitted.

2. The BWSR has reviewed the request at it's September 28, 2005 Rice County tour of the property and the subsequent Easement Alteration Subcommittee meeting voted unanimously to not approve the alteration.

3. The Rice SWCD and the DNR Area Wildlife Manger are opposed to the LaFavre easement alteration proposal. Neither entity was able to determine any positive impacts for wildlife or water resources if the easement were to be altered as proposed.

4. The purpose of this alteration proposal is to enable subdivision and development of up to 5 additional residences on the 79.7 acre parcel owned by Mr. LaFavre. This proposal, while having some merit for planned unit developments where existing RIM easements are not involved, is not in the best interests of the RIM Reserve easement program or the natural resources that the program seeks to protect and preserve. The positive wildlife usage of the easement area would be damaged. If the BWSR were to approve this request it would actually be promoting development of a perpetual conservation easement area for housing. This would set a poor precedent and send the wrong message to local SWCDs and other easement program stakeholders for the continued success of the State's conservation easement program efforts.

5. The Board finds that the publics interest and general welfare are not better served by releasing and amending RIM Reserve conservation easement 66-03-91-1.

Now Therefore, the Board hereby makes the following Order.

ORDER

The Board hereby denies the Scott LaFavre request to alter his 40.4 acre perpetual RIM conservation easement 66-03-91-1, located in the W ½ of the NW ¼ of Section 14, T112N, R21W, Rice County, pursuant to RIM Reserve Rule Section 8400.3610.

Dated at Saint Paul, Minnesota this 26th day of October, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: Jerome Deal

Jerome Deal, Chair

DRAFT DRAFT DRAFT

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
FIFTH FLOOR CONFERENCE ROOM
ST. PAUL, MN 55155
WEDNESDAY, DECEMBER 14, 2005

BOARD MEMBERS PRESENT:
Chair Jerome Deal, Paul Brutlag, Bob Burandt, Kay Cook, Quentin Fairbanks, Randy Kramer, Joe Martin-Department of Agriculture, Gene Merriam-Department of Natural Resources, Louise Smallidge, Lisa Thorvig-Pollution Control Agency, LuAnn Tolliver

BOARD MEMBERS ABSENT:
Dana Allen, Jim Anderson, Brian Kletscher, Paul Krabbenhoft, Clair Nelson, and Dan Wilson

STAFF PRESENT:
Mary Jo Anderson, Jim Haertel, Ron Harnack, Al Kean, Kevin Lines, Jeff Nielsen, Ron Shelito

OTHERS PRESENT:
Representative Torrey Westrom
Kent Mattson, Otter Tail Ag Enterprises
Jerry Larson, Otter Tail Ag Enterprises
Wayne Edgerton, Department of Natural Resources

Chair Deal called the meeting to order at 9:15 a.m.

PLEDGE OF ALLEGIANCE

ADOPT AGENDA – Chair Deal stated that the Hubbard County Comprehensive Local Water Management Plan Extension Request has been added to the agenda. Also, Louise Smallidge will report on the meeting she attended in
** Freeport. Moved by LuAnn Tolliver, seconded by Joe Martin, to adopt
05-97 the agenda as presented. Motion passed on a voice vote.

** **MINUTES OF OCTOBER 26, 2005** – Moved by Kay Cook, seconded by Louise
05-98 Smallidge, to approve the minutes of October 26, 2005, as circulated. Motion passed on a voice vote.

OPEN MIKE

- Jerry Larson, Otter Tail Ag Enterprises in Elbow Lake, expressed support of the request by the Fergus Falls Fish and Game Club to exchange acres presently subject to a conservation easement for a conservation easement on adjacent property owned by the Fergus Falls Fish and Game Club. Mr. Larson stated that the Otter Tail Ag Enterprises Board of Directors and Advisory Committee respectfully requests that BWSR grant the conservation easement exchange in order for the Otter Tail Ag Enterprises to proceed with the ethanol project on this site. Ron Harnack stated that the Board's RIM Easement Alteration Committee met on December 6 to review the request. The Committee continues to review information and hopes to make a recommendation at the January Board meeting.

Chair Deal introduced Bob Burandt, newly appointed board member.

REPORTS

Chair's Report – Jerome Deal reported that EQB meetings have been scheduled and cancelled. There is an EQB meeting tomorrow that he will attend. Chair Deal stated that the Administrative Advisory Committee met this morning to review and update BWSR committees; this information will be distributed to board members before the January Board meeting.

Executive Director's Report – Ron Harnack reported that staff attended the MAWD, MASWCD, and AMC conventions. Good attendance. The Clean Water Legacy was endorsed. Ron met with the Department of Finance regarding the Board's bonding initiatives. Three supplemental budget initiatives were reviewed

by the Administrative Advisory Committee and submitted. Awaiting the February forecast to find out more about the budget. Ron attended the Area II legislative breakfast on Saturday at Jackpot Junction in Morton. Seven Senate and House members attended.

DNR Commissioner Gene Merriam asked why the slow sign-up for CREP-2? Ron stated that progress is about where it was expected considering the year delay in the bonding authorizations. The training and hiring of field staff in the SWCD's was recently completed. By comparison to the Minnesota River CREP, we are somewhat ahead. However, we do have two years less time to realize the 120,000 acre CREP-2 by December 2007. Issues of rising land values, length of agreements, payment rates, implementation process within USDA, CREP-2 agreement limitations and interpretations have landowners weighing their options carefully. Gene Merriam suggested the separation of fact from fiction, who's doing what? Ron stated that's why the meeting will be held tomorrow, to discuss potential solutions. In addition, meetings are scheduled with FSA and NRCS, and BWSR to address these issues. Lisa Thorvig stated that a regional meeting will be held on December 21 with PCA and FSA regarding the concern with the slow sign-up, increase the incentives, southeast PCA staff are working hard to help resolve issues. Ron is confident that the issues will be worked through. The next three months will give us a good gage of progress. Joe Martin stated that MDA is having discussions regarding a new farm bill, which bring another dynamic to consider.

Dispute Resolution Report (DRC) – Jim Haertel reported that the DRC is in the middle of an appeal; a new restoration appeal has been received; a DRC hearing is scheduled for January 5. Chair Deal stated that the DRC would like to meet on procedural issues before the hearing.

Wetland Committee – Ron Harnack stated that Clair Nelson is on vacation. A 2006 schedule for the Wetlands Committee has been drafted for review and endorsement by the Committee.

Cost-Share/Soil Conservation Committee – Ron Harnack reported that the Cost-Share Committee 2006 meeting schedule has been drafted for review by the Committee this afternoon.

Education/Public Relations Committee – Kay Cook reported that the Education Committee is meeting this afternoon. The NEMO proposal will be presented. The Rivers Council and Minnesota Lakes Association has merged effective January 1, 2006. Kay stated that the Education Committee is not

moving forward very quickly, but with the assistance from Peter Raeker, BWSR Communications Manager, they are trying some options.

Administrative Advisory Committee (AAC) - Chair Deal stated that the AAC will meet again in January before the Board meeting.

Louise Smallidge reported that she and Doug Thomas attended a meeting on November 10 in Freeport. This was an opportunity for agricultural organizations to provide input on the 2007 farm bill as it relates to water quality. Louise stated that she and Doug attended as observers. The focus was on priorities, to keep working lands working. Joe Martin stated that the policy recommendations will be submitted to the Clean Water Cabinet as input for the Administration's recommendations for the next farm bill.

Special Recognition and Farm Service Agency Report – John Monson, FSA Executive Director, recognized Char Sokatch for her assistance with CREP-2. Minnesota is the first state in the country to get CREP up and running; without Char's assistance this would not have happened. John presented Char with a certificate of appreciation, and a special medallion minted silver coin for FSA.

John Monson thanked Ron Harnack and Chair Deal for asking him to be on the agenda today. He asked to be invited back to give FSA updates to BWSR. John stated that CREP and CRP can't be successful without partnership – a key ingredient is collaboration and partnership. John has appreciated the process of CREP and CRP and is here to lay the issues on the table, diversity brings strength to the decisions. John answered the following questions:
-Why is FSA not promoting this enough? He stated that it's time to step forward and lead in this effort.
-Priorities? John stated that Minnesota's farmers have had a huge crop, requiring a big investment of FSA staff and due to budget constraints they have not been able to staff reductions lost to attrition. Staff are learning how to catch-up, and will make CREP a priority. CREP is a priority for FSA and they will promote CREP now. Staff are working hard to get payments out. FSA strongly supports CREP-2. FSA will do a better job of marketing, new performance measures and accountability. FSA has a new role in CRP today, they stand in full oversight of the program. There are real growing pains, taking things seriously, they do not have the technical expertise but are working on developing that capacity – he is holding his staff accountable. The partnership is so important. FSA will work with BWSR to implement the agreement.

-Existing coverage – should we go beyond that and get additional acres? FSA is being prohibitive in technical assistance, rigidity? A survey is being conducted. A path of lease resistance, we recognize that and the balance.
-Land values have gone up dramatically. There is an argument maybe RIM rates need to be addressed.
-Processing time? About mid-January things will change with increased emphasis on CREP-2.

Randy Kramer asked about *individual availability for use of maps and use for marketing?* John stated that it's not a lack of willingness to share maps – the issue is legal resistance, per the Office of General Council. John and Bill Hunt, NRCS, will meet soon to discuss this. They will stand together on behalf of USDA. Legal privacy rights - farmers are upset when their payments are shared. FSA would like to share this information, but are prohibited from sharing data with other agencies. John stated that it's the lack of regulation to guide them, handling through the Freedom of Information Act.

Joe Martin asked *what's the importance of FSA maps, when GIS maps are available?* Ron stated that landowners are very familiar with the FSA maps. John stated that it's a layer of data and information, we recognize that and want to share it. Personally, John agrees, it's frustrating. Ron stated that he and John will be meeting regularly to help resolve these issues. Kevin Lines stated that the efforts are there for partnerships with FSA and NRCS. This is new at the local FSA office level, change takes time, however, as John says, in collaboration and partnership we can get these issues addressed.

Randy asked about *buffer width and practice requirements, multiple owners, where is FSA on this?* John stated dual practices, pay additional dollars for covers, paying higher or lower rate, address the resource need. The State Committee has fiscal responsibility, to ensure bang for the buck while meeting the resource need. FSA oversees the federal dollars and will have to see how it goes. For flood prone acres, there is a willingness, maybe need to look at amending the agreement for flood prone acres, to capture those acres. In acres not flood prone, (for wildlife habitat and water quality) the national office expressed concern over expanding the interpretations.
-TMDL watersheds and water quality is a goal of CREP-2, will current interpretations limit benefits? John stated that when water quality needs are defined CREP-2 should be able to meet the needs for buffer protection, whether in memo of agreement or by some other option the State Committee wants to address the issue and not open it up.

-Paul Brutlag stated that there is an issue of frustration in payment rates of differentiation. John stated that it's difficult to manage that, no good way to solve it. Do the best you can, send it to Washington, hope for a good answer.

Chair Deal thanked John for coming before the Board. He looks forward to continued meetings with FSA. He would like John to attend more often. John said he'd be happy to attend when invited.

Chair Deal called for a break at 10:30 a.m. The meeting reconvened at 10:45 a.m.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Bois de Sioux Watershed District Boundary Change Petition – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the petition and unanimously recommends approval of the boundary change. Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the Bois de Sioux Watershed District Boundary Change. Motion passed on a voice vote.

** 05-99

Clay County Comprehensive Local Water Management Plan – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed the Plan and recommends approval. Paul Brutlag suggested the Board meet in Clay County at some time to see various issues in this area. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Clay County Comprehensive Local Water Management Plan. Motion passed on a voice vote.

** 05-100

Mille Lacs County Comprehensive Local Water Management Plan Extension Request – Quentin Fairbanks reported that the Northern Water Planning Committee reviewed thePlan and recommends approval of the Mille Lacs County Plan extension. Moved by Quentin Fairbanks, seconded by Kay Cook, to approve the Mille Lacs County Comprehensive Local Water Plan extension until December 31, 2007. Motion passed on a voice vote.

** 05-101

Hubbard County Comprehensive Local Water Management Plan Extension Request – Ron Shelito explained that the request for extension is due to some recent staffing changes in the Hubbard SWCD. Ron reported that the Northern Water Planning Committee reviewed the extension request and recommends approval. Moved by Quentin Fairbanks, seconded by Paul Brutlag, to approve the Hubbard County Comprehensive Local Water Management Plan extension until December 31. 2007. This is a two-year extension, as per policy. Motion passed on a voice vote.

** 05-102

Southern Water Planning Committee

Fillmore County Comprehensive Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee met via conference call to review the Fillmore County Local Water Management Plan
** update and recommends approval. Moved by Randy Kramer, seconded by Lisa
05-103 Thorvig, to approve the Fillmore County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

Mower County Comprehensive Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Mower County Comprehensive Local Water Management Plan Update and
** recommends approval. Moved by Randy Kramer, seconded by Bob Burandt, to
05-104 approve the Mower County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

Redwood County Comprehensive Local Water Management Plan Update – Jeff Nielsen reported that the Southern Water Planning Committee reviewed the Redwood County Comprehensive Local Water Management Plan Update and
** recommends approval. Moved by Randy Kramer, seconded by Wayne
05-105 Edgerton, to approve the Redwood County Comprehensive Local Water Management Plan Update. Motion passed on a voice vote.

Wabasha County Comprehensive Local Water Management Plan Extension Request – Jeff Nielsen reported that the Southern Water Planning Committee
** reviewed the extension request and recommends approval. Moved by Kay
05-106 Cook, seconded by Lisa Thorvig, to approve the Wabasha County Comprehensive Local Water Management Plan extension until December 31, 2007. Quentin Fairbanks asked for an update/report from the County on this before their extension date. Motion passed on a voice vote.

RIM Easement Alteration Committee Report – Ron Harnack gave a brief update on the Fergus Falls Fish and Game Club Conservation Easement. Ron stated that the RIM Easement Alteration Committee met yesterday. EQB and PCA staff attended to brief the Committee on mandatory EAW issues. The EQB rules on the prohibition of agency decisions when a mandatory environmental review is pending is open to interpretation. Ron stated that as the Committee continues to deliberate on the issue and is requesting additional information from the applicants relating to mitigation of the native prairie and from the ethanol folks, a draft grading plan and cross-sections will address protection of the remaining PWP site. At a minimum, some kind of conditional authorization may have merit. BWSR is providing them with some perspective on the permanent

wetland preserve that we retain. That's the challenge of the Committee. Chair Deal thanked the Committee for the work they're doing on protecting and preserving the lands of the State and looks forward to the Committee's recommendation.

AGENCY REPORTS

Department of Natural Resources (DNR) - Wayne Edgerton reported that carp have been found in a Minnesota lake; a public information meeting scheduled for tonight has been postponed due to the weather. Good deer hunting harvest this fall. The Fish and Wildlife Roundtable will be held January 5-6, in St. Cloud. The duck plan and pheasant plan will be discussed at the roundtable. A duck rally will be held in the spring.

Department of Agriculture (MDA) - Joe Martin reported that the office move is almost complete, getting settled in at the new location, the building on Plato Boulevard is now vacant. Joe stated that MDA is working with BWSR, PCA, and DNR on the farm bill, conservation title, a draft document will be presented to the Cabinet. Joe stated that MDA is working on feedlot issues, finalizing overall guidance document. The Ag Nutrient Task Force continues to meet – Randy Kramer chairs that group. Joe stated that there is a need for more research on fertilizer use.

Pollution Control Agency (PCA) - Lisa Thorvig distributed a fact sheet on the Clean Water Legacy, a partnership to restore Minnesota's impaired waters. Included is the draft Clean Water Legacy expenditure by agency and function. The budget was approved at their meeting last week. Lisa stated that PCA is updating their impaired waters list, another 400 water bodies have been added. Lisa reported that the Traverse County feedlot issue will come before the PCA board meeting in January. Lisa stated that the citizen volunteer monitoring data that is collected is being used.

NEW BUSINESS

Presentation on Campaign for Conservation – John Curry, Campaign Director, presented information on the Campaign for Conservation, a "tool for 50-year vision". John presented demographics, population growth, and efforts to elevate Minnesota's conservation capacity far beyond where we are today. Chair Deal thanked John for his presentation. John can be contacted at:

John Curry, Campaign Director
Minnesota Campaign for Conservation
458 Otis Avenue
St. Paul, MN 55104
651-253-5691
forconservation@.org.com

UPCOMING MEETING
-Next BWSR Meeting, January 25, 2006, in St. Paul

Chair Deal complimented staff that attended the MAWD, MASWCD, and AMC conventions for their time and efforts in assisting the annual meetings. Randy Kramer stated that he attended MAWD, it was a great learning experience for him. LuAnn Tolliver stated that she attended MAWD. There were great training sessions, such a great learning tool, not just a social event, the presentations were excellent. Ron Harnack stated that he would like to see more interaction between the associations.

Ron Harnack stated that the Southern Water Planning Committee will not meet today. The Education Committee will meet immediately following the Board meeting, in Ron's office. The Cost-Share Committee will meet in this room at 12:30. Ron wished everyone a Merry Christmas and Happy Holidays!

** 05-107 Moved by LuAnn Tolliver, seconded by Bob Burandt, to adjourn the meeting at 12:25 p.m. Motion passed on a voice vote.

Respectfully submitted,

Jerome Deal
Chair

Dispute Resolution Report
November 17, 2005
by Jim Haertel

There are presently nine appeals pending. All of the appeals involve WCA. There have been two new appeals filed since the last report dated October 13.

File 05-21. This is a new appeal of a restoration order in St. Louis County. At issue is 1.69 acres of wetland impacts associated with construction of a motorcycle trail.

File 05-20. This is a new appeal of a replacement plan decision in Cokato, Wright County. The decision approved the filling of a 0.2 acre Type 2 wetland on a residential lot for construction of a residence. There is a question about the alternatives proposed for sequencing. Also, no TEP was held. The appeal has been remanded for a TEP to be held and sequencing to be addressed.

File 05-17. This is an appeal of a replacement plan decision in the City of Holdingford in Stearns County. At issue is the denial of a replacement plan application relating to a residential development. Wetland impacts of 0.7 acres were proposed for construction of a road and multi-use trail. The TEP recommended approval of the application. The LGU denied the application on finding the development could proceed without wetland impacts. The Corps issued a permit for the project. The appeal has been accepted, the record has been received and a pre-hearing conference will be scheduled.

File 05-1. This is an appeal of a Replacement Plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue is a wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. The appeal has been accepted and pre-hearing conferences were held. The appeal is presently in abeyance to allow settlement discussions to continue.

File 04-27. This is an appeal of an exemption decision in Cass County. The exemption denial involves the placement of drain tile in a Type 2 wetland that was previously hayed and is now a sod farm. The appeal has been remanded for a hearing.

File 04-26. This is an appeal of a Restoration Order in Spring Lake Township, Scott County. At issue is the placement of 4,300 feet of fill in a wetland for a driveway. The approved plat showed access to the lot without wetland impacts. The appeal is in abeyance pending a decision on a replacement plan application.

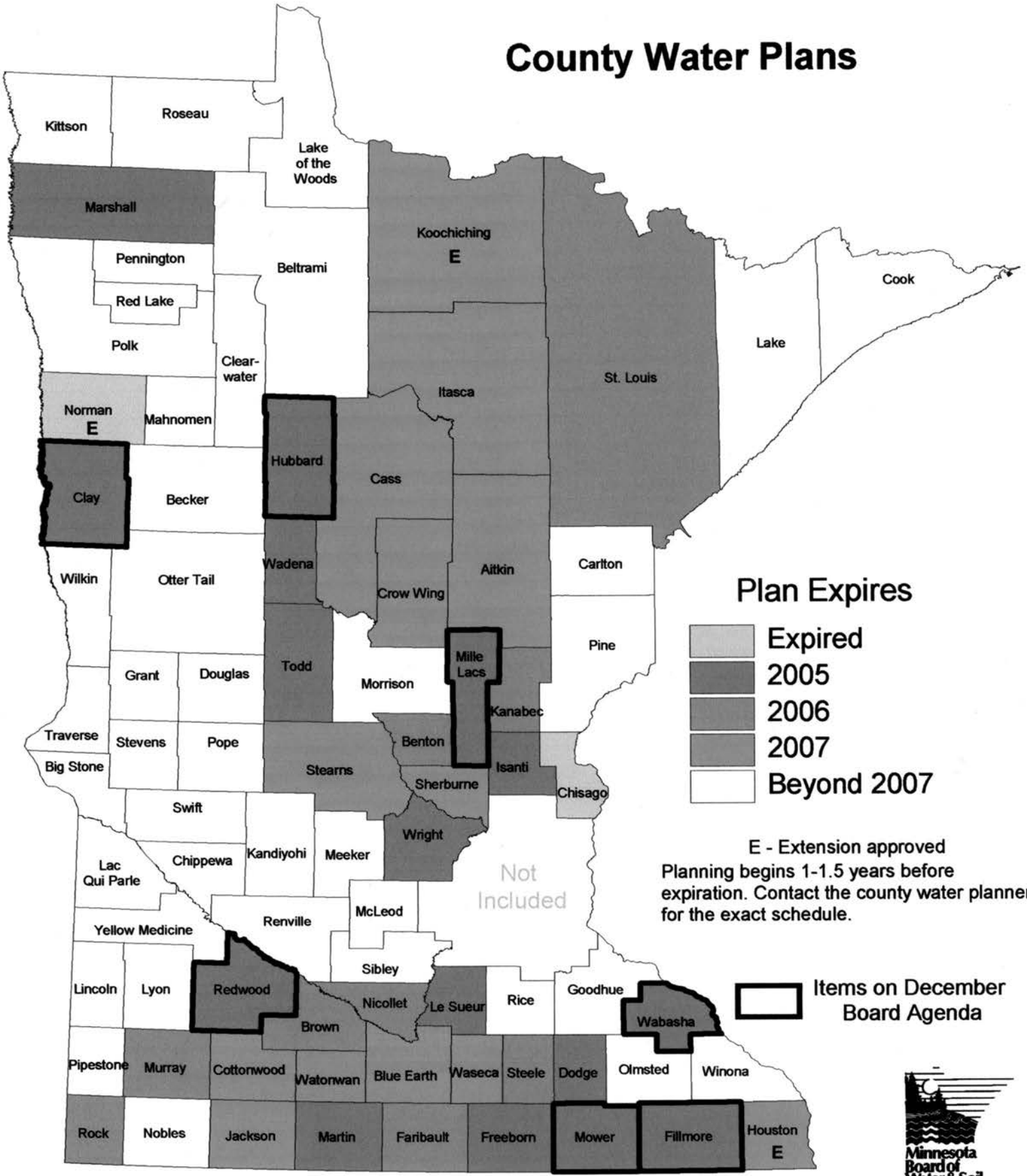
File 04-25. There is an appeal of an exemption decision in the City of Albertville, Wright County. The exemption was granted by default after the requirements under Minn. Stat. §

15.99 (the "60-day rule") were not met. At issue is the scope of wetland filling allowed under the "approved development" exemption and whether wetland filling can be avoided. The project involves commercial development. The appeal has been accepted, briefing has commenced and a DRC hearing is scheduled for January 5.

File 04-23. This is an appeal of a forestry exemption decision in Kittson County. Unpermitted fill was placed in a Type 7 wetland for a road. A Cease and Desist Order was issued. Additional filling has recently occurred in violation of the CDO. Corps and DNR violations also exist. The appeal has been accepted and is in abeyance pending completion of a wetland delineation and submittal of a replacement plan application.

File 04-15. This is an appeal of a wetland boundary and type decision in Anoka County. At issue is the decision by the Rice Creek Watershed District to classify a site as effectively drained. Last summer a wetland delineation report identified most of the site as wetland. The appeal has been remanded for a technical evaluation panel to meet onsite. The appeal remains in abeyance under the remand.

County Water Plans



map updated: December, 2005

Minnesota Board of Water & Soil Resources
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COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Bois de Sioux Watershed District Boundary Change Petition – ***DECISION ITEM***

2. Clay County Local Water Management Plan – ***DECISION ITEM***

3. Mille Lacs County Local Water Management Plan Extension Request – ***DECISION ITEM***

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

In the Matter of the Boundary Change of the Bois de Sioux Watershed District in Stevens County, Minnesota, pursuant to Minnesota Statutes Section 103D.251.

ORDER BOUNDARY CHANGE OF BOIS DE SIOUX WATERSHED DISTRICT

Whereas, the Board of Managers of the Bois de Sioux Watershed District filed a Petition with the Board of Water and Soil Resources (Board) dated September 14, 2005, to change the boundary of the Bois de Sioux Watershed District pursuant to Minn. Stat. § 103D.251, and;

Whereas, the Board has completed its review of the Petition;

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

FINDINGS OF FACT

1. **Boundary Change Petition.** The Petition to remove territory from the Bois de Sioux Watershed District dated September 14, 2005, was filed by the Board of Managers of the Bois de Sioux Watershed District with the Board on September 22, 2005.

2. **Property Description.** The territory to be removed from the Bois de Sioux Watershed District, the Petitioned Area, is 240 acres of land in parts of Sections 15 and 22, Rendsville Township, Stevens County. The Petitioned Area is fully described as follows:

   SE ¼ of the SE ¼ of Section 15, T. 126N, R. 42W
   NE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
   NW ¼ of the NE¼ of Section 22, T. 126N, R. 42W

SE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
NE ¼ of the SE¼ of Section 22, T. 126N, R. 42W
NW ¼ of the SE¼ of Section 22, T. 126N, R. 42W

3. **Reasons for Removal.** The Petition lists the following:

   A. More than 50 percent of each 40 acre parcel in the Petitioned Area is not a part of the watershed of the Bois de Sioux Watershed District.

   B. The Petitioned Area has not and will not receive any benefits from the operation of the Bois de Sioux Watershed District.

   C. The Bois de Sioux Watershed District can perform the functions for which it was established without the inclusion of the Petitioned Area.

4. **Hydrologic Boundary.** A letter from JOR engineering and a map accompanying the Petition shows the Petitioned Area is outside of the watershed boundary of the Bois de Sioux Watershed District. Therefore, the Petition is noncontroversial pursuant to Minn. Stat. § 103D.105, Subd. 2.

5. **Notice of Filing.** Legal Notice of Filing was published in the Wheaton Gazette on October 4, 2005, the Fergus Falls Daily Journal on October 5, 2005, the Grant County Herald on October 5, 2005, the Wahpeton Daily News on October 7, 2005, the Chokio Review on October 13, 2005, the Herman Review on October 6, 2005, and the Northern Star on October 6, 2005. The Legal Notice of Filing along with a copy of a map was also mailed on October 3, 2005 to several addressees including the affected county auditors, SWCD, cities and the DNR.

6. **Public Hearing.** The legal notice was published pursuant to Minn. Stat. §§ 103D.105, Subd. 2 and 103D.251, Subd. 6, which require within 30 days of the last date of publication of the notice of filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing were received during the specified time and no hearing was held.

7. **Northern Water Planning Committee Meeting.** On November 30, 2005, the Board's Northern Water Planning Committee and staff met to review and discuss the Petition. Board staff recommended approval of the Petition because the Petitioned Area is outside of the hydrologic boundary of the Bois de Sioux Watershed District, the Petitioned Area has not and will not receive any benefits from the watershed district, the watershed district can perform the functions for which it was established without the inclusion of the Petitioned Area, and the granting of the Petition would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. After due consideration the Committee unanimously voted to recommend approval of the Petition to the full Board because the boundary change would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D.

CONCLUSIONS

1. The Petition for a boundary change of the Bois de Sioux Watershed District is valid in accordance with Minn. Stat. § 103D.251.

2. Proper notice of filing was given and a public hearing was not held in accordance with applicable laws.

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

4. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

5. The boundary change of the Bois de Sioux Watershed District as proposed in the Petition would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D.

6. The removal of land from the Bois de Sioux Watershed District as proposed in the Petition affects land that drains out of the watershed district.

7. The Petitioned Area has not received and will not receive any benefit from the operation of the Bois de Sioux Watershed District.

8. The Bois de Sioux Watershed District can perform the functions for which it was established without the inclusion of the Petitioned Area.

ORDER

The Board hereby orders that the boundary of the Bois de Sioux Watershed District be changed to remove the following 240 acres of land:

SE ¼ of the SE ¼ of Section 15, T. 126N, R. 42W
NE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
NW ¼ of the NE¼ of Section 22, T. 126N, R. 42W
SE ¼ of the NE¼ of Section 22, T. 126N, R. 42W
NE ¼ of the SE¼ of Section 22, T. 126N, R. 42W
NW ¼ of the SE¼ of Section 22, T. 126N, R. 42W

Dated at Saint Paul, Minnesota this 14th day of December, 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

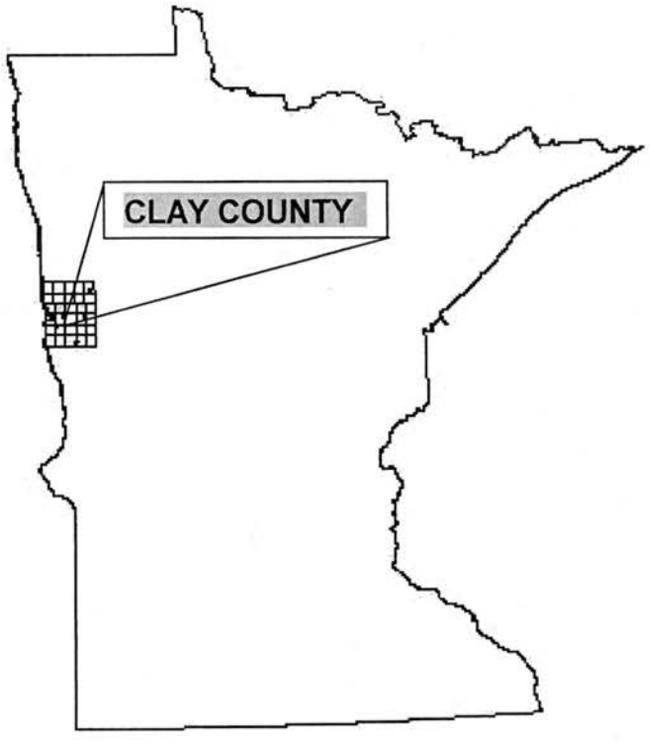
By: _____
Jerome Deal, Chair

CLAY COUNTY

LOCAL WATER MANAGEMENT PLAN

2006-2015

***An amendment to the plan and implementation schedule to be completed Dec. 31, 2010**



Prepared by the Clay Soil & Water Conservation District
And the Local Water Management Plan Advisory Committee

EXECUTIVE SUMMARY

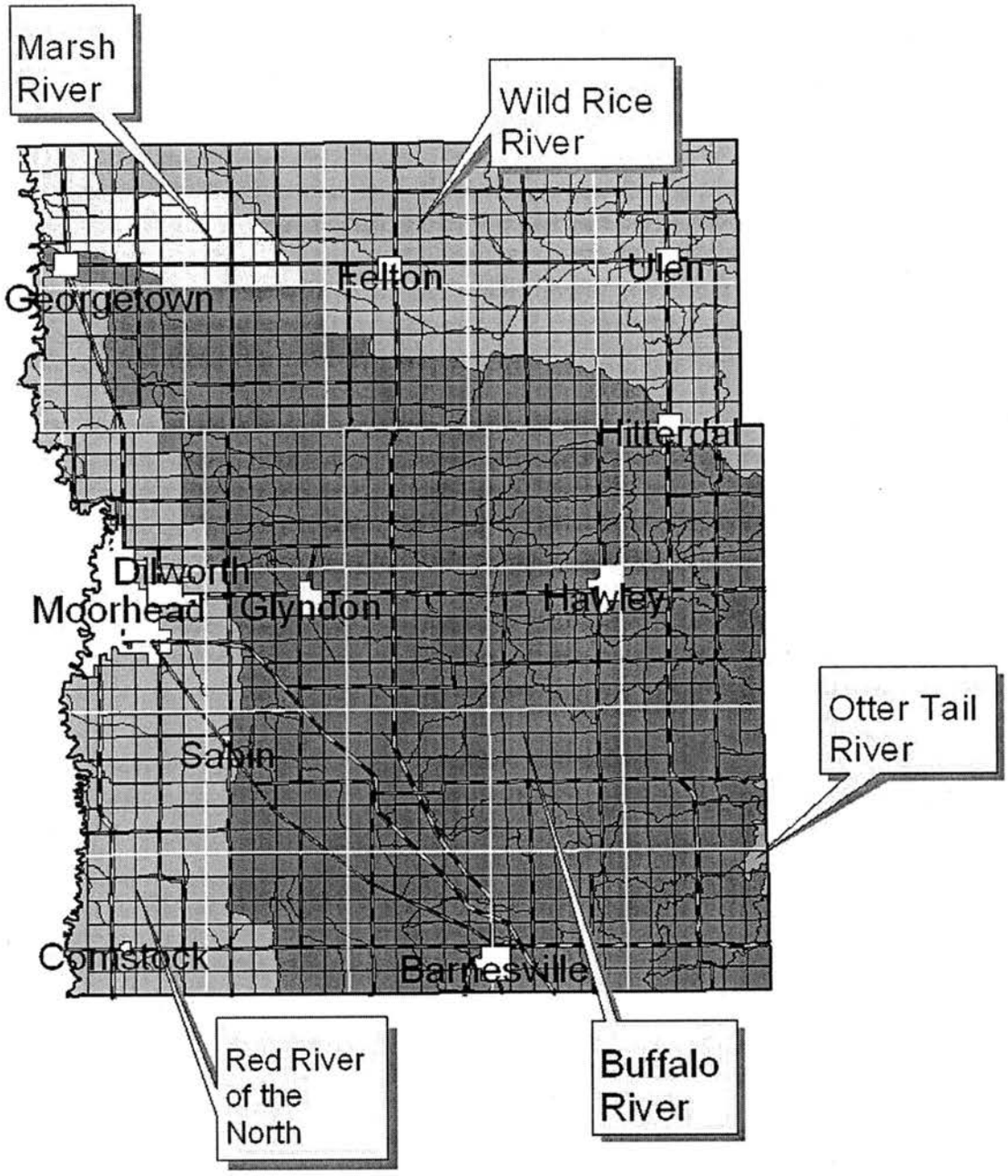
Clay County is situated on the western border of Minnesota, separated from Cass County, North Dakota by the Red River of the North. Clay County encompasses 1,053 square miles, and includes 30 townships and 11 cities. The County seat, Moorhead, comprises 63 percent of the total county population of 51,229 people (2000 Census). The State Demographer's Office projects that the population of Clay County will grow by 5.6 percent from 2000 to 2020, from 51,229 to 54,000. Much of this growth, if current trends continue, will occur near Moorhead and along primary transportation corridors. Of the 30 townships, only 6 have experienced an increase in population since 1950 (see maps in the Appendix denoting township growth and land use).

Of the 673,733 acres that make up Clay County, agricultural land classification dominates accounting for nearly 90 percent of the land use. Interestingly, the total amount of land in farms (cropland) compared to the total acreage in the County has dropped from 1978 to 1997 while the amount of cropland actually harvested has risen from 1978 to 1997 despite a decrease in cropland acres. The most obvious explanation is a decrease in the number of acres in farm programs such as the Conservation Reserve Program (CRP), or other programs. Also of interest, wheat, corn, sunflower seeds, soybeans and hay/alfalfa have increase in the number of acres grown while barley and oats have decreased (Clay County Comprehensive Plan, 2000).

Land Use Category	Percent of Total
Cultivated Land	81.4%
Grassland, hayland, or pasture (combined)	7.9%
Forested land	4.4%
Urban and rural development	2.5%
Bog, marsh, fen	1.6%
Water	1.1%
Brushland	0.9%
Mining	0.2%

Source: 1989 Land Use Data (Compared with Clay County Assessors data)

Despite the limited amount of surface water resources, surface water drainage dictates land use, and management of water resources on a watershed scale is paramount. Two primary watersheds, the Buffalo River watershed and the Wild Rice River watershed divide Clay County. Three smaller, secondary watersheds, the Red River (headwaters) watershed, the Otter Tail River watershed, and the Marsh River watershed, drain smaller portions of the county to the west, east and north respectively. In terms of water management, those areas in Minnesota that drain directly to the Red River are included under the Buffalo River Watershed and Wild Rice River Watershed, and the Marsh River is also included under the Wild Rice River.



The Buffalo-Red River Watershed District (BRRWD) encompasses a land area of 1,380 square miles. Approximately 75 percent of the geographic area of Clay County is in the BRRWD, which translates to 58 percent of the watershed area. The Buffalo River originates in Becker County, but transects Clay County where it enters the Red River of the North northwest of Georgetown. The main tributaries to the main branch of the Buffalo River include Hay Creek (originating in Becker County) and the South Branch of the Buffalo River. Again, several drainage ditches also contribute to this branch of the Buffalo River. Major tributaries of the South Branch of the Buffalo River include Hay Creek, Stony Creek, Spring Creek, Whisky Creek, and several drainage ditches. Wolverton Creek/ Comstock Coulee, although a direct tributary of the Red River of the

North, is also included in this watershed. The Wild Rice Watershed District (WRWD) encompasses a land area of 2,080 square miles. Approximately 25 percent of the geographic area of Clay County is in the WRWD, which translates to 12 percent of the watershed area. The South Branch of the Wild Rice River runs across the northeast corner of Clay County from east to west with its headwaters located in Becker County and its terminus in Norman County. Other surface waters in Clay County include Stiner Creek, Felton Ditch, Dalen Coulee and several drainage ditches that are tributaries of the Wild Rice River, or the Red River of the North.

Although the land use figures vary somewhat from year to year, the dominant land uses do not. The struggle between urbanization or increased growth and the traditional agricultural character of the County is clear and present. The challenge for Clay County is to find balance between the preservation of the agricultural heritage, protection of the remaining natural resources and the desire for economic and community growth. To achieve such goals will require the careful, comprehensive consideration of the County's natural resources.

Administration of the Clay County Local Water Management Plan

The administration of the Clay County Local Water Management Plan has been the responsibility of the Clay Soil and Water Conservation District (Clay SWCD) since 1998 (from 1990 to 1998 with the County Planning and Zoning Department). The first generation "Water Plan" was adopted June 12, 1990, and, in 1997, was revised and adopted locally on December 17, 1997. This second generation plan, after a requested two-year extension, will expire on December 31, 2005. The revised Clay County Local Water Management Plan will cover a ten year period from 2006 to 2015, with an implementation plan covering five year increments (2006 to 2010, and a revised implementation plan covering 2011 to 2015).

The Purpose of Local Water Management

The purpose of this Local Water Management Plan for Clay County is:

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

Pursuant to Minnesota Statute 103B.311, subd. 4, the local water management plan must;

1. address water management issues over the entire county
2. address problems in the context of watershed units and groundwater systems
3. be based upon principles of sound hydrologic management of water,

effective environmental protection, and efficient management

4. be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater systems
5. address water management issues over a ten year period with five year implementation plans.

The Water Management Plan revision process requires that the county base future management considerations on public input derived from private citizens and public agencies. Public input was gathered through landowner surveys (paper and internet based surveys), township officer surveys and agency comments (see the *Clay County Priority Concerns Scoping Document* in the Appendix for more information). Through the Water Management Plan revision process, four *PRIORITY CONCERNS* were identified to address in the coming decade; water quality, natural resources enhancement and protection, erosion, and flood damage reduction. The process through which these concerns were identified is detailed in the *Clay County Priority Concerns Scoping Document* located in the Appendix.

Summary of Priority Concerns and Objectives

Priority Concern: Water Quality (surface and groundwater)
Clay County is bordered on its west by the Red River of the North and is dissected by the Buffalo River (South Branch and Main Branch), South Branch of the Wild Rice River, and their respective tributaries. Additional surface waters include several small, shallow lakes and numerous scattered wetlands. Four of these lakes, Lake 15, Turtle Lake, Silver Lake and Lee Lake, are moderately to extensively developed, and many more are experiencing development. Most surface waters in Clay County are degraded, and several are listed as "impaired waters" (see *Impaired Waters of Clay County* map in the Appendix) as defined by the Clean Water Act (CWA). As such, these waters do not meet water quality standards designed to protect human health and biological functions and, thus, must be cleaned up to meet their intended use via locally developed Total Maximum Daily Load (TMDL) Plans. Further, groundwater resources within the County are of utmost concern. Specifically, the Buffalo Aquifer, emergency water supply source for over 70 percent of the County's population, is vulnerable to contamination from surface water (the South Branch of the Buffalo River and gravel pits exposing the water table), land use activities, abandoned wells and leaking storage tanks. In addition, the geology of the middle portion of the county causes the underlying groundwater resources to be very highly susceptible to contamination (RHA 3, Part B, Plate 4 of 4, 1997). As such, it is critical that future land uses be carefully considered to further protect the county's groundwater resources. For more information on groundwater resources of Clay County, see the maps highlighting groundwater resources (including major aquifers and current, defined wellhead protection areas) and contamination potential in the Appendix.

This plan will address the following objectives related to this concern:

- Actively participate in the development and implementation of Total Maximum Daily Load (TMDL) Plans for impaired waters within Clay County and target those watersheds to address these impairments; particularly, sedimentation
- Aggressively market conservation programs (such as CRP and CREP II) in areas lacking riparian buffers, and low interest loan programs (such as the State Revolving Fund [SRF]) for failing septic systems to further protect water quality
- Protect and preserve critical groundwater sources (such as the Buffalo Aquifer) through assisting in Wellhead Protection Plans, Source Water Assessment Plans, and prioritizing cost share funds for sealing abandoned wells within and out of delineated Drinking Water Supply Management Areas (DWSMA).

Estimated Potential Cost: $13,153,500

Priority Concern: Natural Resources Enhancement and Protection

Clay County is truly unique in that it is dominated by agricultural land use, yet retains some of the highest quality, biologically significant natural resources in Minnesota. According to the Minnesota County Biological Survey (MCBS), Clay County retains only 4 percent of its original native (presettlement) landscape – much of which is high quality, high biodiversity natural lands. As the *Original Vegetation of Clay County* map in the Appendix denotes, much of the historic vegetation regime of Clay County prior to European settlement was comprised of Tallgrass prairie, wet prairie, riverine and pothole wetland complexes, and oak savannah. Much of this original landscape has been altered in one way or another resulting in a patchwork of natural resource features. The Felton Prairie, Bluestem Prairie near Buffalo River State Park, and the Barnesville Wildlife Management Area denote three key large-block habitats linking the Glacial Lake Agassiz Beach Ridges landscape from north to south. Indeed, agency efforts at the federal, state and local level are all focused on connecting large blocks of native habitats, restoring riverine corridors, and buffering surface waters to reduce the effects of habitat fragmentation, providing connections (connectivity) between habitats for wildlife, and protecting the unique natural resources of Clay County and the greater Red River Basin Ecosystem. Although a watershed approach to these efforts is noteworthy, the preferred focus may be on the three "geomorphic regions" of the County as depicted in the *Public Lands of Clay County* in the Appendix. This plan will address the following objectives related to this concern:

- Consolidate the natural resource management planning and implementation efforts of federal, state and local agencies using existing prioritization models to target program funds to areas where the greatest ecological benefit can be realized. Also, develop public outreach materials to educate the public of the value of natural resource areas.
- Develop and organize a series of workshops, or other outreach options, to educate landowners on the options available to them to protect natural resources and reduce the impacts of wildlife habitat fragmentation of existing woodland and wetland/grassland habitat on their land through conservation program agreements, tax exemption programs, or easements.
- Quantify the need for adequate buffers on stream/rivers county-wide and "natural environment lakes" and target areas with inadequate buffers for program marketing and implementation, and target minor watersheds with greater than 50 percent drained wetland acreage for wetland restoration and enhancement using available conservation programs and tax exemption programs.
- Improve County wetland management by reintroducing the "Clay County Wetland Model", a GIS based model designed to rank existing wetlands and potential restoration sites via a "functions and values" point system.
- Complete a quality restoration of an abandoned gravel pit complete with grading, shaping, seeding with native vegetation, and vegetative management. Use the proposed reclamation as a public outreach/education event.
- Quantify the need for grade stabilization on specific reaches of streams and rivers

throughout the beach ridges to enhance fish habitat and reduce in-stream erosion.

- Publicize the vast "outdoor based" recreational opportunities in the county - canoeing, kayaking, hunting, fishing, birding, hiking, etc. - as viable "ecotourism", revenue producing opportunities.
- Educate the public on how conservation efforts can be supported through easy-to-do opportunities such as "Backyard Conservation", and new marketing strategies for commodities - "earth friendly" cereals, bread, etc

Estimated Potential Cost: $50,500

Priority Concern: Erosion

There are many general land use practices in Clay County that have the potential to impact both surface water quality, but soil erosion from the landscape is the leading cause of sedimentation of Clay County's surface waters. The geology and topography of the landscape, in addition to the predominance of open cultivated land, creates a challenge for agricultural producers and resource managers alike to prevent soil erosion. As the economics of farming goes, so goes the landscape. Commodity prices, cost of fuel and the introduction of genetically modified crops all play a role in *how* cropland is farmed and *how much* is farmed. Nearly all of the soils in Clay County are potentially subject to erosion rates beyond sustainability if adequate groundcover is lacking according to the calculations used by the Natural Resources Conservation Service (NRCS). All soil has the potential to erode, but there are soils that are much more prone to erosion than others as shown in the *Highly Erodible Soils of Clay County* map in the Appendix. Wind and water erosion delivers sediment to water bodies, as well as chemical residue and nutrients such as phosphorus and nitrogen. In addition to degrading the quality of the water, storage capacity and the conveyance of a water body can be altered, increasing the severity of in-stream erosion and flooding. The resulting increase in turbidity causes exceedences in turbidity water quality parameters thereby leading to "impairment". In the case of the Red River of the North, municipal water treatment facilities in Moorhead, MN and Fargo, ND incur increased costs to treat turbid water for human consumption. This plan will address the following objectives related to this concern:

- Coordinate with Clay County Farm Management Educators to improve dialogue and discuss topics such as; the economics of tillage to illustrate the potential savings of reduced tillage for a "typical farm" (reduced recreational tillage, conversion to no-till or mulch-till, etc.), and the obstacles to tillage practices including the relationship between residue management and incidence of crop disease.
- Continue to market (with emphasis on the eastern half of the county) no-till and mulch-till via the SWCD No-till Drill Program and the Environmental Qualities Incentive Program (EQIP). Also, research the Clay SWCD records to determine the percentage of producers who rented the no-till drill, then bought their own through the SWCD administered low interest loan program.

- Address the problem of erosion county-wide by; 1) Marketing "alternatives" to field windbreaks in the form of replacing trees with shrubs (and thereby more windbreaks to adequately cover the entire field), and implementing herbaceous wind barriers and field borders, 2) Tracking tillage practices over time using the results of the "Tillage Transect Survey" to determine the extent of no-till vs. conventional tillage practices, 3) Utilize GIS to select soils with C slopes or greater ($C \geq 6$-12 percent) to determine the extent of gully erosion and target establishment of grassed waterways and sediment basins and subsequent enrollment into conservation programs, 4) Investigate and document the extent of farming of road ditches in the county, and 5) Investigate the potential for a soil loss ordinance.
- Reduce the incidence of in-stream erosion and streambank erosion by; 1) Utilizing existing stream survey information to target practices and special projects, and 2) Cooperate with townships and agencies to inventory streams and rivers for grade stabilization needs.

Estimated Potential Cost: $12,000

Priority Concern: Flood Damage Reduction (FDR)

Flooding and flood related damages have, and will continue to plague the Red River Basin. However, the period since 1993 has been an abnormally wet hydrologic cycle. The topography of the county, an especially flat western half, lends itself to the potential for flooding (see *Floodplain Areas of Clay County by Watershed* map in the Appendix). The challenge is dealing with flooding and flood related damages in a collective manner. Improvements have been made by communities and resource agencies to deal with flood damage reduction, but there is room for improvement. Zoning regulations between communities seem to lack consistency in dealing with flood prone areas, and poor land use decisions continue to be made. Stormwater issues, runoff from developed and developing areas, in addition to urban drainage require more attention and coordination from local levels of government. As such, this plan will address the following objectives related to this topic:

- Commit to a decade of county involvement in the FDR process by Local Water Management focus on FDR strategies including, but not limited to, flood storage wetlands and impoundments, wetland restorations, river corridor restorations, riparian buffer strips, retirement of land, land use and best management practices.
- Investigate issues of conflict/concern with FDR efforts including; 1) the conflict in culvert sizing between fish passage and flow velocity, 2) the perceived inconsistent use of roads as temporary floodwater control structures (not allowed on CSAH # 31, but now being allowed on County Road 56 for the Whisky Creek Tributaries Project), and 3) the effects of pattern tiling on water quality and water quantity.
- Involve townships in the FDR process by interviewing township officers to determine where flooding consistently occurs in their township and correlate with

soils data, past floodplain data, and new floodplain data to create maps of "flood prone areas" in the county and provide these maps to the Clay County Planning Commission and County Board.

- Involve communities in the FDR process through enhanced education and outreach, and challenging communities to develop plans to address drainage and stormwater challenges caused by future land use changes.

Estimated Potential Cost: Attempts will be made to cover Objectives with existing staff and funds.

Consistency with Other Local, State and Regional Plans

Preparation of the Clay County Local Water Management Plan (LWMP) required the review of several existing planning documents from governmental and nongovernmental organizations. Due to the nature of county based water management, the plans were examined for consistency from the "local level up" approach.

City Plans Some plans at the city level were analyzed for consistency including the City of Moorhead Wellhead Protection Plan, Source Water Assessment Plan and the Stormwater Ordinance. These plans address many of the same issues raised in the LWMP, but address certain issues in more detail. The intent of the LWMP is to assist in these efforts and not duplicate efforts unnecessarily.

County Plans The Clay County Comprehensive Plan completed and adopted in 2001 addresses many of the concerns raised in this LWMP revision. There exists consistency with issues such as development, agricultural preservation and natural resources protection.

Watershed District Plans The BRRWD is currently in the process of revising their 1998 Watershed Management Plan, whereas the WRWD Management Plan was revised in 2002. Watershed Districts inherently deal with many of the same issues as LWM, thus it is assumed that the concerns to be addressed by the LWMP are consistent with those of the Watershed Districts. The Clay County, through LWM will continue to work closely with both Watershed Districts to promote the betterment of Clay County's water resources.

Red River Basin Plans Given the nature of Clay County and the water management concerns raised, the revised Clay County LWMP supports the goals and principles of the Red River Basin Flood Damage Reduction Work Group Agreement dated December 9, 1998. Also completed in 1999, the MN Pollution Control Agency (MPCA) spearheaded the completion of the Red River Basin Water Quality Plan which addresses issues related to water quality. Again, the Clay County LWMP supports the goals, priorities and strategies of this plan.

Regional Plans Given the acreage owned by The Nature Conservancy (TNC) in Clay County, the Ecological Planning in the Northern Tallgrass Prairie was reviewed for commonalities. High priority issues that parallel those of the Clay County LWMP include grassland management, habitat fragmentation and conversion, hydrologic alterations to the landscape, wetland management and recreational use.

Neighboring County Plans Nearly all of the neighboring counties have updated their LWM Plans with the exception of Norman County. Several recurring themes arise in the review of these plans including concerns related to; erosion, water quality, and development pressure. Clay County does not anticipate any inconsistencies between county LWM Plans.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

In the Matter of Reviewing the Local Water Management Plan Update for Clay County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Clay County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on September 28, 2005, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On January 28, 2005, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Clay County, pursuant to M.S. Section 103B.312.

2) On March 23, 2005, the Board of Water and Soil Resources provided official comments on the Clay County Priority Concerns Scoping Document, which were mailed to the county on March 23, 2005.

3) The priority concerns the local water management plan addresses include:
   1. **Water Quality Concerns** – Including, but not limited to; impaired waters (TMDLs), groundwater pollution, aquifer protection, nonpoint pollution, delineation of critical/sensitive groundwater areas, water supply, etc.
   2. **Natural Resource Enhancement & Protection Concerns** – Including, but not limited to; natural resource preservation in the beach ridge area, stream/river restoration and connectivity, native prairie conservation, wetland and grassland restoration and protection, etc.
   3. **Erosion Concerns** – Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation of streams and rivers, etc.
   4. **Flood Damage Reduction** - Including, but not limited to; flooding, effects of tiling, drainage, etc.

4) On September 28, 2005, the BWSR received the Clay County Plan Update, a record of the September 20, 2005 public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On November 30, 2005, the regional Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the Clay County Plan Update. Recommendations of the state review agencies were:
   A) Minnesota Department of Agriculture: recommends approval;
   B) Minnesota Department of Health: recommends approval;
   C) Minnesota Department of Natural Resources: recommends approval;
   D) Minnesota Pollution Control Agency: recommends approval;
   E) Minnesota Environmental Quality Board: no recommendation received;
   F) Minnesota Board of Water and Soil Resources regional staff: recommends approval;
   G) Board Water Plan Review Committee: recommends approval.

6) This update will be in effect for a ten-year period until December 31, 2015; with the Goals, Objectives and Action Items amended by December 31, 2010.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Clay County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Clay County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the Clay County Local Water Management Plan through December 31, 2015; with the Goals, Objectives and Action Items being amended prior to December 31, 2010.

Dated at St Paul, Minnesota, this fourteenth day of December 2005.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Hubbard County Local Water Management (LWM) Plan Extension Request.
The effective date of the Hubbard County Local Water Management (LWM) Plan is December 31, 2005. The BWSR received on November 8, 2005, in accordance with current guidelines, a request to extend the effective date of the county's LWM one year until December 31, 2006. The Hubbard Soil and Water Conservation District has been delegated responsibility for administering and updating the LWM plan. The Priority Concerns Scoping Document has been completed and approved by the BWSR Board. The extension request is due to changes in staffing at the SWCD. The requested one-year extension will provide the SWCD with the time needed to hire a new water plan coordinator and to complete the final plan update. The extension request is recommended for approval by BWSR staff and approved by the Northern Region Water Plan Subcommittee. See attached. DECISION ITEM.

HUBBARD COUNTY COMPREHENSIVE LOCAL WATER PLAN EXTENSION

(FOR BOARD ACTION)

Hubbard County has a Comprehensive Local Water Plan (CLWP) that was approved by the Minnesota Board of Water and Soil Resources (BWSR) at their October 23, 1997 board meeting. The CLWP update was approved with an effective end date of December 31, 2005. The Hubbard County Board of Commissioners has adopted the second-generation CLWP update by resolution.

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

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

The Hubbard County Board of Commissioners adopted a resolution on November 2, 2005, requesting a one-year extension to complete the Hubbard County LWMP update by December 31, 2006. The Hubbard SWCD, the county's local water plan program designate, recently had their new district manager (hired May '05) take a position with the NRCS. The SWCD has requested and has received applications from prospective candidates, and will be completing interviews in December 2005. The Hubbard County Priority Concerns Scoping Document (PCSD) has been approved by the northern region water plan subcommittee and approved by the board at their August 2005 meeting.

BWSR guidelines will be used and staff assistance will continue to be made available to the replacement LWM staff as they proceed with the completion of the plan update. Board Conservationist Bill Best recommends approval of the Hubbard County Local Water Plan extension request to December 31, 2006.

North Region Local Water Management Committee Meeting Summary

Meeting Date: Nov 30, 2005
Members Present: Jerome, Quentin, Paul B, Paul K, Kay
Meeting Location: NRCS office Fergus Falls
Plans Reviewed: Clay , Hubbard and Mille Lacs Counties, Boix de Sioux WD

Plan Review for: Clay County Final Water Plan
Lead Local Agency: Clay SWCD
Local Representatives Present: Steve Hofstad, Clay SWCD Water Planner
BWSR Board Conservationist: Pete Waller
Priority Concerns Adopted:

1. Water Quality including TMDLs
2. Natural Resource Enhancement and Protection
3. Erosion
4. Flood Damage Reduction

Input Process Used: Public hearing on Sept 30, 2005. LWM task force developed goals and actions.

PCSD comments received from:	**DNR**	**MPCA**	**MDA**	**MDH**	**EQB**
	X	X	X	X	

Key Points of Discussion: Water festival with 4th graders 1,555 attend annually. Lots discussion about controlling development in flood prone areas. More county enforcements is needed. Paul B suggested bringing the BWSR Board up to see some native prairie areas.

Committee Recommendations: Committee recommends that BWSR approve the Clay County water Plan as submitted/

Motion by: Paul B **Second by:** Jerome D. **Vote:** All voted in favor

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Plan Review for: Boix de Sioux WD boundary change
Lead Local Agency:
Local Representatives Present: Jerome Deal
BWSR Board Conservationist: Pete Waller
Priority Concerns Adopted:

Input Process Used:

PCSD comments received from:	**DNR**	**MPCA**	**MDA**	**MDH**	**EQB**

Key Points of Discussion: Pete explained that this is a request to remove 240 acres from the watershed district in Stevens County. Over 50 percent of the six 40 acre parcels does not drain into the watershed of the Boix de Sioux River. No comments or requests for hearings were received. Staff recommendation is that statutory standards have been met with this request and that it should be approved.

Committee Recommendations: Recommend approval of the Boix de Sioux Watershed District Boundary change.

Motion by: Kay **Second by:** Paul B **Vote:** Jerome did not vote. All others voted in favor.

Plan Review for: Hubbard Water Plan Extension request
Lead Local Agency:
Local Representatives Present:
BWSR Board Conservationist: Ron Shelito
Priority Concerns Adopted:

Input Process Used:
PCSD comments received from: DNR MPCA MDA MDH EQB

Key Points of Discussion: Ron explained that Hubbard County has started their water plan revision but due to a staff resignation they will not finish before their current plan expires on Dec 31 2005. they are requesting a one year extension of their current water plan to Dec 31 2006. Ron recommended the committee approve this extension.

Committee Recommendations: The committee recommends that BWSR approve this extension request.

Motion by: Jerome Deal **Second by:** Kay **Vote:** All in favor

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Plan Review for: Mille Lacs Water Plan Extension Request
Lead Local Agency:
Local Representatives Present:
BWSR Board Conservationist: Ron Shelito
Priority Concerns Adopted:

Input Process Used:
PCSD comments received from: DNR MPCA MDA MDH EQB

Key Points of Discussion: Ron explained that the Mille Lacs SWCD also had staff change earlier in the year which cause delays in completing the water plan revision before it expires on Dec 31, 2005. They now have a new water planner in place and are proceeding with the water plan revision and plan to have it completed next year. They are requesting a two year extension to their current water plan. Ron recommends approval.

Committee Recommendations: The committee recommends that BWSR approve this extension request.

Motion by: Paul B(?) **Second by:** Paul K (?) **Vote:** All voted in favor

---

Submitted by:
Date:

Next Meeting: January 11, Feb 8, Mar 8

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Plan For Mille Lacs County (Minnesota Statutes, Section 103B. 311, Subdivision 4, authorizing BWSR to grant extensions)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Mille Lacs County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until December 31, 2005, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Statute 103B. 311, Subdivision 4.

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

FINDINGS OF FACT

1. On November 22, 2005, in pursuant to Minnesota Statute, Section 103B.315, Subdivision 3, the Board of Water and Soil Resources received a resolution from Mille Lacs County requesting an extension of their Comprehensive Local Water Plan to December 31, 2007.

2. The two-year extension request is based on the following:

   - The Mille Lacs Soil and Water Conservation District has been delegated the responsibility for revising and updating the Plan. Staff turnover and the required designation of a new water management plan coordinator attributed to the delay in the process.
   - In accordance with BWSR Local Water Management Plan guidance, the extension request must be for two years.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Mille Lacs County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Mille Lacs County Comprehensive Local Water Plan until December 31, 2007. Dated at St. Paul, Minnesota, this 14th day of December 2005.

BY:_____
Jerome Deal, Chairperson
December 14, 2005

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Fillmore County Local Water Management Plan Update – ***DECISION ITEM***

2. Mower County Local Water Management Plan Update – ***DECISION ITEM***

3. Redwood County Local Water Management Plan Update – ***DECISION ITEM***

4. Wabasha County Request for Local Water Management Plan Extension – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

DATE: November 10, 2005

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Mary Kells, Board Conservationist

SUBJECT: Fillmore County Local Water Management Final Review

I have completed my final review of the Fillmore County Local Water Management Plan 2006-2015 and recommend approval.

The Fillmore County Local Water Management (LWM) Plan meets the requirements of water management planning under M.S. 103B and BWSR Local Water Management Plan Guidance.

The Fillmore County LWM Plan:

- Focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- Adequately assesses the priority concerns and sets forth appropriate goals and objectives;
- Lays out a detailed implementation program with measurable actions, timeline, and budget; and
- Includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture (MDA), and the Minnesota Department of Natural Resources (DNR). All agencies recommend approval of this LWM Plan.

The MPCA commented that the LWM Plan is well written and truly comprehensive. Fillmore County's track record of successful implementation of previous LWM Plan activities makes this document all the more valuable.

Water Plan Coordinator Donna Rasmussen should be commended for her leadership and dedication throughout this planning process. The County proactively solicited public input and engaged the partners during their regularly scheduled LWM technical committee and Citizen Advisory Committee meetings. It's been a privilege to be a part of the process, and I look forward to working with the County in the implementation of their LWM Plan.

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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update for **Fillmore County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Fillmore** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Minnesota Board of Water and Soil Resources (Board) on **September 15, 2005,** pursuant to M.S. Section 103B.315, Subd. 5; and

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

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

DRAFT

FINDINGS OF FACT

1. On **November 29, 2004**, the Board received a Priority Concerns Scoping Document from **Fillmore** County, pursuant to M.S. Section 103B.312.

2. On **January 26, 2005**, the Board approved official comments on the **Fillmore** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

3. The priority concerns the local water management plan addresses include:

   a. Soil Erosion and Runoff (Turbidity TMDL/Impaired Waters)
   b. Drinking Water Quality
   c. Human Sewage Treatment (Fecal Coliform Bacterial TMDL/Impaired Waters)
   d. Sinkholes and Other Karst Features
   e. Pesticide and Fertilizer Use
   f. Feedlots and Livestock Waster (Fecal Coliform Bacterial TMDL/Impaired Waters)

4. On **September 16, 2005**, the Board received the **Fillmore** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **November 17, 2005,** the Southern Water Planning Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the Fillmore County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: no recommendation received;
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;

e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Southern Water Planning Committee: recommends approval.

6. This update will be in effect until **December 31, 2015.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of **Fillmore** County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The **Fillmore** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

DRAFT

ORDER

The Board hereby approves the attached update of the **Fillmore County** Local Water Management Plan with a required update to the Implementation Section (Goals, Objectives and Actions) by December 31, 2010.

Dated at St. Paul, Minnesota, this **fourteenth of December 2005**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

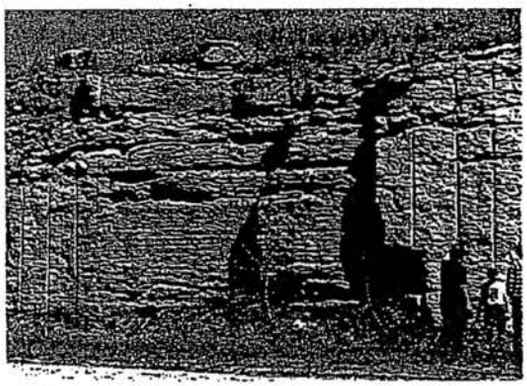
7/20/2005

Executive Summary

Introduction

Fillmore County is located in southeastern Minnesota in the southernmost tier of counties along the Iowa border. Only Houston County to the east lies between Fillmore County and the Mississippi River. Mower County borders Fillmore County to the west, and Olmsted and Winona counties lie along its northern border.

The landscape of Fillmore County is characterized by karst. Karst describes a three-dimensional hydrologic system created by the solution of carbonate bedrock resulting in conduits which facilitate rapid movement of water through the subsurface. Shallow soil cover over much of the county and the prevalence of karst features create an area highly sensitive to ground water contamination from pollution sources at or near the land's surface. Karst features include sinkholes, springs, caves, disappearing streams, and blind valleys. These features provide many interconnections between surface water and ground water.



Oneota dolomite road cut near Chatfield

Fillmore County's first Comprehensive Local Water Management Plan was approved by the MN Board of Water and Soil Resources (BWSR) on March 28, 1990, and adopted by the Fillmore County Board of Commissioners on December 11, 1990, following about two years of development by a committee of local residents and county and state agency staff. In January, 1991, the county hired a halftime Water Plan Coordinator to coordinate implementation of the plan. In 1995, the water plan underwent a five-year revision and update which was approved by the BWSR on January 24, 1996. A second update was completed in 2000 which was approved by the BWSR on December 13, 2000. This update of the water plan will be effective for ten years from January, 2006 to December, 2015. The plan will be reviewed and amended as needed in 2010.

In 2001, the Fillmore Soil and Water Conservation District (SWCD) Board of Supervisors adopted the Local Water Management Plan as the SWCD's Comprehensive Plan. This broadens the scope of the SWCD's mission and reduces the duplication of developing two plans that essentially addressed many of the same land and water resource concerns.

The Fillmore County Water Planning Committee is responsible for the update of the Comprehensive Local Water Plan. The Fillmore County Board of Commissioners has appointed the following citizens to three-year terms on the Water Planning Citizens' Advisory Committee to make policy recommendations for a plan to manage the county's water resources:

Debby Anderson, Chatfield	(District 1)
Roger Ekern, Rushford	(District 2)
Vacant	(District 3)
Pat Troendle, Lanesboro	(District 4)
Nancy Overcott, Canton	(District 5)

The Fillmore Soil and Water Conservation District (SWCD) Board of Supervisors representative is Margaret Ness. County Board representatives are Duane Bakke and Stafford Hansen.

The Water Planning Technical Committee consists of county and state agency staff who have more direct involvement with the implementation of the water plan. Technical Committee members are:

Sandra Benson	Fillmore County Recycling Education Coordinator
Norman Craig	Fillmore County Zoning Administrator
Mike Frauenkron	Fillmore County Feedlot Officer
Lee Ganske	MN Pollution Control Agency (MPCA)
Sue Glende	USDA Natural Resources Conservation Service (NRCS) District Conservationist
Jeff Green	MN Department of Natural Resources (DNR) Regional Groundwater Specialist
Bea Hoffmann	SE MN Water Resources Board (WRB) Executive Director
Mary Kells	MN Board of Water and Soil Resources (BWSR) Board Conservationist
John Kelly	MN DNR District Forester
Don Krohn	Fillmore SWCD Administrator
Tammy Martin	USDA Farm Service Agency (FSA) County Executive Director
Brenda Pohlman	Fillmore County Public Health
Jerry Tesmer	University of Minnesota Extension Service, Fillmore County

Implementation of the water plan and the update and revision of the plan are coordinated by Donna Rasmussen, Fillmore County Water Plan Coordinator.

Other cooperating agencies are the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Geological Survey (MGS), and the University of Minnesota.

Fillmore County is a member of the Southeast Minnesota Water Resources Board (formerly the Zumbro/Root River Joint Powers Board) with nine other counties. Two county commissioners serve on the Board, which meets every other month. The mission of the Board is to "help sustain the quality of life in the ten counties of southeastern Minnesota by improving and protecting the water resources through the coordination of local water planning efforts." Priorities for regional projects are based on water quality issues that are common to the karst region and to the watersheds in the region and are identified as priorities in each county's water management plan. The SE MN Water Resources Board website is http://csweb.winona.edu/semnwrb.

Fillmore County is an active participant in the Basin Alliance for the Lower Mississippi in Minnesota (BALMM). BALMM is a locally led coalition of land and water resource agencies formed to coordinate efforts to protect and improve water quality in the basin. Projects initiated in the last five years through BALMM are aimed at reducing fecal coliform bacteria in surface water (which also benefits ground water) and increasing permanent vegetative cover on the landscape to reduce soil erosion and runoff. For more information about BALMM, go to www.pca.state.mn.us/water/basins/lowermiss/balmm.pdf.

Purpose of the Local Water Management Plan

The purpose of the local water management plan is the protection of water resources in the county from point and nonpoint sources of pollution. Coordination of these protection efforts between the various local, state, and local agencies and organizations reduces duplication and eliminates gaps in implementation strategies aimed at a common goal of water protection. The Water Plan Committee will continue to meet regularly to guide implementation programs and projects with the Citizens' Advisory Committee acting as liaison to the community at large to assure a broader perspective of water issues.

The water plan meets the requirements set forth in M.S. 103B.311subd.4 as follows:

1. The plan covers the entire county.
2. The plan addresses problems in the context of watershed units and ground water systems.
3. The plan is based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan is consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system.
5. The plan duration is for ten years with review and amendment to the plan as necessary in five years.

Description of Priority Concerns, Summary of Goals and Actions, and Projected Costs

The goals of the Fillmore County Local Water Management Plan are water quality goals that align with those in other local, regional, state, and federal plans to meet water quality standards for both surface water and ground water, including TMDLs (Total Daily Maximum Loads). (More information about TMDLs can be found at www.pca.state.mn.us/water/tmdl/index.html.) Actions within each priority concern are aimed at achieving the water quality goals taking into account the availability of funding and other resources that can be reasonably expected over the next ten years.

Water quality goals:

- Reduce fecal coliform bacteria levels in streams by 65% and in ground water to meet the drinking water standard.
- Reduce turbidity in surface waters to meet the water quality standard equivalent to 25 cm of transparency.
- Reduce nitrate concentrations to less than 10 mg/liter in ground water and in streams.
- Reduce concentrations of pesticides in streams and ground water to meet water quality standards.

1. Soil erosion and runoff were ranked as the highest priority based on all ranking processes used in developing the priority concerns. The visible effects of erosion and runoff, i.e. rills and gullies in fields and construction sites, turbid streams and rivers, silt-covered stream beds, and even muddy well water, have raised awareness of this problem among all segments of the county's population. Concerns are not limited to erosion on agricultural lands, although 80% of the land in Fillmore County is in farmland, and 77% of the farmland is cropland, according to the USDA National Agricultural Statistics Service. Increased development in both rural and urban areas emphasizes the need for erosion control whenever the natural land cover is disturbed. Runoff into sinkholes and contaminants transported in losing and disappearing streams compound these concerns because of the potential impacts to ground water and springs. Efforts to increase the number of acres in permanent vegetation are encouraged by programs such as the Conservation Reserve Enhancement Program (CREP) and the Conservation Security Program (CSP) which bring in federal funds that help achieve water plan goals. Other incentives for innovative practices that increase water infiltration and reduce runoff will be pursued as opportunities arise. Watershed-based efforts with other agencies and organizations are most effective in addressing water quality concerns identified through the TMDL process or other monitoring of individual streams.

   Projected Cost over 10 years: $181,000 in-kind + $940,000 = $1,121,000

2. Drinking water quality is a priority due to the susceptibility of ground water in the county to pollution. Well water test results from the county over the past 25 years show elevated nitrate levels and/or coliform bacteria present in a significant percentage of the samples. Both have serious health implications plus indicate the potential for the presence of other harmful contaminants. A key first step in addressing these issues is to test the water for contamination so those consuming it are aware of any problems. Once a problem is identified, steps can be taken to remediate the pollution sources or to find an alternative water supply. Pollution prevention measures will be encouraged. Financial assistance for

well sealing and replacement is also needed to assure safer drinking water for county residents.

About 53% of the county's population is served by community public water supplies. These public water suppliers are developing Wellhead Protection Plans that identify the land area in the contribution area of the well and the best management practices (BMPs) needed to reduce the risk of pollution entering ground water in those areas.

Projected Cost over 10 years: $64,000 in-kind + $520,000 = $584,000

3. Inadequately treated human sewage is a source of fecal coliform bacteria and excess nutrients in streams and ground water. All but two of the 14 cities in the county have municipal wastewater treatment facilities that are regulated by the MN Pollution Control Agency. The county is delegated enforcement of Chapter 7080 rules for individual sewage treatment systems (ISTS). Only about one-third of the ISTS in the county have been issued an ISTS permit since 1995. The remaining two-thirds pose a potential water pollution risk over the next ten years. Fillmore County's ISTS Pilot Program to inventory and upgrade all ISTS that are defined as imminent threats to public health by 2008 is expected to correct 300 to 500 systems. Financial assistance through this type of program and low-interest loans will help to increase the number of systems that are brought into compliance.

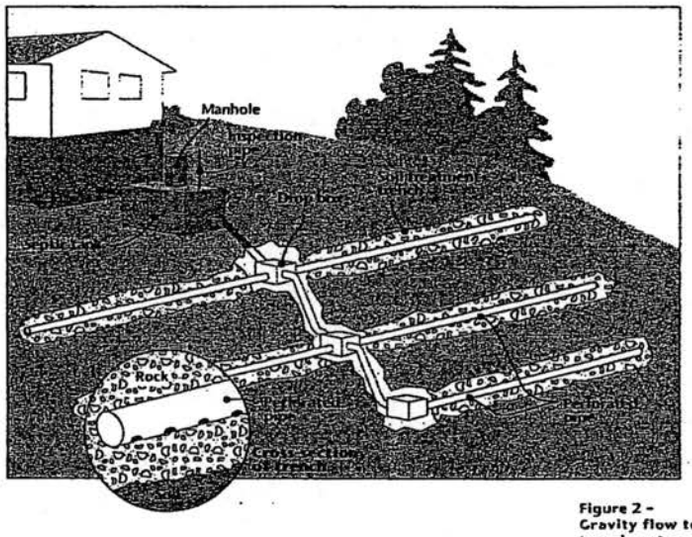


Figure 2 - Gravity flow to trench system

Projected Cost over 10 years: $85,000 in-kind + $721,000 = $806,000

4. Sinkholes and other karst features create complex interconnections between surface water and ground water. Thin soils overlying fractured carbonate bedrock and sinkholes that bypass the soil filtration process allow contaminants to enter ground water with relative ease. Once in the subsurface, contaminants can move quickly with ground water through the enlarged conduits in a karst system potentially affecting drinking water wells which draw water from surficial karst aquifers. Education of the public about karst and the susceptibility of ground water to contamination is an important first step. Assistance will be provided to landowners for implementing BMPs that reduce runoff and increase water infiltration through existing and new programs. Increasing our understanding of karst and the interactions between surface water and ground water is also necessary for making good land use decisions.

Projected Cost over 10 years: $62,000 in-kind + $111,000 = $173,000

5. Pesticide and fertilizer overapplication and mismanagement increase the risk of these compounds contaminating streams and ground water. Nitrate contamination of drinking water is common in wells that draw water from surficial bedrock aquifers. Atrazine and other pesticides are found at low levels in both ground water and streams all year round. Spikes in concentrations of atrazine, metolachlor (Dual), and acetochlor (Harness) are seen in early summer runoff oftentimes exceeding stream water quality standards. Alachlor (Lasso), which has not been used in the last decade, is found frequently at low concentrations in springs. Monitoring efforts will continue in cooperation with other agencies to monitor trends. BMPs must be adopted to keep these compounds out of streams and ground water. Nutrient management plans are needed to make the most efficient use of nutrients applied to cropland reducing the risk of environmental damage and reducing costs for farmers. Urban homeowners must also be aware of the impacts of overapplication of lawn and garden chemicals.

   Projected Cost over 10 years: $91,500 in-kind + $145,000 = $236,500

6. Livestock production is an important part of the local economy, and it also encourages the maintenance of permanent vegetation on the land. However, fecal coliform bacteria and nutrients in livestock manure can contaminate water resources if the manure is mismanaged on a feedlot or a manure application area. Adequate buffer areas around feedlots, practices that keep water from running through or off a feedlot, and well placed fencing can alleviate runoff problems from feedlots. Manure that is land applied at agronomic rates plus BMPs that control runoff ensure that the nutrients in manure are used effectively by crops without being transported to waterways from land application areas.



   Projected Cost over 10 years: $52,000 in-kind + $1,000,500 = $1,052,500

Consistency with Other Pertinent Local, State, and Federal Plans

Several plans were referred to in setting water quality goals and determining actions to take to achieve these goals. These plans include:

Minnesota Watermarks: Gauging the Flow of Progress 2000-2010
– MN Environmental Quality Board
http://server.admin.state.mn.us/pdf/2000/eqb/wtr_mrk.pdf

Lower Mississippi River 2001 Basin Plan Scoping Document
– Basin Alliance for the Lower Mississippi in Minnesota (BALMM)
http://www.pca.state.mn.us/water/basins/lowermiss/lm-basinscoping2001.pdf

Strategic Plan for Coldwater Resources Management in Southeast Minnesota 2004-2015
– MN Department of Natural Resources Division of Fisheries
http://files.dnr.state.mn.us/fisheries/management/coldwaterstrategicplan_semn.pdf

Regional Total Maximum Daily Load Study of Fecal Coliform Bacteria Impairments in the Lower Mississippi River Basin of Southeast Minnesota Implementation Plan 2003
- MN Pollution Control Agency and BALMM
http://www.pca.state.mn.us/publications/reports/tmdl-semn-fecalcoliform.pdf

Plans from neighboring counties were also referred to in order to assure consistency with their water resource goals and objectives.

*Estimated cost over ten years unless otherwise indicated

Implementation Schedule

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
Soil Erosion and Runoff					
1. Annual education programs	A. Promote cover crops	SWCD, Extension, NRCS, FSA	$5,000		2006-2015
	B. Communication with state and federal legislators	SWCD, BWSR, BALMM	$5,000		2006-2015
	C. Pilot project to develop simplified farm plans with "managed set-aside"	SWCD		$300,000/ 3 years	2010
	D. Safe use and storage of road salt, alternatives	SWCD, Hwy Dept., Twps	$5,000		2010
	E. School assistance, educational tools	SWCD, Extension	$10,000	$10,000	2006-2015
	F. Urban, construction, logging runoff control practices	SWCD, Extension, MPCA, DNR	$10,000		2006-2015
2. Watershed-based management	A. Upper Iowa River Alliance	SWCD, NRCS, DNR	$20,000		2006-2015
	B. Management strategies for trout stream watersheds	DNR, SWCD, NRCS	$20,000		2006-2015
	C. Complete S. Branch Root River project	Fillmore Co. Zoning, SWCD, Mower Co., MPCA	$50,000	$600,000/ 3 years	2006-2008
	D. Investigate where bridge and culvert replacements can be used for temporary water storage	Hwy Dept., DNR, SWCD, MN DOT	$5,000		2010
3. Data collection	A. Support and expand volunteer monitoring	SWCD, MPCA, UIRA	$5,000		2006-2015
	B. Data management with GIS	SWCD	$10,000		2006-2015
	C. Cooperate with state and federal agencies	SWCD, MPCA, DNR, MDA,	$30,000	$30,000	2006-2015
4, Local ordinances and permitting	A. Review, clarify, and improve enforcement of soil erosion ordinance requirements for erosion control plans	Zoning, SWCD	$3,000		2006
	B. Review, clarify, and improve enforcement of shoreland and bluffland ordinances	Zoning, SWCD	$3,000		2008
		SUBTOTAL	**$181,000**	**$940,000**	
Drinking Water Protection					
1. Annual education programs	A. Promote private well water testing	SWCD, Public Health, MDA	$15,000	$5,000	2006-2015
	B. Promote BMPs that protect wells and ground water	SWCD, Public Health, MDH	$10,000	$5,000	2006-2015
	C. Assist with Wellhead Protection Plans and DNR Emergency and Conservation Plans	SWCD, MDH, DNR, Cities	$1,000/ plan		2006-2015
	D. Promote water conservation	SWCD, Cities	$3,000		2006-2015
	E. County revolving fund for well sealing and replacement	Fillmore Co., SWCD,		$500,000	2010

*Estimated cost over ten years unless otherwise indicated

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
	F. Education for health care providers and caregivers	Public Health, SWCD, Zoning	$5,000		2006,2020,2015
	G. Assist farm fuel tank owners with upgrading tanks	SWCD, Extension	$5,000	$10,000	2006-2010
	H. Promote shared wells in subdivisions	Zoning, MDH	$5,000		2006-2015
2. Maintain local data	A. Maintain CWI information with GIS	SWCD, MGS, MDH	$5,000		2006-2015
	B. Support ground water monitoring	SWCD, SE MN WRB, MPCA, MDH	$15,000		2006-2015
		SUBTOTAL	**$64,000**	**$520,000**	
Human Sewage Treatment					
1. Bring 50% of noncompliant systems into compliance by 2015	A. Implement county-administered and Ag BMP financial assistance programs to encourage compliance	Zoning, SWCD, MPCA	$20,000	$500,000	2015
	B. Inspect 100% of newly installed septic systems	Zoning, SWCD	$20,000		2006-2015
	C. Complete MPCA ISTS Pilot Program	Zoning, SWCD, SE MN Wastewater Initiative	$10,000/ 2 years	$120,000	2008
	D. Sewage treatment options for unsewered communities	Zoning, SWCD, SE MN Wastewater Initiative	$20,000		2015
	E. Amend zoning ordinance to require inspection at point of sale	Zoning, Planning Commission	$2,000		2007
2. Annual education programs	A. Education for homeowners	Zoning, SE MN Wastewater Initiative, SWCD	$7,500		2006-2010
	B. Assist with HHW collection	Solid Waste, SWCD	$2,500	$100,000	2006-2015
	C. Promote water conservation for extending life of septic system	Zoning, SWCD	$1,000	$1,000	2006-2015
	D. Education for lenders and realtors	Zoning, SWCD, SE MN Wastewater Initiative	$2,000		2006-2010
		SUBTOTAL	**$85,000**	**$721,000**	
Sinkholes and Karst					
1. Annual education programs	A. Promote efforts that reduce dumping into sinkholes	Zoning, SWCD, Solid Waste	$5,000		2006-2015
	B. Utilize karst educational materials in schools, etc.	SWCD	$10,000	$1,000	2006-2015
2. Enforce existing ordinances	A. Review feedlot permit applications for karst features	Zoning, SWCD	$20,000		2006-2015
	B. Review definition of construction materials in sinkhole ordinance. Improve enforcement of sinkhole ordinance.	Zoning, DNR, Twps, Solid Waste, SWCD	$2,000		2006

*Estimated cost over ten years unless otherwise indicated

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
	C. Review requirements in Decorah Shale Overlay District	Zoning, SWCD	$2,000		2008
3. Implement practices that reduce pollution potential in karst	A. Provide financial assistance for BMP implementation	SWCD, NRCS	$10,000	$50,000	2006-2015
	B. Dumpsite cleanup	Solid Waste, SWCD	$10,000	$10,000	2006-2015
4. Gather information and data about karst	A. Conduct karst studies, e.g. dye traces, spring monitoring	SWCD, DNR, U of M, UIRA		$50,000	2006-2015
	B. Compile information about pipelines/contingency plans	Zoning, SWCD, MPCA	$3,000		2007
		SUBTOTAL	**$62,000**	**$111,000**	
Fertilizer and Pesticide Use					
1. Annual education programs	A. Promote reduced ag and non-ag use of fertilizers and pesticides	Extension, SWCD, MDA, MPCA	$10,000		2006-2015
	B. Promote no fall application of anhydrous ammonia	Extension, SWCD, MDA	$5,000		2006-2015
	C. Enhance natural resource curriculum for schools	SWCD, Extension	$5,000	$5,000	2006-2015
	D. Nutrient management research, demos, test plots	Extension, SWCD	$10,000	$20,000	2006-2015
	E. Provide information about common detection implications	MDA, Extension, SWCD	$3,000		2008
2. Monitor surface and ground water	A. Annual pesticide and nutrient monitoring	MDA, MPCA, UIRA	$5,000	$10,000	2006-2015
	B. Support long-term volunteer nitrate well monitoring	SWCD, SE MN WRB, MDH, MDA	$25,000		2006-2015
3. Proper disposal of waste pesticides	A. Publicize Winona Co. service to collect waste pesticides from Fillmore Co. homes, farms, and businesses	Solid Waste	$1,000	$8,000	2006-2015
	B. Assist with HHW collection	Solid Waste, SWCD	$2,500	$92,000	2006-2015
4. Commercial applications at agronomic rates	A. Require fertilizer and pesticide plans for appropriate CUPs, such as golf courses	Zoning	$5,000		2006-2015
	B. Assistance and referrals for nutrient and pesticide management for ag and non-ag residents	SWCD, Extension, NRCS, MDA	$20,000	$10,000	
		SUBTOTAL	**$91,500**	**$145,000**	

*Estimated cost over ten years unless otherwise indicated

Priority Concerns/ Objectives	Actions/ Brief Description	Lead Agency(ies)	Est. Cost* In-kind/Cash		Timeline
Feedlots and Manure Management					
1. Implement county feedlot program	A. Complete Level III inventory by 2015	Zoning, SWCD	$10,000		2010
	B. Convene Feedlot Advisory Group	Zoning, SWCD	$5,000		2006-2015
2. Annual education and information	A. Educational events on livestock-related issues	Zoning, Extension, SWCD	$5,000	$5,000	2006-2015
	B. Annually update education packet for new and expanding facilities	Zoning	$5,000		2006-2015
	C. Provide producers with overwintering BMP information	Zoning, SWCD	$2,000		2006-2015
3. Financial and technical assistance	A. Financial and technical assistance for nutrient management planning	SWCD, NRCS	$10,000	$100,000	2006-2015
	B. Financial and technical assistance for feedlot runoff control and land application	SWCD, Zoning, NRCS	$10,000	$900,000	2006-2015
	C. Leverage state and federal funding	SWCD, Zoning, NRCS	$5,000		2006-2015
		SUBTOTAL	**$52,000**	**$1,000,500**	
		TOTALS	**$535,500**	**$3,437,500**	

7/20/2005

Implementation Schedule
Ongoing Activities

Feedlots

The County's feedlot program includes enforcement of Minnesota Rules Chapter 7020 and oversees permitting for new and expanding facilities of up to 1000 AU. Current staffing levels can be maintained as long as state funding through the MPCA Feedlot Base Grant is available to the county and regional technical assistance grants are continued to address emerging needs. This should ensure that program goals laid out in the water plan and in annual feedlot program work plans will be met.

Individual Sewage Treatment Systems

Fillmore County enforces Minnesota Rules Chapter 7080 in the entire county. Any changes to 7080 are adopted by reference in the county's ordinance. All new ISTS are permitted through the Zoning Office. Ag BMP loans are available for upgrading existing systems. Clean Water Partnership loan funds for upgrading existing failing ISTS in the South Branch Root River Watershed Project will be available for three years and possibly longer if continuation funds are approved. There is growing support for a county administered low-interest loan program that would allow pay back of the loans through the property taxes.

Municipal Wastewater Treatment

The MPCA regulates and monitors activities related to municipal treatment facilities. The county has input if expansion or upgrading of a facility is proposed. None of the municipalities have informed the county of plans to upgrade or expand facilities in the next ten years.

Wetland Conservation Act

Fillmore County will continue to administer the Wetland Conservation Act for the entire county except the city of Chatfield, which lies partially in Olmsted County. Delegation for administration of the program will remain with the Fillmore SWCD. The Wetland Preservation Area program continues to be promoted and administered. Currently there are three contracts in the county totaling approximately 30 acres. One pending contract is for 20 acres.

Floodplains and Shorelands

Flooding events in recent years have highlighted the need for floodplain ordinances. The county and cities with ordinances are gradually working to eliminate those structures that are not flood worthy and introduce land uses in the floodplain that are least impacted by floods. The public is coming to accept the need for limits on development in the floodplain. The maps from the Federal Emergency Management Agency appear to be acceptable to all local units of government as a

guide to the areas susceptible to flooding. All unincorporated areas of the county fall under the county's floodplain ordinance. The cities, including Rushford Village, enforce their own floodplain ordinances. The ordinances appear to be adequate in their scope to deal with floodplain issues.

Floods in Spring Valley in 2000 were the worst since 1942. A proposal for a PL566 project in the Spring Valley Creek watershed was developed but not accepted by the federal government after a cost/benefit analysis showed that removal of structures in the floodplain within the city would be more cost-effective than investing in upland practices to reduce peak flows in the stream.

The Fillmore County shoreland ordinance was most recently updated in 1999. The county receives a small grant each year from the MN DNR for administration of the ordinance on all lands in the county within 300 feet landward from the ordinary high water level of all protected watercourses as identified on the Protected Waters and Wetlands map. An annual report is submitted to the DNR about the activities regulated in the shoreland district. Rushford Village currently enforces its own shoreland ordinance. Much of the shoreland district also falls under floodplain regulations which the municipalities also enforce. Soil erosion impacts are addressed in the ordinance, as well as use of fertilizers and pesticides, placement and design of roads and parking areas, water supplies, and sewage treatment, and stormwater management. The section of the ordinance related to Planned Unit Developments (PUDs) also addresses issues associated with campgrounds.

Solid Waste

The County's Solid Waste Management Plan will be the primary mechanism used to address solid waste issues. The plan was updated in 2001. The issues given more attention are on-site disposal (i.e. burn barrel emissions, ash disposal) and illegal dumping. Mechanisms will continue to achieve the source reduction and recycling goals, to keep hazardous waste out of the general waste stream, and to recycle as large a portion of the waste stream as possible. Fillmore County has an integrated solid waste management system that includes: a transfer station, and recycling operations and household hazardous waste collections held twice a year. The broad programs included in the solid waste system include: education, recycling, rural recycling drop-off sheds, a problem materials and Household Hazardous Waste collection program, and source reduction practices. The County discontinued Municipal Solid Waste (MSW) composting and increased the number of recycling categories accepted in the county. Fillmore County is a member of the Southeast Minnesota Recycling Exchange (SEMREX) which provides a regional approach for cooperative marketing of recyclables, materials exchange and for cooperative educational activities.

Fuels and Hazardous Materials Storage and Transportation

Non-commercial farm fuel tanks and tanks that store fuels for residential use are not regulated yet pose a water pollution risk if they leak. Education continues to encourage leak and spill protection measures in other portions of the water plan.

Transportation of fuels and other hazardous materials through the county presents a threat to water resources if an accident occurs and tanker truck contents are released into the environment. Local fire departments are equipped and trained to address these situations. Regional or statewide hazardous materials teams are called in to help with containment and clean up. Past efforts to improve the response to these emergencies locally have been unsuccessful but will be reactivated if opportunities arise for cooperative efforts with other responsible agencies through wellhead protection or other avenues.

Mercury-Impaired Waters and TMDLs

Actions will not be taken locally to address pollution sources for streams designated as impaired due to mercury contamination. These sources lie outside of the county's jurisdiction and are widespread requiring a statewide or national approach to mercury pollution abatement.

Minnesota Board of Water & Soil Resources

OCT 27 2005

DATE: October 26, 2005

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: Dave Peterson, Board Conservationist Dave Peterson

SUBJECT: Mower County Local Water Management Plan Final Review

I have completed my review of the Mower County Local Water Management Plan 2006-2015 and recommend approval.

The Mower county Local Water Management Plan (LWM) meets the requirements of water management planning under MS 103B and BWSR Local Water Management Plan Guidance. .

The Mower LWM Plan,

- Identifies five priority concerns included in the Priority Concerns Scoping Document approved January 26, 2005,
- Adequately assesses the priority concerns and sets out appropriate goals and objectives, and
- Includes a detailed implementation program with measurable actions, timeline and budget.

Mower County always takes the time to understand and follow the LWM program requirements, guidance and timelines while effectively using resources to develop a LWM plan that responds to the interests and needs of Mower County. Mower County makes good use of the active and interested Water Management Committee. The committee helps guide LWM planning and implementation ensuring effective public input.

The Mower County LWM Plan 2006-2015 reflects the work and commitment of the staff, committee and boards in Mower County to effective local water management and is recommended for approval.

C: Daryl Franklin, Mower County

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Mower County

Local Water Management Plan
2006 - 2015

Executive Summary

Mower County is situated in southeastern Minnesota approximately 100 miles south of Minneapolis, 362 miles northwest of Chicago, 381 miles northeast of Kansas City and 197 miles east of Sioux Falls, South Dakota. It is bordered on the north by Dodge and Olmsted Counties, Minnesota; on the east by Fillmore County, Minnesota; on the west by Freeborn County, Minnesota; and the northern border of Iowa on the south. It contains 449,920 acres or 703 square miles of rich, productive agricultural land. Austin, a city of approximately 23,900 people located in the west central section of the county, is the county seat. Thirteen smaller cities serve as trade centers for the rural population.

Historically, two major factors are responsible for the growth of the Mower County economy. The first is the rich agricultural land and good agricultural climate, which is conducive to the growing of wheat and later corn, soybeans and other crops. More recently the highly productive soil made it easy to grow livestock feeding crops which in turn fostered the growth of livestock raised in the area. The other factor which fostered the early growth of the Mower County community was the coming of the railroads in the late 1800's. The railroads enabled the farmers to market their products to other than local markets. High agricultural productivity of the area and the ability to market these crops via the good railroad system fostered the growth of the second largest industry in the county – the meat packing industry.

Although a few additional industries have developed in the county, there have not been many and as a result the Mower County economy has been dominated by agriculture and meat packing since its early development.

Mower County took its first step in water planning on November 23, 1987, when the County Board established by resolution the Mower County Water Policies Resource Policy Committee. The Committee included representatives of the City of Austin, Mower County Board of Commissioners, Austin Utilities, Township

Association, County Planning Commission, City Planning Commission and citizens. The committee met many times during this period as it developed its Comprehensive Water Plan and Action Implementation Plan. The County held their public information meeting on March 15, 1988. Citizen comments and concerns were also requested.

Purpose of the Local Water Management Plan

The purpose of this updated Local Water Management (LWM) Plan for Mower County is:

1. To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of water resources and related land resources in the county.
2. To continue to develop, update, and implement a plan of action to promote sound management of water and related land resources in the county through the use of Best Management Practices.
3. To intensify work aimed at effective environmental protection and management in the county by addressing existing and potential priority concerns on a watershed basis.

Description of Priority Concerns

Through the Water Plan update process, 5 priority concerns were identified to focus water management efforts in 2006 through December 31, 2015; Soil Erosion, Flooding, TMDL, Pollution Management and Groundwater. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix A.

Summary of Goals and Actions

The following is a summary of goals and actions to be taken for the five identied priority concerns:

1) Soil Erosion – Protect our surface water and farm land from excessive soil erosion.
2) Flooding – Identify all potential properties that might be at risk for flooding.
3) TMDL – To work towards bringing Mower County rivers, streams and lakes into compliance with TMDL requirements.
4) Pollution Management – To protect surface and ground water resources from pollution sources.
5) Groundwater – To protect ground water resources by determining which hydrologic units are determined to be vulnerable due to geography or geology and implement protection strategies.

In the process of the LWM plan update, Mower County examined the Turtle Creek Watershed, other counties, and State Agencies to ensure consistency with other water resource management efforts.

Consistency of the Plan with Other Pertinent Local, State & Regional Plans

The Mower County LWM plan fits well as a customized application of the Pollution Control Agency's (PCA) recently completed Lower Mississippi River Basin Water Quality Plan.

The Turtle Creek Watershed District revised their overall plan in 2004. Major needs or issues of concern from the plan focus on: 1) Permit Requirement; 2) Criteria for Reviewing Permit Applications; and 3) Enforcement Powers of Managers. Additional cooperation between the County and Turtle Creek

Watershed is expected due to the proposed BWSR grant to study flooding, etc. in Mower County, Freeborn County and Steele County.

Recommended Amendments to Other Plans

Mower County does not see the need for any amendment to other plans and official controls.

III. Implementation Schedule – Priority Concerns (Soil Erosion)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Soil Erosion Ordinance	SWCD	On-going	All	Number of Contacts	$ 7,500	NRBG
Education on Soil Erosion	SWCD	On-going	All	Number of Contacts	500	SWCD
Reduce Sediment	SWCD & NRCS	On-going	All	Number of Contacts	$ 3,000	SWCD
Action Plan – Buffers	SWCD & NRCS	2006 – On-going	All	Number of Contacts	$35,000	SWCD / BWSR
Conservation Practices	SWCD & NRCS	On-going	All	Number of Contacts	$35,000	SWCD / BWSR
Stormwater Program	SWCD, MCES & Cities	On-going	All	Number of Contacts	$ 2,000	SWCD
Select BMP's	SWCD & NRCS	2007	All	Number of Contacts	$ 500	SWCD
TOTAL					$88,000	

III. Implementation Schedule – Priority Concerns (Flooding)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Warning Systems, Map Flood Properties	County Emergency Mgt.	2005 – 2008	All	Maps	$25,000	FEMA / Local
Gauging Stations	City & County	2005 – 2006	All	Number of Stations	$ 2,500	FEMA / Local
Warning Systems	LEC, City & County	2005 – 2008	All	Number of Warning Systems	$10,000	FEMA / Local
Cedar River Water Management Plan	Mower & Freeborn County, Turtle Creek Watershed	2005 – 2007	Cedar River	Number of Plans	$ 75,000	BWSR / Local
Hire Watershed Coordinator	Mower County, City of Austin	On-going	All	Hire Person	$ 60,000	Local
Map Wetlands	SWCD	2006	All	Map of Wetlands	$ 25,000	Local
City of Austin Stormwater Management	City of Austin	2005 – 2006	Cedar River	Plan	$ 25,000	City of Austin
Stormwater ???	Mower County & SWCD	2005 – 2008	All	Standards	$ 5,000	Mower Co. SWCD
Ditch Cleaning	SWCD	2005 – 2008	All	Miles of Ditches Cleaned	$ 10,000	SWCD / Local
Develop Strategies for Plan Flood ??	Mower County, City of Austin, SWCD, Emerg. Mgt. Coordinator	On-going	All	Plan	$ 5,000	Mower County, City of Austin & SWCD
TOTAL					$242,500	

III. Implementation Schedule – Priority Concerns (TMDL)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Education – TMDL	MCES, SWCD, MPCA	On-Going	All	Number of Systems	$2,000	Local & State
Reduce Fecal Impairments	MCES, SE MN WWI	On-Going	Cedar River & Upper Iowa	Number of Systems Upgraded	Unknown	Local, State & Federal
TOTAL					$2,000	

III. Implementation Schedule – Priority Concerns (Pollution Management)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Education on ISTS	MCES, Extension	On-going	All	Number of Contact	$ 2,000	MPCA
Eliminate Direct Discharges	MCES	On-going	All	Number of Systems	$ 15,000	Local
Eliminate ITPHS's	MCES	On-going	All	Number of Systems	$ 20,000	Local
Oil Recycling	MCES	On-going	All	Number of Contacts	$ 2,000	Local
Remove HHW	MCES	On-going	All	Number of Contacts	$ 35,000	State / Local
Provide Loans on ISTS	MCES	On-going	All	Number of Loans	$100,000	State / Local
Nutrient Management Plans	MCES	On-going	All	Number of Contacts	$ 10,000	State / Local
Inventory Vacant Feedlots	MCES	On-going	All	Number of Contacts	$ 2,500	State / Local
TOTAL					$186,500	

III. Implementation Schedule – Priority Concerns (Groundwater)

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Utilize Geologic Atlas	MCES, SWCD & DNR	2006	All	Map of Area	$ 5,000	State & Local
Identify Nitrates	MCES, DNR & MDH	2006 - 2007	All	Map of Area	$12,000	State & Local
Education on Lawn Fertilizers	Extension, SWCD & MCES		All	Number of Contacts	Existing Budget	State & Local
Cost-Share Program for Sealing Wells	MCES	On-going	All	Number of wells Sealed	$ 7,000	State & NRBG
Well Head Protection	MN Dept. of Health	On-going	All	Number of Plans	Existing Staff	State & Local
TOTAL					$ 26,000	

IV. Implementation Schedule – Ongoing Program

Proposed Actions	Source of Action	Time Frame	Watershed	Measurable Outcomes	Approx Cost/Yr	Funding Source
Flood Control	Mower County, Cities, MN DNR, FEMA	Ongoing	All	Number of Homes Moved	Unknown	Local Tax Levy, FEMA, DNR, State Bonding Fund
WAC	SWCD	Ongoing	All	Number of Contacts	$24,000	NRBG, Local Tax Levy, In-Kind
Watershed Plan	SWCD	Ongoing	All	Number of Contacts	$ 7,500	BWSR, Local Tax Levy, In-Kind
HHW	MCES	Ongoing	All	Number of Participants	$51,000	SCORE Funding
Soil Erosion	SWCD	Ongoing	All	Number of Contacts	$ 7,500	NRBG, Local Tax Levy, In-Kind
ISTS	MCES	Ongoing	All	Number of Systems Installed	$65,000	MPCA, Local Tax
Feedlot	MCES	Ongoing	All	Number of Inspections	$65,000	Fees, NRBG, Local Tax
TOTAL					$220,000	

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update for **Mower County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Mower** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on **October 6, 2005,** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

Draft

FINDINGS OF FACT

1. On **October 4, 2004**, the Board received a Priority Concerns Scoping Document from **Mower** County, pursuant to M.S. Section 103B.312.

2. On **January 26, 2005** the Board approved official comments on the **Mower** County Priority Concerns Scoping Document, which were mailed to the County on **January 26, 2005**.

3. The priority concerns the local water management plan addresses include:
   a. Soil erosion
   b. Flooding
   c. TMDL – (total maximum daily load)
   d. Feedlot and Land Application of Manure/Nutrient Management Plans on Cropland/Pesticide and Agricultural Related Pollutants and Trends
   e. Groundwater

4. On **October 7, 2005,** the Board received the **Mower** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **November 17, 2005,** the Southern Water Planning Committee of the Board reviewed the recommendations of the state review agencies regarding final approval of the **Mower** County Plan Update. Recommendations of the state review agencies were:

a. Minnesota Department of Agriculture: recommends approval;
b. Minnesota Department of Health: no recommendation received;
c. Minnesota Department of Natural Resources: recommends approval;
d. Minnesota Pollution Control Agency: recommends approval;
e. Minnesota Environmental Quality Board: no recommendation received
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Southern Water Planning Committee: recommends approval.

6. This update will be in effect until **December 31, 2015.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of **Mower** County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The **Mower** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

draft

ORDER

The Board hereby approves the attached update of the **Mower County** Local Water Management Plan with a required update to the Implementation section (Goals, Objectives and Action) by December 31, 2010.

Dated at St. Paul, Minnesota, this **fourteenth day of December 2005**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

DATE: November 9, 2005

TO: Jeff Nielsen, BWSR Southern Regional Supervisor

FROM: Tom Kresko, Board Conservationist

SUBJECT: **Redwood County Local Water Management Plan Final Review**
January 2006 – January 2016

I have completed my final review of the Redwood County Local Water Management Plan and recommend approval of this update.

The Redwood County Local Water Management Plan meets all requirements including:

- focuses on the four priority concerns identified in the Priority Concerns Scoping Document;
- adequately assesses the priority concerns and sets forth appropriate, concise, and measurable goals and objectives;
- displays a detailed implementation program with measurable actions, timeline, and budget; and
- includes all required sections.

State agency comments were received from the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Agriculture (MDA), and the Minnesota Department of Natural Resources (DNR). These agencies recommend approval of the Plan.

I look forward to assisting Redwood County in the implementation of their plan. Water Plan Coordinator Marilyn Bernhardson should be commended for her leadership and dedication throughout the planning process. I have confidence that their proven success will continue to be fulfilled by the Redwood SWCD board and staff throughout the implementation of the identified initiatives.

(This is a draft letter as of November 9th. Agencies have until November 15th to submit official comments.)

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Executive Summary

The Redwood County Local Water Management Plan will be in effect for 10 years, with a five-year implementation plan.

This section will address the following items:

- Version and Purpose of the plan
- Description of the Priority Concerns that will be addressed
- A summary of the goals and action to be taken along with the projected total cost of the implementation program for each of the Priority Concerns
- A summary of the consistency of the plan with other pertinent local, state and regional plans and controls, and where inconsistencies are notes
- A summary of recommended amendments to other plans and official controls

VERSION AND PURPOSE:

This is the third version of the Redwood County Comprehensive Water Plan. This version dated, December 2005, will be renamed Redwood County Comprehensive Local Water Management Plan. This plan will place more emphasis on implementation versus planning.

Redwood County Comprehensive Local Water Management Plan has two purposes:

1) To identify existing and potential problems and opportunities for the protection, management and development of water and related land resources.
2) To develop objectives and carry out a plan of action to promote sound hydrologic management of water and related resources and effective environmental protection.

The plan focuses on Priority Concerns as identified in coordination with local governments and state agencies (2003 Statutory M.S. 103B.301) and an Implementation Plan that addresses the Priority Concerns.

DESCRIPTION OF PRIORITY CONCERNS:

The Priority Concerns on which the Redwood County Local Water Management Advisory Board will focus are as follows:

PRIORITY CONCERN 1: GROUNDWATER PROTECTION THAT WILL FOCUS ON WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLY.

All communities as well as the rural residents depend on groundwater as the source of their water supply. Necessary measures should be taken to assure its quality and quantity.

PRIORITY CONCERN 2: DRAINAGE MANAGEMENT FOCUSING ON WETLAND RESTORATIONS AND FLOODWATER RETENTION OPPORTUNITIES.

Redwood County has lost more than 90 percent of its natural wetlands. Loss of wetlands has resulted in increased agricultural and rural flooding, loss of groundwater recharge, wildlife habitat and reduced and impaired water quality. Sedimentation readings on creeks and rivers document the need to manage drained land in Redwood County focusing on wetland restorations and floodwater retention opportunities.

PRIORITY CONCERN 3: SURFACE WATER QUALITY ADDRESSING IMPAIRED WATERS BY MAJOR WATERSHED FOR THESE PRIORITY POLLUTANTS: PHOSPHORUS, NITROGEN AND FECAL COLIFORM BACTERIA.

Redwood County has a high percentage of land in row crop production using large amounts of commercial fertilizer. The county also has large numbers of livestock requiring proper manure management. Surface water tests in all the watersheds in the county show increased levels of these pollutants in the water, particularly following heavy rains.

PRIORITY CONCERN 4: EROSION AND SEDIMENT CONTROL FOCUSING ON RESIDUE MANAGEMENT COUNTY-WIDE, AND GULLY AND CONCENTRATED FLOW AREAS IN THE SOUTHWEST PORTION OF REDWOOD COUNTY.

Increased erosion results in excess sediment and nutrients reaching the streams and lakes in the county. This, in turn, results in poor water quality and also negatively impacts aquatic plants and animals. Redwood County includes topography throughout which is susceptible to gully and concentrated flow. There is a very high percentage of land in row crop production that exposes the soil to both wind and water erosion much of the year. The sediment-laden water from the southwestern part of the county flows to the eastern part of the county.

SUMMARY OF GOALS AND ACTIONS AND PROJECTED TOTAL COST:

Summary of goals and actions along with the projected total cost of the implementation program for each Priority Concern includes:

PRIORITY CONCERN 1: GROUNDWATER PROTECTION THAT WILL FOCUS ON WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLY.

The goal summary of this Priority Concern is to protect groundwater for all the citizens in the county.

Summary of the actions and cost include:

- Send letter to cities outlining the importance of completing Phase I, the delineation of wellhead protection areas.
- Identify landowners and provide them with a brochure on the importance of wise land use in designated areas.
- Offer individuals who have abandoned wells in designated areas funds to seal abandoned wells.
- Develop a brochure identifying potential groundwater contaminants for private well users.
- Make presentation using the groundwater model and other educational tools illustrating the importance of groundwater protection.

Approximate Cost: $2,800 per year with most of the funding coming from the Redwood County Comprehensive Local Water Management Plan.

PRIORITY CONCERN 2: DRAINAGE MANAGEMENT FOCUSING ON WETLAND RESTORATION AND FLOODWATER RETENTION OPPORTUNITIES.

The goal summary of this priority concern is to improve surface water management by decreasing runoff and flooding and maintaining the current drainage systems in the county.

Summary of the actions and costs include:

- Each year enroll 10 producers in the Farmable Wetland Program or CP-23 wetland restoration practice of CRP.
- Redwood SWCD will continue to implement the State Wetland Conservation Act.
- Replace bridges with floodwater retention projects where feasible.
- Complete an assessment of the percent of drainage ditches that are protected by filterstrips.
- Using CRP, promote filterstrips until 50% of water courses in the county are protected by filterstrips at least 33 feet wide.
- Continue maintaining the 72.5 acres of filterstrips enrolled through Comprehensive Local Water Management Plan.
- Educate landowners on the drainage issues in the county.
- Write newsletters and newspaper articles promoting awareness of drainage regulations that affect citizens in the county.
- Inventory all existing small dams constructed with federal and state funds. Replace corroding metal culverts with concrete culverts as needed.

Approximate Cost: $464,400 – $1,000,000 with most of the funding from CRP.

PRIORITY CONCERN 3: SURFACE WATER QUALITY ADDRESSING IMPAIRED WATERS BY MAJOR WATERSHED FOR THE PRIORITY POLLUTANTS: PHOSPHORUS, NITROGEN AND FECAL COLIFORM BACTERIA.

The goal summary of this priority is to protect, restore and improve the deterioration of surface water quality in lakes, rivers and streams.

- Work with five agricultural producers each year to develop nutrient management plans that follow University of Minnesota recommendations.
- Work with producers to ensure the utilization of manure and ensure proper testing and correct application.
- Each year, provide assistance to one feedlot operator who has a pollution problem utilizing funds through EQIP or State Cost Share.
- Target all TMDL water bodies for implementation of practices to reduce pollutants.
- Identify failing septic systems in Redwood River and Cottonwood River Watersheds
- Educate Redwood County citizens on the importance of runoff control and surface water protection.

Approximate Cost: $246,000 – $450,000 with the majority of funding coming from the Best Management Loan Program, EQIP and RCRCA.

PRIORITY CONCERN 4: EROSION AND SEDIMENT CONTROL FOCUSING ON RESIDUE MANAGEMENT COUNTY-WIDE AND GULLY AND CONCENTRATED FLOW AREAS IN THE SOUTHWEST PORTION OF REDWOOD COUNTY.

The goal of this priority is to protect and preserve the soil resources in the county.

Summary of the actions include:

- Encourage land operators to install structural conservation practices to reduce erosion and sedimentation.
- Promote residue management
- Protect and increase wildlife habitat.

Approximate Cost: $392,250 with most of the funding coming from EQIP, WHIP and State Cost Share.

CONSISTENCY OF PLAN WITH OTHER PLANS DEVELOPED LOCALLY:

- Redwood County Comprehensive Local Water Management Plan is also the plan Redwood Soil and Water Conservation District adopts as its Comprehensive Plan.
- Redwood County is in the process of updating its existing Comprehensive Plan which includes land use plans, highway plans and information about the county's facilities.
- The following plans have been references and used in the development of this plan:
  - Redwood River Diagnostic and Implementation Plan
  - Cottonwood River Diagnostic and Implementation Plan
  - Redwood County Ordinance

RECOMMENDED AMENDMENTS TO OTHER PLANS AND OFFICIAL CONTROL AUTHORITIES:

It would be recommended to incorporate data from this Redwood County Comprehensive Local Water Management Plan into the new Redwood County Comprehensive Plan.

* The Redwood County Comprehensive Local Water Management Plan is also published on the Redwood Soil and Water Conservation District website at www.redwoodswcd.org.

Implementation Program

This section establishes the implementation program for the Priority Concerns. The program will identify the following items:

- Action to be completed.
- Who is responsible for implementation of the action
- When the action will be completed.
- The financial resources necessary to complete action.
- Which watershed, water body or groundwater resource will benefit from the accomplished action.

Below is a list of abbreviations used under the Action items of this Implementation Program section:

- **WMC** = Water Management Coordinator
- **SWCD** = Soil and Water Conservation District
- **RCWMP** = Redwood County Water Management Plan
- **NRCS** = Natural Resources Conservation Service
- **FSA** = Farm Service Agency
- **USFWS** = United States Fish & Wildlife Service
- **DNR** = Department of Natural Resources
- **CH** = Redwood County Highway Department
- **Twps** = Townships
- **Area II** = Area II Minnesota River Basin Project
- **EO** = Redwood County Environmental Office
- **RCRCA** = Redwood-Cottonwood Rivers Control Area
- **EXT** = University of Minnesota Extension Service

PRIORITY CONCERN 1: GROUNDWATER PROTECTION THAT WILL FOCUS ON WELLHEAD PROTECTION FOR PUBLIC WATER SUPPLY.

GOAL: Work with cities and groups to ensure groundwater supply for public water suppliers are protected from contamination.

Prevent public drinking supplies from becoming polluted by working with suppliers to manage possible sources of contamination.

Protect public water supplies from possible sources of contamination due to land use activities.

Implementation Program

OBJECTIVE 1: The cities of Belview, Vesta, Morgan and Redwood Falls have completed Phase I of the Wellhead Protection Plan. Make contact with officials in the remaining 11 cities to encourage delineation of wellhead protection areas and drinking water supply management areas and to conduct the vulnerability assessments of the public water supply wells and drinking water supply management areas.

ACTION: Send letters to two cities each year outlining the importance of completing Phase I, the delineation of wellhead protection areas.

Who: WMC
When: 2007-2012
Cost: In-kind
Benefit: Groundwater

OBJECTIVE 2: Identify landowners who own and operate land in the delineated wellhead protection areas and encourage them to use practices that will aid in the protection of groundwater.

ACTION: Identify landowners, using tract numbers, and provide them with brochure on the importance of wise land use in these delineated areas.

Who: SWCD
When: 2006-2011
Cost: $100 to develop brochure
Benefit: Groundwater

OBJECTIVE 3: Provide well sealing funds to individuals who have abandoned wells in the wellhead protection areas of each city.

ACTION: Send letter to identified individuals who may have abandoned wells in protection area, giving them highest priority for well sealing funds.

Who: RCWMP
When: 2006-2011 (as cities complete)
Cost: $200 per well sealed
Benefit: Groundwater

OBJECTIVE 4: Develop a program for private well users to identify concerns for contamination.

ACTION: Develop a brochure identifying potential groundwater contaminants for private well users and distribute.

Who: RCWMP
When: 2008
Cost: $100 to develop brochure
Benefit: Groundwater

OBJECTIVE 5: Educate county citizens of all ages on the importance of groundwater protection.

ACTION: Make 10 presentations utilizing the groundwater model and other educational tools to illustrate the importance of groundwater protection.

Who: RCWMP, SWCD
When: 2006-2011
Cost: $100/year
Benefit: Schools, civic groups and other organizations

PRIORITY CONCERN 2: DRAINAGE MANAGEMENT FOCUSING ON WETLAND RESTORATIONS AND FLOODWATER RETENTION OPPORTUNITIES.

GOAL: Provide protection to the drainage management system in place in the county.

OBJECTIVE 1: Apply watershed-based principles to properly manage drainage system and wetland restorations.

ACTION: Enroll 10 people in the Farmable Wetland Program and CP-23 program to reduce flood potential by restoring wetlands.

Who: SWCD, NRCS, FSA, USFWS, DNR
When: 2006-2011
Cost: $200,000 - $400,000
Benefit: Redwood River and Cottonwood River watersheds

ACTION: Implement the State Wetland Conservation Act. Redwood SWCD has been identified as the Local Governmental Unit in charge of implementation:

Who: SWCD
When: 2006-2011
Cost: $25,000 per year (BWSR 11,418 and SWCD in-kind)
Benefit: All county watersheds and rivers

OBJECTIVE 2: Incorporate flood control benefits into future road and bridge replacements.

ACTION: Replace a bridge with a floodwater retention project whenever possible.

Who: RCWMP, CH, Twps, Area II
When: 2006-2011
Cost: $30,000-$200,000 per project
Benefit: Cottonwood River and Redwood River

OBJECTIVE 3: Improve the drainage ditch system in the county through proper management and the implementation of filterstrips.

ACTION: Assess the percentage of drainage ways in the county protected by filterstrips.

Who: NRCS, SWCD, FSA
When: 2006-2011
Cost: In-kind
Benefit: All watersheds in county

ACTION: Utilizing CRP, promote filterstrips until 50% of the water courses in the county have filterstrips at least 33 feet wide.

Who: SWCD, NRCS, FSA
When: 2006-2011
Cost: $200,000 - $400,000
Benefits: All watersheds and water courses in the county

ACTION: Maintain the 72.5 acres of filterstrips enrolled through Redwood County Water Management Plan.

Who: RCWMP
When: 2006-2011
Cost: $9,400
Benefits: Drainage system where each filterstrip lies

OBJECTIVE 4: Educate landowners in the county on the drainage issues.

ACTION: Through news releases and direct contact inform landowners of the importance of not farming right up to a water course and the importance of leaving a filterstrip to protect the drainage system.

Who: SWCD, NRCS, FSA, EO
When: 2006-2011
Cost: In-kind
Benefits: All water courses in the county

ACTION: Write a newsletter and newspaper article at least once each year to promote awareness of drainage regulations that affect citizens in the county.

Who: RCWMP, SWCD
When: 2006-2011
Cost: In-kind
Benefit: Redwood County citizens

PRIORITY CONCERN 3: SURFACE WATER QUALITY ADDRESSING THE FOLLOWING PRIORITY POLLUTANTS: PHOSPHORUS, NITROGEN AND FECAL COLIFORM BACTERIA.

GOAL: To improve, restore and protect the surface water quality of the lakes, rivers and streams in Redwood County.

OBJECTIVE 1: Promote and encourage the use of University of Minnesota Recommendations for nutrient management.

ACTION: Work with five producers each year to develop nutrient management plans that follow University of Minnesota recommendations.

Who: NRCS, SWCD
When: 2006-2011
Cost: $10,000
Benefits: Watersheds in which producers are located

ACTION: Work with commercial fertilizer applicators to ensure that the maximum yield is obtained while applying and utilizing the least amount of fertilizer.

Who: NRCS, SWCD, EXT
When: 2006-2011
Cost: In-kind
Benefits: All watersheds in the county

OBJECTIVE 2: Work with landowners who utilize manure to educate them on the importance of testing and correct application.

ACTION: Each year, work with two livestock producers who utilize manure to ensure they are testing before application and taking proper credits.

Who: NRCS, SWCD
When: 2006-2011
Cost: In-kind
Benefits: Watersheds in which producers are located

OBJECTIVE 3: Provide technical assistance to feedlot operators who have a positive FLEval rating.

ACTION: Each year, provide assistance to one feedlot operator who has a pollution problem utilizing funds through the EQIP or State Cost Share programs.

Who: NRCS, SWCD, EO
When: 2006-2011
Cost: $20,000 - $150,000
Benefits: Watershed in which producer is located

OBJECTIVE 4: Target all identified Total Maximum Daily Load (TMDL) water bodies for implementation of practices to reduce pollutants.

ACTION: Promote the installation of best management practices that will aid in the reduction of pollutant loading.

Who: SWCD, NRCS
When: 2006-2011
Cost: $40,000 - $300,000
Benefits: Redwood River and Cottonwood River watersheds

OBJECTIVE 5: Identify failing septic systems in the Redwood River and Cottonwood River watersheds.

ACTION: Upgrade 50 failing septic systems each year, utilizing low-interest loan programs for 25 of the upgrades.

Who: EO, SWCD, RCRCA
When: 2006-2011
Cost: $175,000 (low interest loans)
Benefits: Redwood River and Cottonwood River Watersheds

OBJECTIVE 6: Educate county citizens on the importance of runoff control and surface water protection.

ACTION: Make presentations to five groups utilizing the Enviroscape, Mobile Environmental Education Transport (MEET) and other educational tools.

Who: SWCD. RCRCA, EO
When: 2006-2011
Cost: In-kind
Benefit: Citizens of Redwood County

ACTION: Provide funds to sponsor presentations by the Prairie Ecology Bus Center to two schools in the county each year.

Who: RCWMP
When: 2006-2011
Cost: $1,000
Benefit: School students in Redwood County

PRIORITY CONCERN 4: EROSION AND SEDIMENT CONTROL FOCUSING ON RESIDUE MANAGEMENT COUNTYWIDE AND GULLY AND CONCENTRATED FLOW AREAS IN THE SOUTHWEST PORTION OF REDWOOD COUNTY.

GOAL: To protect and preserve the resource value of soil on agricultural producing land in Redwood County.

OBJECTIVE 1: Educate and encourage land operators on the importance of installing structural conservation practices to reduce erosion and sedimentation.

ACTION:

- Develop brochure promoting Best Management Practices (BMPs)
- Write 10 news releases promoting importance of installing BMPs
- Publish at least two newsletters jointly with other agencies
- Hold one public information gathering meeting each year

Who: SWCD, RCWMP, NRCS, FSA
When: 2006-2011
Cost: $500/year
Benefit: All Redwood County citizens

OBJECTIVE 2: Continue to promote residue management.

ACTION:

- Write news releases promoting conservation tillage practices
- Make three presentations utilizing the rainfall simulator
- Enroll five producers to improve residue levels through EQIP

Who: SWCD, NRCS
When: 2006-2011
Cost: $375,000
Benefit: Redwood River and Cottonwood River watersheds

OBJECTIVE 4: Protect and increase wildlife habitat.

ACTION: Work with five RIM contract holders to improve existing cover.

Who: SWCD, NRCS
When: 2006-2011
Cost: $9,000
Benefit: Minnesota River Watershed

ACTION: Enroll 50 acres in general CRP sign-up.

Who: SWCD, NRCS, FSA
When: 2006-2011
Cost: $6,000
Benefit: Minnesota River Watershed

ACTION: Establish two acres per year of tree plantings to include field windbreaks, farmstead shelterbelt and wildlife plantings

Who: SWCD, NRCS, FSA
When: 2006-2011
Cost: $3,750
Benefit: Redwood River and Cottonwood River watersheds

IMPLEMENTATION: ONGOING ACTIVITIES

This section identifies other activities and programs in Redwood County which may contribute to the work of the local water management plan but are not reflected in the selected Priority Concerns. These include activities and programs of the Redwood County Environmental Office and the Redwood-Cottonwood Rivers Control Area (RCRCA).

Redwood County is currently in the process of rewriting its existing County Comprehensive Plan which includes Land Use Plans. For additional information on these plans or for copies, contact the Redwood County Environmental Office at 507-637-4023 or on the web at www.co.redwood.mn.us, and RCRCA at 507-637-2142 or www.rcrca.com .

REDWOOD COUNTY ZONING ORDINANCE:

The Redwood County Zoning Ordinance is adopted for the purpose of: protecting the public health, safety, comfort, convenience and general welfare; dividing the unincorporated portions of the county into zones and districts and regulating therein the location, construction, reconstruction, alteration and use of structures and land; promoting orderly development of the residential, business, industrial, recreational and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing for the administration of this Ordinance and defining the powers and duties of the administrating officer as provided herein; prescribing penalties for the violation of the provisions in this Ordinance or any amendment to this Ordinance.

The following issues of the Zoning Ordinance are addressed in this section:

* Flood Plain District
* Scenic River District
* Agricultural District
* Rural Residential District
* Urban Expansion District
* Highway Service Business District
* Industry District
* Feedlot Regulations
* Individual Sewage Treatment Systems
* Shoreland Ordinance

"FP" FLOOD PLAIN DISTRICT

The flood hazard areas of Redwood County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

The ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

The "S" SCENIC RIVER DISTRICT is intended to preserve and protect those rivers and adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, to reduce the effects of overcrowding and poorly planned development of such adjacent lands, to prevent pollution, to provide ample space on lots for sanitary facilities, to preserve natural beauty and quietude, to maintain property values and to promote the general welfare.

The "A" AGRICULTURAL DISTRICT is intended to provide a district which will allow extensive areas of the county to be retained in agricultural use; control scattered non-farm development, preserve woodland sand other areas of aesthetic and scenic value, which, because of their physical features, are desirable as water retention areas, habitat for plant and animal life, green space or other environmental uses beneficial to the county.

The "R-1" RURAL RESIDENTIAL DISTRICT is intended to provide a district which occurs in the small unincorporated villages and rural residential subdivisions allowing low density residential development and on-lot utilities where municipal or community utility systems are not available.

The "UE" URBAN EXPANSION DISTRICT is intended to provide an area adjacent to incorporated municipalities which is designed to:

- Contain and manage urban development within planned urban areas where basic services such as sewers, water facilities and police and fire protection can be provided efficiently and economically.
- Conserve resources by encouraging orderly development of land.
- Preserve farmland and open space
- Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.
- Provide property owners greater security in long-range planning and investments.
- Make it possible for utility extensions, transportation facilities and schools to be designed and located so as to match population growth more closely.
- Preserve and enhance the livability of the area.

The "B-1" HIGHWAY SERVICE BUSINESS DISTRICT is intended to provide a district which will allow highway-oriented businesses closely related to existing urban areas. The trade area population served by these establishments requires easy access; therefore, it is desirable to group the uses at locations along major traffic routes providing for appropriate and adequate access ways. These uses should be designed to standards that will not impair the traffic carrying capabilities of abutting roads and highways.

The "I -1" INDUSTRY DISTRICT is intended to provide a district for a broad range of industrial activities. Because of their potential adverse effects on other county land uses, these industrial developments should be located in areas capable of providing adequate utilities and transportation facilities and standards should be applied to control noise, odor, dust, smoke, glare or other hazards.

FEEDLOT REGULATIONS
Redwood County has written its own ordinance for Animal Confinement Feedlots. All existing and new feedlots in Redwood County must comply with the minimum standards contained in Minnesota Rules Chapter 7020 in addition to and in conjunction with those established by the county.

INDIVIDUAL SEWAGE TREATMENT SYSTEMS
The improper location, design, installation, use and maintenance of individual sewage treatment systems aversely affect the public health, safety and general welfare by discharge of inadequately treated sewage to the ground, surface water and ground waters. In accordance with the authority granted in Minnesota Statutes, chapters 103F, 103g, 115 and 116, the Minnesota Pollution Control Agency provides minimum standards and criteria for individual sewage treatments systems, and thus protects the surface waters and ground waters of the state, and promotes the public health, safety and general welfare.

SHORELAND ORDINANCE
The uncontrolled use of shorelands of Redwood County affects the public health, safety and general welfare not only by contributing to the pollution of public waters, but also impairing the local tax base. Therefore, it is in the best interest of the public health, safety and welfare to provide for wise subdivision, use and development of shoreland and public waters. The Minnesota Legislature has delegated responsibility to local governments of the state to regulate subdivision, use and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Redwood County.

REDWOOD-COTTONWOOD RIVERS CONTROL AREA:

The Redwood-Cottonwood Rivers Control Area (RCRCA) is an eight county non-regulatory joint powers organization which was established in 1983. RCRCA works to enhance and protect the Redwood and Cottonwood Rivers by making land use changes that improve water quality.

Its purpose is to develop and implement plans for the Redwood River and Cottonwood River watersheds to:

- Protect property, streams and lakes from sedimentation and pollution
- Maintain and improve the quality of water in streams, lakes and ground water

- Protect property from flood damages
- Control erosion of land
- Improve recreational and wildlife opportunities

Members include the counties and soil and water conservation districts of Brown, Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood, and Yellow Medicine. It is governed by a sixteen member Board of Directors which meets monthly.

Cottonwood River Restoration Project

Goals:

- To achieve the highest water quality attainable for ecoregion streams.
- To have watershed residents take an active role in enhancing and protecting the Cottonwood River.
- To develop the Cottonwood River as a major recreational resource within the Minnesota River Basin.

Objectives:

- Make the Cottonwood River from Sanborn to Flandrau Park navigable and canoe accessible.
- Increase game fish populations in the main stem from near Lamberton to Flandrau State Park.
- Produce and construct trails, signage, kiosks and outdoor learning centers.
- Establish, train, and support a group of volunteers to monitor watershed health.
- Accelerate adoption of best management practices (BMPs) in high priority areas.
- Help watershed residents understand the connection between their actions and water quality.
- Strengthen cooperation between agencies and units of government that address water quality issues.
- Collect and distribute credible information about water resources in the watershed.
- Work with municipalities and unsewered communities to develop point source reduction plans.
- Develop and implement plans to address total maximum daily load (TMDL) requirements.

Goals and objectives for the Cottonwood River Watershed are based on sampling results, land use assessments, and judgments about reasonable expectations for rivers and streams in this region of the state. In setting goals and objectives, consideration is given to four important watershed characteristics. First, agriculture is the predominant land use in the watershed and improvements to water quality will necessarily require changes in agricultural practices. Second, pollutant transport in the watershed is primarily affected by uncontrolled runoff. Third, the Cottonwood River holds enormous potential for being a recreational resource, but past and present conditions prevent it

from being used to its full potential. And, fourth, watershed residents through their involvement and actions hold the key to protecting and enhancing the Cottonwood River.

Executive Summary:

The purpose of a the initial phase of this project between 1997 and 1999 was to document factors affecting sediment and nutrient transport to the Cottonwood River, and to determine reductions necessary to meet both main stem and tributary goals. The study defined characteristics of specific pollutants, the processes affecting their transport, and appropriate measures to reduce their delivery to the Cottonwood River. Priority management areas were selected based on relative contributions to the total sediment and nutrient load in the River. Attitudes and opinions of watershed residents were explored as they relate to water quality and measures for its protection.

The Cottonwood River Watershed encompasses 1,310 square miles, and is one of thirteen major watersheds in the Minnesota River Basin. The River originates on the Coteau des Prairies, flowing eastward approximately 150 miles to the Minnesota River, with a drop in elevation of about 750 feet. This topography results in periodic spring and summer flooding in the central portion of the watershed. At times, damages are severe. A related implication is rapid transport of sediment and attached nutrients from inadequately treated cropland during spring snowmelt and spring and summer rainfall events.

Nearly all wetlands have been drained by a highly efficient and interconnected artificial drainage system. This drainage system has allowed agriculture, the primary land use, to flourish. Corn and soybeans are the main crops grown in the watershed.

The study's primary research tool was a water quality monitoring program used to gather data at three main stem locations and six tributary sites. Streambank erosion assessments were made at several locations along the lower reach of the Cottonwood River. A fishery survey was used to assess populations and species diversity. Land use and physical characteristics of the watershed were analyzed through application of Geographic Information System (GIS) data layers. These evaluations were supplemented by field observations using the tailored integrated stream and watershed assessment (TISWA) methodology.

Annual sediment (TSS) loading from the Cottonwood River in 1997 was estimated at over 330,000 tons, or 252 tons per square mile. Total phosphorus (TP) was estimated at 505 tons. These are much higher figures than reported in earlier studies of the Cottonwood River. Highwater and Dutch Charley Creeks exhibited the largest sediment yield of all sampled tributaries, annually delivering approximately 136 tons per square mile, based on data collected in 1997 and 1998. Additionally, highest flow weighted mean concentrations of total suspended solids and total phosphorus of all sampling stations, including those on the main stem, were recorded on these two tributaries. Sleepy Eye Creek contributed a high nitrate nitrogen load during the study period, but a

much lower sediment load than expected. Throughout the study period, flow-weighted mean concentrations of sediment and nutrients on the main stem and most tributaries exceeded expected values for minimally impacted ecoregion streams.

Recreational opportunities on the Cottonwood River are limited by degraded water quality, channel obstructions, limited access, and a general lack of awareness by watershed residents. Potentially, the river is a major recreational resource.

Ten-year goals and objectives were established in the areas of water quality, public participation, and recreation. Main stem and tributary water quality goals will require

pollutant reductions of twenty-five to thirty percent. These will be accomplished by concentrating best management practices (BMPs) within priority management areas. The public participation goal will emphasize citizen involvement in watershed monitoring and observation activities. Developing means for people to personally experience the river will help achieve the recreational goal.

Project evaluation will be accomplished through continued water quality monitoring at five stations, citizen surveys, fishery and watershed inventories and assessments, and BMP tracking.

The estimated cost to carry out the six-year implementation plan is slightly under $10 million. About fifty percent of this amount will be used to convert cropland to permanent vegetation and wetlands. These funds will be derived from existing federal and state land retirement programs. Clean Water Partnership low interest loans will be used to upgrade septic systems, increase residue management, and reduce livestock impacts on water quality. State and federal cost-share funds will be used to cover costs related to other best management practices listed in the plan. Additional staff positions will be created to assess needs within priority management areas and work with landowners to select and implement appropriate practices.

Redwood River Clean Water Project

The Redwood River Clean Water Project is a six year program designed to improve water quality in the Redwood River and Lake Redwood.

Goals:

Redwood River:

- Reduce sediment and nutrients by 15%-30%
- Expand game fishery habitat and fishing opportunities
- Reduce peak flows and improve flow stability

Implementation: Ongoing Activities

Lake Redwood:

- Reduce sediment and nutrients by 15%-25%
- Capable of supporting a fish management program
- Stabilize lake levels

Objectives:

- Support restoration of 5000 acres of wetlands
- Create and maintain permanent buffer strips on all public watercourses
- Establish tillage practices of minimum or no-till on 90% of cropland in priority areas
- Design and install livestock waste management systems in priority areas

These goals and objectives are accomplished through one-on-one landowner contacts and an extensive information and education program that encourages implementation of best management practices on agricultural land.

Landowners who voluntarily choose to implement best management practices receive technical assistance and up to seventy-five percent cost share to help pay the cost of installing conservation practices. Effects of best management practices on water quality are monitored through a comprehensive monitoring and evaluation program.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

In the Matter of Reviewing the Local Water Management Plan Update for **Redwood County** (Minnesota Statutes, 2003, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the **Redwood** County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on **September 30, 2005** pursuant to M.S. Section 103B.315, Subd. 5; and

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

DRAFT

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

FINDINGS OF FACT

1. On **November 10, 2004** the Board received a Priority Concerns Scoping Document from **Redwood** County pursuant to M.S. Section 103B.312.

2. On **January 26, 2005** the Board approved official comments on the **Redwood** County Priority Concerns Scoping Document, which were mailed to the county on **January 26, 2005**.

3. The priority concerns the local water management plan addresses include:

   a. **Groundwater protection that will focus on wellhead protection for public water supply;**
   b. **Drainage management focusing on wetland restorations and road retention opportunities;**
   c. **Surface water quality addressing impaired waters by major watershed for these priority pollutants: phosphorous, nitrogen, and fecal coliform bacteria;**
   d. **Erosion and sediment control focusing on residue management countywide, and gully and concentrated flow areas in the southwest portion of the county.**

4. On **September 30, 2005** the Board received the **Redwood** County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5. On **November 17, 2005,** the Southern Water Planning Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Redwood County Plan Update. Recommendations of the state review agencies were:
   a. Minnesota Department of Agriculture: recommends approval;
   b. Minnesota Department of Health: **no recommendation received;**
   c. Minnesota Department of Natural Resources: recommends approval;
   d. Minnesota Pollution Control Agency: recommends approval;

e. Minnesota Environmental Quality Board: **no recommendation received**;
f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
g. Board Southern Water Planning Committee: recommends **approval**.

6. This update will be in effect until **January 1, 2016.**

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of **Redwood** County pursuant to Minnesota Statutes 103B.315, Subd. 5.

2. The **Redwood** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

DRAFT

ORDER

The Board hereby approves the attached update of the Redwood Local Water Management Plan with a required update to the implementation section (Goals, Objectives and Action) by **January 1, 2011.**

Dated at St. Paul, Minnesota, this **fourteenth day of December 2005.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Jerome Deal, Chair

Minnesota Board of Water & Soil Resources

RECEIVED
NOV 21 2005
Bd. of Water & Soil Resources
St. Paul

DATE: November 17, 2005

TO: Ronald Harnack, Executive Director

FROM: Mary Kells, Board Conservationist MK

SUBJECT: Water Plan Extension Request for Wabasha County

I have received a written request from Wabasha County for a two-year extension of the expiration date for their current Comprehensive Local Water Management Plan. The Plan is scheduled to expire on December 31, 2005. The county started the planning process last winter by inviting input on priority concerns from agencies and LGUs. Recently they convened a task force meeting to review the input received to-date and begin the process of priority concern selection.

I have been in discussions with County and SWCD staff regarding the update process and this extension request. Currently, the county uses the majority of the water plan funds for cost-sharing BMPs through the SWCD efforts and this has resulted in on-the-ground BMP accomplishments during the implementation phase. The county also uses the special taxing authorities under M.S.103B to fund their share of the Whitewater River Watershed JPB. I believe that changes in several staff positions within the county administration and other departments, budget cuts and county program priorities have resulted in the coordination of NRBG programs and water planning efforts being neglected. Proactive participation and leadership in the overall planning and management of the county's water resources has been limited due to these changes.

By granting the extension request, the county staff and officials will have time to reassess program priorities, staffing needs, and their commitment to a coordinated local water resource program. This assessment has already started. Local staff and officials are developing alternatives for NRBG program administration that includes increased staff (up to 1 FTE) to better utilize the state grant funds and to integrate county partners roles and responsibilities for water resource management.

I recommend that this two-year extension be granted. I have attached Wabasha's written extension request including the adopted County Board resolution. If you have any questions please contact me at (507) 280-2873.

C: Jeff Nielsen, BWSR Southern Region Supervisor
Darrin Thompson, Wabasha County
Jim Straskowski, Wabasha SWCD

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

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

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

Fergus Falls
1004 Frontier Drive
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

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

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

Rochester
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 280-2874
fax (507) 285-7144

Saint Paul
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

Wabasha County Public Health

-ENVIRONMENTAL SERVICES-

107 East Third Street ◆ Wabasha, MN 55981

651-565-5200 ◆ Fax: 651-565-2637

NOV 16 2005

October 27, 2005

Mary Kells, Board Conservationist
Board of Water & Soil Resources
2300 Silver Creek Rd NE
Rochester, MN 55906

Dear Mrs. Kells,

Wabasha County is requesting an extension of the expiration date for our current Comprehensive Local Water Management Plan. We understand that all extension requests must be for two years.

The construction season workload has made it difficult to work on this update process more than intermittently. Progress has been made, however, not enough to have the update complete before the current plan expires on December 31, 2005.

We have a proposed timeline for completing this update process before the start of the next construction season. The timeline is as follows. Complete Draft Priority Concerns Scoping Document and submit to agencies by December 2, 2005. The final plan will be completed by April 30, 2006. The public hearing will be held on the first available county board meeting in May 2006. The plan will then be submitted to BWSR for review and final approval. If steps can be taken to shorten this timeline, we will do so.

Thank you for considering this request. If you have any questions or need clarification on the information presented above, please feel free to call me a 651-565-5200.

Sincerely,

Darrin Thompson, RS
Wabasha County Water Planner

Wabasha County Board of Commissioners

Resolution No. 2005-175

WHEREAS, Wabasha County is currently in the process of updating their Comprehensive Water Management Plan; and

WHEREAS, the Wabasha County Water Planner's duties require extension office and field time during the construction season related to permitting and inspection, therefore, work on the update could not be accommodated during this time; and

WHEREAS, Wabasha County has a timeline set to ensure the plan is updated within the next year; and

WHEREAS, Wabasha County's current Water Plan expires December 31, 2005; and

WHEREAS, the Water Plan rules allow the Minnesota Board of Water and Soil Resources to grant a 2-year extension to current Water Plan documents;

BE IT RESOLVED by the Wabasha County Board of Commissioners that the county requests a two-year extension of the expiration date of the existing Comprehensive Local Water Management Plan.

Adopted this 1st day of November, 2005 by the Wabasha County Board of Commissioners.

By: _____
Its Board Chair

Attest:

By: _____
Its County Administrator

STATE OF MINNESOTA COUNTY OF WABASHA
I certify this to be a true and exact copy of the original record in my custody.
Dated November 15, 2005
Jerry Leisen, Auditor/Treasurer
By Jessica Graner, deputy

CLEAN WATER LEGACY

A partnership to restore Minnesota's impaired waters

In 2003, the state charged our diverse group of business, agriculture, environment and state and local government representatives with transforming a federal Clean Water Act mandate into an efficient, accountable path to clean water. While the group's innovative policy proposal was widely embraced in past legislative sessions, the proposed fee-based funding mechanism met substantial resistance. This summer, the stakeholders agreed to set the fee proposal aside and instead, explore alternative funding options while sharing information with citizens and decision-makers about the first evidence of widespread economic restrictions resulting from impaired waters.

The Problem: Why is this a big issue?

Minnesota is not meeting federal water quality standards. As a result, pollution in Minnesota's rivers, lakes and streams is threatening to block economic growth and erode our quality of life.

- The Minnesota Pollution Control Agency expects to identify 10,000 polluted water bodies in this decade.
- The federal Clean Water Act requires that states study polluted water bodies to establish a sound scientific basis for clean up (TMDL).
- If states fail to conduct TMDLs, the federal Clean Water Act restricts any new or expanded pollutant discharges until the studies are complete.
- Minnesota already has a backlog of waters that must be tested and studied; without significant new funding, Minnesota will fall farther behind federal mandates and risk serious economic restrictions on cities and businesses in all regions of the state.

New Urgency

In August 2005, the Minnesota Court of Appeals cited the "impaired waters" section of the federal Clean Water Act when it blocked the permit MPCA issued for the proposed Annandale-Maple Lake wastewater facility.

- Immediately following the decision, several other cities and business around the state had their permits revoked and the future of dozens of other projects around the state became uncertain.
- Until Minnesota has a long-term solution to impaired waters many projects including new ethanol facilities, electric power plants and regional airport expansions face unanticipated costs and delays.

The Proposal: Policy and Funding

In 2003, an unlikely coalition of partners produced a consensus policy framework that defines the scope for Minnesota's clean water effort and outlines strategies for protecting clean waters and for testing, studying and restoring Minnesota's contaminated waters. Key principles of the policy recommendations include:

- Focus resources on cleaning up the pollution instead of expanding bureaucracy.
- Provide resources to existing organizations and programs rather than creating new ones.
- Encourage local leadership in implementation and accountability with state level coordination.
- Protect clean waters while also restoring polluted waters.
- Guarantee a diversity of perspectives are represented in the implementation of the effort by creating the Clean Water Council.

After setting aside last year's fee proposal, the stakeholders are working with legislators to explore other funding options.

- Following the recent Annandale-Maple court case, several House and Senate members suggested the new urgency around the impaired waters problem creates the possibility of funding from the General Fund surplus.
- In response, the stakeholders developed a draft "ramp-up" budget of $40 million to launch Clean Water Legacy in fiscal year 2007, combined with an ongoing, annual $80 million base appropriation.

The Partnership: Who is working on the solution?

The proposal is the product of a broad partnership of over 60 organizations including state agencies, cities, counties, agriculture, business, environmental organizations and others. This collaboration is managed by the Minnesota Environmental Initiative. The core group grew from the "G16" to the "G18" this year to include the following organizations:

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Minnesota Farm Bureau Federation
Minnesota Farmers Union
Builders Association of the Twin Cities
Minnesota Center for Environmental Advocacy
Clean Water Action Alliance
Rivers Council of Minnesota
Minnesota Lakes Association
Minnesota Pollution Control Agency
Minnesota Department of Agriculture
Association of Metropolitan Municipalities
Association of Minnesota Counties
Minnesota Association of Watershed Districts
Minnesota Association of Soil and Water Conservation Districts
Minnesota Department of Natural Resources
Board of Water and Soil Resources
Metropolitan Council

DRAFT - CWLA Expenditure by Agency and Function - DRAFT

DNR	~~FY06~~	FY07	FY~~07~~08	FY~~08~~09	FY~~09~~10
DNR/USGS flow monitoring at 86 sites	~~$0.150~~	$0.150	$0.300	$0.500	$0.500
Lake biological monitoring	~~$0.080~~	$0.080	$0.080	$0.170	$0.170
Mercury in fish tissue trend monitoring	~~$0.050~~	$0.050	$0.050	$0.100	$0.100
Forest stewardship plans on private riparian forest lands	~~$0.100~~	$1.000	$1.900	$1.900	$1.900
Fee title acquisition and easements of high priority, sensitive riparian lands that provide high value for watershed protection		$1.000	$1.000	$1.000	$1.000
Research, reporting, evaluation & monitoring		$0.400	$0.400	$0.600	$0.600
Agency implementation costs to expand capacity to provide technical assistance to local units of government		$0.500	$0.750	$0.750	$0.750
DNR Total**	**~~$0.380~~**	**$3.180**	**$4.480**	**$5.020**	**$5.020**

**Includes additional resources for protection activities in 1st year.

BWSR	~~FY06~~	FY07	FY~~07~~08	FY~~08~~09	FY~~09~~10
Targeted Financial Assistance: BWSR - Cost-Share & Incentive payments	~~$0.450~~	$2.500	$5.750	$5.750	$5.750
Targeted Technical Assistance to support practice implementation	~~$0.150~~	$2.000	$1.600	$1.600	$1.600
Grants to SWCD's for engineering and technical assistance via the SWCD General Services Grant	~~$0.262~~	$2.000	$1.850	$2.000	$2.000
Research, reporting, evaluation & monitoring (e-link)		$0.200	$0.200	$0.200	$0.200
Comprehensive Local Water Management	~~$0.300~~	$1.500	$2.000	$2.000	$2.000
Streambank, stream channel, lakeshore road		$2.500	$2.400	$2.400	$2.400
County ISTS		$0.730	$3.400	$3.400	$3.400
BWSR Total***	**~~$1.162~~**	**$11.430**	**$17.200**	**$17.350**	**$17.350**

***Includes additional protection & restoration resources.

MDA	~~FY06~~	FY07	FY~~07~~08	FY~~08~~09	FY~~09~~10
Targeted Financial Assistance: MDA - AgBMP Loan Program	~~$0.250~~	$2.200	$3.300	$3.300	$3.300
Technical assistance for nutrient and pasture management	~~$0.150~~	$0.400	$0.400	$0.400	$0.400
Promotion of Priority practices in impaired watersheds	~~$0.100~~	$0.100	$0.100	$0.100	$0.100
Conservation planning assistance	~~$0.100~~	$0.300	$0.300	$0.500	$0.500
Research, reporting, evaluation and monitoring	~~$0.100~~	$1.000	$1.000	$1.200	$1.200
MDA Total****	**~~$0.700~~**	**$4.000**	**$5.100**	**$5.500**	**$5.500**

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DRAFT - CWLA Expenditure by Agency and Function - DRAFT

November 15, 2005 Draft CWLA Expenditures

MPCA	~~OLD~~ ~~FY06~~	NEW FY07	~~FY07~~08	~~FY08~~09	~~FY09~~10
Monitoring at 32 of 80 Milestone sites per year and collecting chemistry at 86 flow sites	~~$0.195~~	$0.195	$0.400	$0.520	$0.520
Biological, chemical and physical sampling at 600 sites per year by FY09	~~$0.330~~	$0.330	$1.130	$2.150	$2.150
MPCA/Local Org Chem & Lab costs for Citizen Stream Monitoring Program and pass through money to ~81 local organizations.	~~$0.510~~	$0.510	$1.160	$1.550	$1.812
Assessment of 100 lakes per year by FY09, starting with lakes over 500	~~$0.100~~	$0.100	$0.200	$0.290	$0.290
MPCA/Local Orgs Chemistry and lab costs for Citizen Lake Monitoring Program expansion and pass through money to lake organizations.	~~$0.500~~	$0.500	$0.800	$0.850	$0.950
Statewide remote sensing of lakes and streams once every 5 years	~~$0.075~~	$0.075	$0.075	$0.075	$0.075
MPCA – Data management and system upgrades for increased data handling and analysis for ~9,000 new sites.	~~$0.150~~	$0.150	$0.360	$0.450	$0.520
Third Party TMDLs: - Led by local government, contractors and others following MPCA protocols: Development of TMDLs, including monitoring, land use assessment, data analysis, modeling, load allocations, document preparation, public participation.	~~$0.390~~	$0.390	$1.140	$1.553	$2.407
MPCA-led TMDLs: - Development of TMDLs, including monitoring, land use assessment, data analysis, modeling, load allocations, document preparation, public participation	~~$0.450~~	$1.350	$1.350	$1.350	$1.350
Other MPCA TMDL Activities: - TMDL project oversight, contracting, technical assistance, training, scientific expertise, implementation planning, effectiveness monitoring, wastewater and stormwater permitting, compliance with federal requirements, rulemaking, guidance development, performance tracking, de-listing waters, Clean Waters Council staffing.	~~$1.060~~	$1.430	$1.510	$2.090	$2.140
ISTS Identification/Inventory	~~$1.000~~				
MPCA Total*	~~$4.760~~	**$5.030**	**$8.125**	**$10.878**	**$12.214**

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PFA	~~FY06~~	FY07	FY~~07~~08	FY~~08~~09	FY~~09~~10
Low interest loans and direct assistance to local governments or private landowners with permanent easement for septic systems		$2.500	$4.582	$4.789	$4.789
75% grants for phosphorus treatment infrastructure	~~$4.400~~	$10.000	$18.000	$15.000	$15.000
Funds for low interest loans for qualified public infrastructure projects.		$3.860	$22.433	$21.463	$21.148
PFA Total*****	$4.400	**$16.360**	**$45.015**	**$41.252**	**$40.937**

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	~~FY06~~	FY07	FY~~07~~08	FY~~08~~09	FY~~09~~10
Clean Water Legacy Act Total Expenditures	~~$11.402~~	**$40.000**	**$79.920**	**$80.000**	**$81.021**

CWLA TOTAL BY FUNCTION	~~FY06~~	FY07	FY~~07~~08	FY~~08~~09	FY~~09~~10
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Nonpoint Source Protection & Restoration Subtotal	~~$2.962~~	**$18.330**	**$26.350**	**$27.100**	**$27.100**
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TMDL Development Subtotal	~~$1.900~~	**$3.170**	**$4.000**	**$4.993**	**$5.897**
Nonpoint Source Protection & Restoration Subtotal	~~$2.962~~	**$18.330**	**$26.350**	**$27.100**	**$27.100**
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Point Source Protection & Restoration Subtotal		40.900%	56.325%	51.565%	50.526%

Otter Tail Ag Enterprises, LLC

Informational Submittal
In Support of Fergus Falls Fish and Game Club Easement Exchange Request

Easement No. 56-01-93-01-W

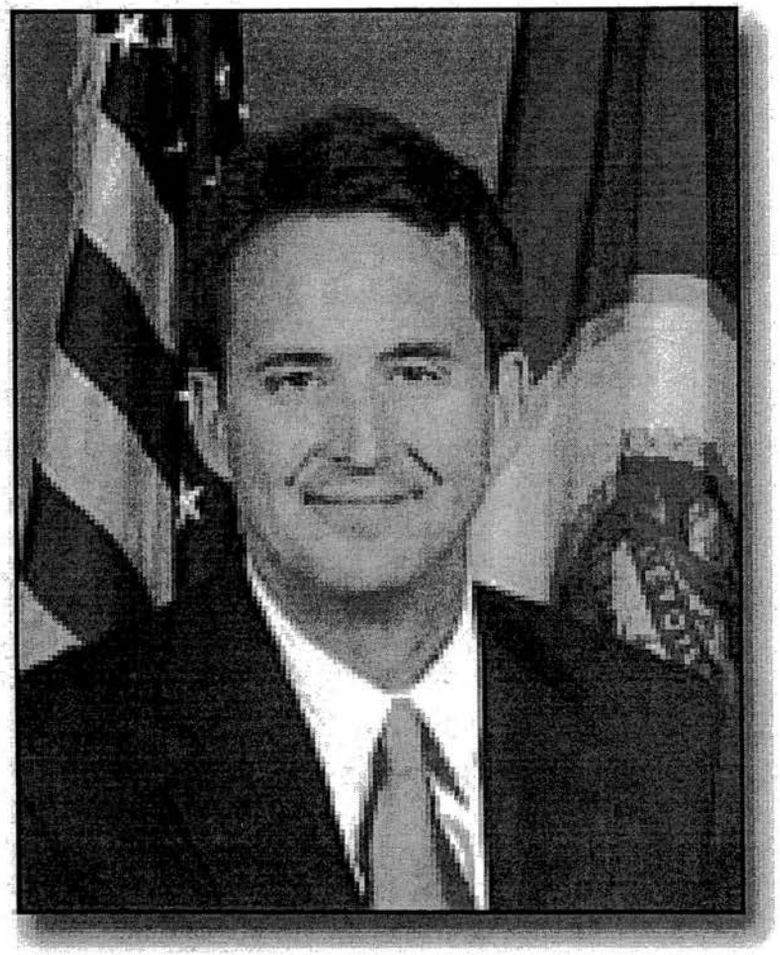
Minnesota Board of Water & Soil Resources

December 6, 2005

Otter Tail Ag Enterprises, LLC.
ethanol A Clean Air Choice

Tim Pawlenty
Governor of Minnesota

- "Ethanol is one of the real success stories of our farm economy. In addition to providing us with a domestic source of clean, renewable energy, our ethanol industry boosts the economy in Greater Minnesota through stronger corn prices and hundreds of good-paying jobs."



Pawlenty Comments on 2005 E-20 Ethanol Legislation

- *"This bill strengthens our rural economy, improves our air quality and reduces our unhealthy dependence on foreign oil, … It also puts our state at the leading edge of a very promising industry. We truly are on our way to becoming the Saudi Arabia of renewable fuels…. Utilizing homegrown renewable fuels is good for our farmers, it's good for rural economic development, it's good for national security, and it's good for the environment …"*

Otter Tail Ag Enterprises, LLC

- 13 member Board of Governors and 14 member Advisory Committee.
- Members are comprised of regional farmers and business persons.
- The plant will be farm and non-farmer owned.
- Purpose is to build an ethanol plant-50 million gallon production.
- Goal is to grind the 2007 corn crop

Otter Tail Ag Enterprises, LLC.
ethanol
A Clean Air Choice

Otter Tail Ag Enterprises, LLC.
ethanol A Clean Air Choice

Local Economic Impacts of a 50 Million Gallon Ethanol Facility

Source: Renewable Fuels Association

Mission Statement of Otter Tail Ag Enterprises,LLC

Our Mission is:

- *To produce renewable fuels at a maximum return on investment*
- *To grow member equity value*
- *To be accountable to the environment and our members*
- *To be socially responsible to our community and our employees*

A 50 million gallon plant will provide an enhanced market for 17 million bushels of local and regional corn.

A 50 million gallon plant will add 1.35 million to the local basis of corn

A 50 million gallon plant will expand the economic base of the local economy by 110.2 million

A 50 million gallon plant will generate an additional 19.6 million of household income

A 50 million gallon plant will create 40 direct jobs at the plant, with a payroll exceeding $800,000 annually not including benefits

A 50 million gallon plant will create long term tax revenue for the state and local governments

Otter Tail Ag Enterprises, LLC.
ethanol A Clean Air Choice

OTTER TAIL AG ENTERPRISES, LLC
RESOLUTION IN SUPPORT OF
CONSERVATION EASEMENT EXCHANGE

Undersigned, being members of the Board of Directors and Advisory Committee of Otter Tail Ag Enterprises, LLC, hereby adopt the following resolution as a show of support for the Fergus Falls Fish and Game Club conservation easement exchange request made to the Minnesota Board of Water and Soil Resources.

RECITALS

WHEREAS, the Minnesota Board of Water and Soil Resources has been presented with a request by the Fergus Falls Fish and Game Club to exchange acres presently subject to a conservation easement for an easement on adjacent property owned by the Fergus Falls Fish and Game Club, which request concerns Conservation Easement No. 56-01-93-01-W; and

WHEREAS, Otter Tail Ag Enterprises, LLC has an agreement with the Fergus Falls Fish and Game Club to purchase certain land that is the subject of the present easement, which land is a preferred site on which Otter Tail Ag Enterprises, LLC could construct and operate an ethanol plant; and

WHEREAS, in order for the ethanol plant development to proceed on the Fergus Falls Fish and Game Club tract, the site needs to be released from the conservation easement; and

WHEREAS, the Fergus Falls Fish and Game Club has requested that the easement acres on the project site be released and exchanged for an easement on adjacent land owned by the Fergus Falls Fish and Game Club in order to permit the ethanol project to proceed; and

WHEREAS, the Fergus Falls Fish and Game Club project site is uniquely situated to as to permit the ethanol plant to receive delivery of steam from the nearby Hoot Lake Power Plant, which would permit the ethanol plant to operate at reduced energy costs and reduced reliance on natural gas as an energy source, and in the absence of the conservation easement exchange request being granted, Otter Tail Ag Enterprises, LLC would not be able to receive delivery of steam from the existing power plant; and

WHEREAS, the Fergus Falls community and surrounding region and agricultural economy stand to benefit significantly from the development of the proposed ethanol plant; and

WHEREAS, construction and operation of an ethanol plant on the identified project site would provide for use of agriculture-based renewable fuels which will reduce Minnesota's dependence on imported oil, and which would permit production of clean burning, renewable fuels in an environmentally friendly manner; and

WHEREAS, ethanol has been shown to reduce toxic exhaust emissions and improve air quality, and help Minnesota cities meet United States EPA standards for carbon monoxide; and

WHEREAS, the state of Minnesota has been a national leader in the development, production, and use of ethanol, and permitting Otter Tail Ag Enterprises, LLC's ethanol development to proceed on the identified project site is consistent with Minnesota state policy of supporting clean fuel alternatives;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Board of Directors and Advisory Committee of Otter Tail Ag Enterprises, LLC, hereby fully support the request by the Fergus Falls Fish and Game Club to exchange acres presently subject to a conservation easement for a conservation easement on adjacent property owned by the Fergus Falls Fish and Game Club.

2. That the Otter Tail Ag Enterprises, LLC Board of Directors and Advisory Committee respectfully urge the Minnesota Board of Water and Soil Resources to grant the conservation easement exchange request by the Fergus Falls Fish and Game Club, in order to permit Otter Tail Ag Enterprises, LLC's ethanol project to proceed on the site.

IN WITNESS WHEREOF, the following persons adopt the foregoing resolution effective the 2nd day of December, 2005.

Gerald Rust

Hans A. Romereto

Daniel Hoffarzpie

Jerry Knaak

Roger Schmidt

Peter Asmen

Jonathan C. Pisarski

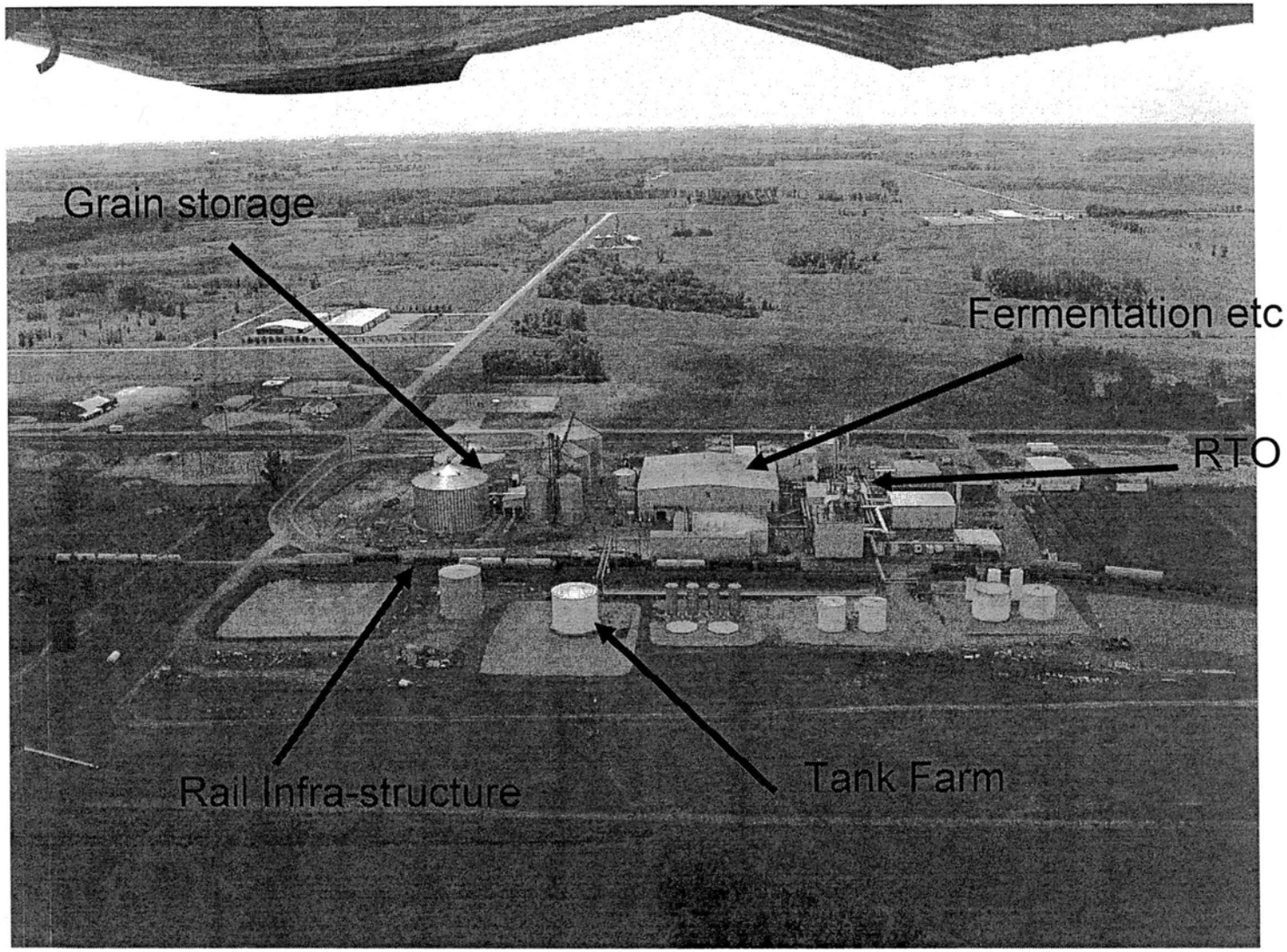
Brian Jacey

Jay Nord

Larry Larson

Ned J. Kiedl

Edward K. Kegness



Benson CVEC Plant 40mgy

Otter Tail Ag Enterprises, LLC.
ethanol
A Clean Air Choice

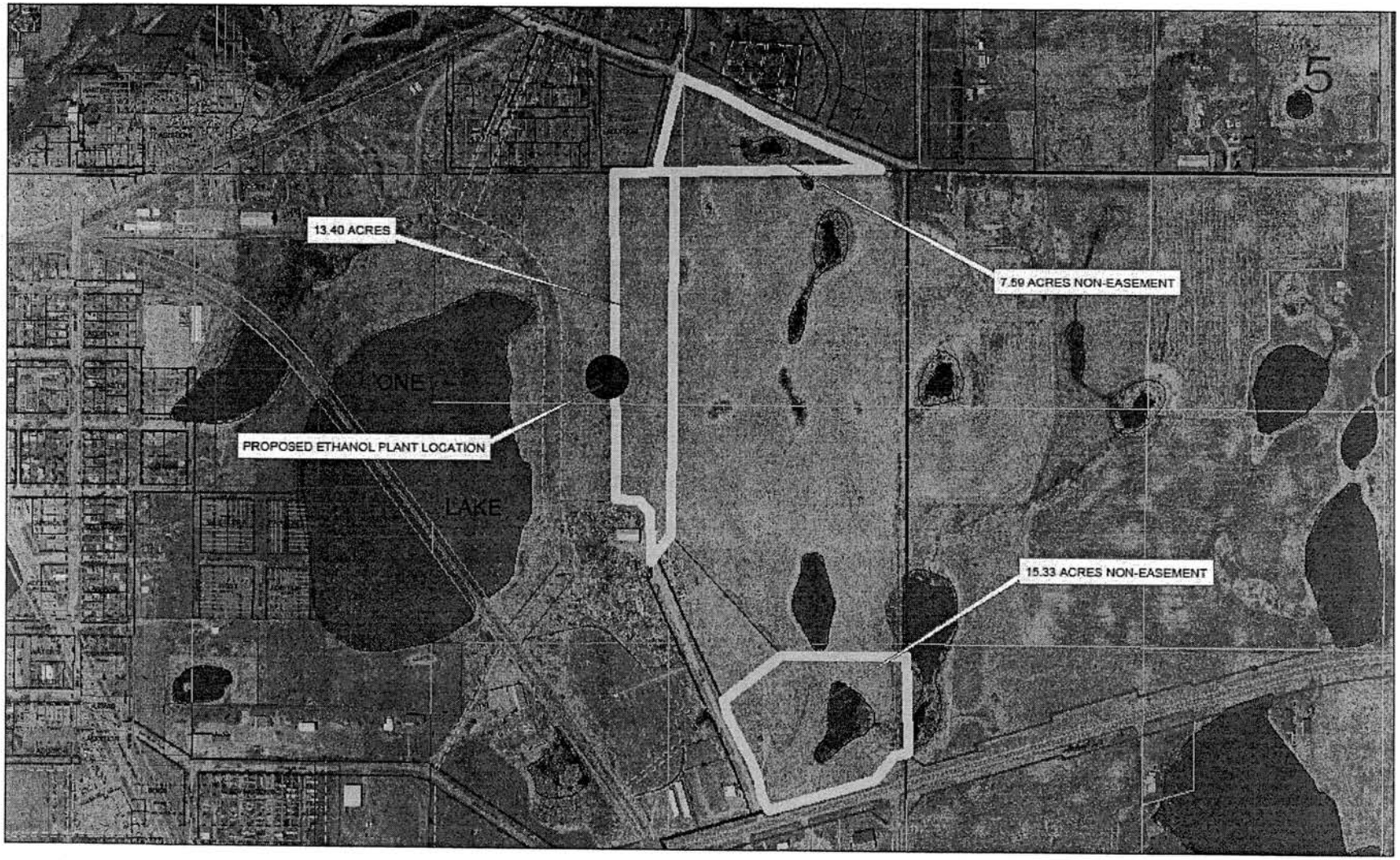
A Unique Opportunity For An Ethanol Plant



Otter Tail Ag Enterprises, LLC.
ethanol
A Clean Air Choice

- Otter Tail Ag has an option to purchase land owned by the Fergus Falls Fish and Game Club, a local conservation organization. ($250,000.00 +)
- Site has been identified as a preferred site for the ethanol plant. Called "210 East" Site.
- Fish and Game Club fully supports development of an ethanol plant on the 210 East Site.
- Purchase price paid for the land will be used by the Fish and Game Club to buy additional conservation acres. 40 acre tract presently under discussion.
- 210 East Site is subject to a conservation easement, in part. 13 acres. Permanent Wetlands Preserve Program.
- Fish and Game Club requests that the easement be exchanged for a conservation easement on adjacent land. *Without the exchange, the project cannot go forward on 210 East Site.*
- Exchange acreage encompass approximately 18.5 acres of like kind land, with better wetlands.

TRUNK HIGHWAY 210 EAST SITE



NO SCALE

Fergus Falls Fish and Game Club
PO Box 5
Fergus Falls, Mn. 56538

September 8, 2005

To whom it may concern:

The Fergus Fish and Game Club would like to change the boundary of our Rim easement on property Section 2 Buse Twp, of about 14 acres, of which a change to 2 parcels of about 21 acres.

The reason for this change is to provide acreage for a new Ethanol facility which would be built on the west 65 acres of our property. The Ethanol facility plant will provide 40 full time jobs, and will generate about 19.6 million of household income.

A 50 million gallon plant will provide an enhanced market for 17 million bushels of local and regional corn, which will add 1.35 million to the local basis of corn. This plant is estimated to cost 70 million and up for construction. A 50 million gallon plant will create long term Tax Revenue for the state and local government. The name of the plant is Ottertail Ag. Enterprise.

Chairman

Secretary

9-06-05

Motion: To change Rim easement on acres Located in Govt Lot 2 in Sec 2 Base twp. To other parcels which are not in Rim easement program

Chairman Jeffrey S. Borchert

Secretary Mike Rheault

Land committee chr. Marlen Tellefson



MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

WEST OTTER TAIL SOIL AND
WATER CONSERVATION DISTRICT

506 Western Ave. North
Fergus Falls, Minnesota 56537
Telephone: (218) 739-1308
Fax (218) 739-1309

Sept. 28, 2005

To whom it may concern:

We the West Otter Tail Soil & Water Conservation District Board would like to notify the Minnesota Board of Water & Soil Resources that we are in agreement to exchange 13.5 acres of upland for 18.8 acres of upland and wetlands. This 13.5 acre area is part of an 88.0 acre Permanent Wetland Preserve (PWP) easement.

We would like to add two separate areas adjacent to the remaining easement area. The new south area is 11.2 acres in size. It has a 2.2 acre wetland with the remaining area currently in native grass. The new north area is 7.6 acres in size. It has 2.1 acres of wetlands with the remaining area currently in native grass.

11.2
7.6
18.8
88

We are requesting this small alteration of the PWP Easement boundary to allow for the development of an Ethanol Plant. This Ethanol Plant will add new employment to the community as well as increase the need for locally grown corn. This new plant will also reduce our support as a nation on petroleum products.

Thank you for your time on this matter and we look forward to working with you on this easement alteration.

Sincerely,

Norm Fjestad
Board Chairman
West Otter Tail SWCD

Local Soils and Water Board Accepts Exchange and Requests State Board Approval

- West Otter Tail Soil and Water Board approved easement exchange in September, 2005.
- 13.5 acres on 210 East Site would be released.
- South exchange area of 11.2 acres. 2.2 acre wetland, balance native grass.
- North exchange area of 7.6 acres. 2.1 acre wetlands, balance native grass.
- EXCHANGE GAINS WETLANDS. Fits PWP program.
- EXCHANGE GAINS EASEMENT ACRES.

Local Government Supports Easement Exchange Request

- Representative Bud Nornes
- Representative Dean Simpson
- Senator Cal Larson
- Otter Tail County Board
- City Of Fergus Falls
- Minnesota Corn Growers Association also in support.

FERGUS FALLS
ECONOMIC IMPROVEMENT
COMMISSION

September 12, 2005

To: Brad Mergens
SWCD Manager

Ron Harnack
Executive Director
Minnesota Board of Water & Soil Resources
520 Layfayette Road North
St. Paul, MN 55155

From: Harold Stanislawski H.S
Executive Director Fergus Falls Economic Improvement Commission

Mark Sievert
Fergus Falls City Administrator

Mayor Russel Anderson R A
City of Fergus Falls

The Fergus Falls Economic Improvement Commission and the City of Fergus Falls is in full support of the Fish and Game Club RIM Easement Number 56-01-93-01-W adjustment to offer a portion of the easement for Otter Tail Ag Enterprises, LLC's proposed ethanol facility. We understand the Fish and Game Club and Otter Tail Ag Enterprises LLC have agreed on a land option for the property pending the RIM Easement Adjustment.

The proposed facility will have a major economic impact on our community by providing over 30 high paying jobs with a payroll in excess of $800,000 not including fringe benefits. The project is estimated to improve the local corn basis by another 2 million dollars which will benefit local farmers. This project is expected to bring over 19 million annually in additional household income. The project also is expected to expand the local economic base by 110.2 million thought direct, indirect and value-added expenditures.

Otter Tail Ag Enterprises LLC is working closely with the EIC and the City on siting and other critical public infrastructure issues. The OTAE board of Governors has already been engaged by participating in ethanol educational bus tours to existing plants and in weekly planning meetings for the project.

We endorse the RIM easement changes and offer our support and assistance.

112 Washington Avenue West
Fergus Falls, Minnesota 56537
Phone: 218.739.0128
www.fergusfalls.com

Dean Simpson
State Representative

District 10B
Becker, East Otter Tail and
Wadena Counties

Minnesota House of Representatives

COMMITTEES: COMMERCE, JOBS AND ECONOMIC DEVELOPMENT;
ECONOMIC DEVELOPMENT AND TOURISM DIVISION; REGULATED INDUSTRIES; TAXES

November 23, 2005

Mr. Ron Harnack
Executive Director
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Mr. Jerome Deal
Chairman
Minnesota Board of Water & soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Via Facsimile (651) 297-5615 and United States Mail

IN RE: Fergus Falls Fish and Game Club Conservation Easement

Easement No. 56-01-93-01-W

Dear Sirs:

I am the Minnesota State Representative for District 10 (B), and have been talking at length with farmers and others in my District who are working on developing an ethanol plant in Fergus Falls through Otter Tail Ag Enterprises. Please submit this letter of support to your full Board.

I have known that Otter Tail Ag has an option on land in Fergus Falls for a site on which the ethanol plant could be located. I recently learned that a portion of the site is subject to a Reinvest in Minnesota conservation easement. The current owner of the land, the Fergus Falls Fish and Game Club, a conservation group, is in support of the ethanol project and has asked the Board of Water & Soil Resources to exchange the land on the project site covered by the easement for an easement on adjacent property owned by the Fish and Game Club. I understand that the exchange would result in more acres to be covered by the conservation easement. I also understand that if the exchange is not permitted, the ethanol project could not go forward on the site.

312 Polaris Parkway, P. O. Box 10, New York Mills, Minnesota 56567 (218) 385-3015
473 State Office Building, 100 Rev Dr Martin Luther King Jr Blvd, St. Paul, Minnesota 55155-1298 (651) 296-4293
FAX: (651) 296-4121 TTY: (651) 296-9896 Email: rep.dean.simpson@house.mn (800) 914-3172

NOT PRINTED AT GOVERNMENT EXPENSE

Dean Simpson
State Representative

District 10B
Becker, East Otter Tail and
Wadena Counties

Minnesota House of Representatives

COMMITTEES: COMMERCE, JOBS AND ECONOMIC DEVELOPMENT;
ECONOMIC DEVELOPMENT AND TOURISM DIVISION; REGULATED INDUSTRIES; TAXES

Consistent with the policy of the State of Minnesota to give support to renewable fuels development and use, I whole handedly support the Fish and Game Club's proposal for the easement exchange. I ask that the Board of Water & Soil Resources grant the request and accept the exchange, particularly when the exchange will allow a gain of conservation acres into the same area as the existing easement. Further, permitting the exchange will serve the well publicized public policy of Minnesota to support production of clean burning, renewable fuels.

The importance of our State supporting Minnesota ethanol projects cannot be over-stated. I quote Governor Pawlenty when the "nation leading" E-20 Ethanol Legislation was signed into law earlier this year: "This bill strengthens our rural economy, improves our air quality and reduces our unhealthy dependence on foreign oil, ... It also puts our state at the leading edge of a very promising industry. We truly are on our way to becoming the Saudi Arabia of renewable fuels.... Utilizing homegrown renewable fuels is good for our farmers, it's good for rural economic development, it's good for national security, and it's good for the environment ..." These statements ring true and give reason for the easement exchange to be granted. I believe there is no downside to conservation, only upside, both in terms of gaining like-kind easement acres and in terms of permitting environmentally friendly fuel production to move forward.

Minnesota, its Governor, its legislators and its State agencies have been leaders in supporting and promoting clean burning fuel alternatives such as ethanol. Minnesota was the first state to require ethanol's use in gasoline, and the precedence continues with this year's ethanol legislation. All state agencies need to further the public policy of our State and make decisions to promote and encourage development of renewable fuels. To that end, I respectfully request that your Board grant the request of the Fergus Falls Fish and Game Club to exchange easement acres.

Sincerely,

Dean Simpson
Minnesota State Representative, District 10 (B)

312 Polaris Parkway, P. O. Box 10, New York Mills, Minnesota 56567 (218) 385-3015
473 State Office Building, 100 Rev Dr Martin Luther King Jr Blvd, St. Paul, Minnesota 55155-1298 (651) 296-4293
FAX: (651) 296-4121 TTY: (651) 296-9896 Email: rep.dean.simpson@house.mn (800) 914-3172
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Bud Nornes
State Representative

District 10A
West Otter Tail County

Minnesota House of Representatives

COMMITTEES: HEALTH AND HUMAN SERVICES POLICY;
VICE-CHAIR, HIGHER EDUCATION FINANCE; HEALTH AND HUMAN SERVICES FINANCE

November 22, 2005

Copy

Mr. Ron Harnack
Executive Director
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Mr. Jerome Deal
Chairman
Minnesota Board of Water & Soil Resources
1501 Second Avenue South
Wheaton , MN 56296

IN RE: Fergus Falls Fish and Game Club Conservation Easement
Easement No. 56-01-93-01-W

Dear Gentlemen:

As a resident of Fergus Falls and in my capacity as State Representative for District 10(A), I am following the efforts of Otter Tail Ag Enterprises to develop and build an ethanol plant at a site on the edge of the city of Fergus Falls. This regional group of farmers and business people have solid support in our area for their project.

I am aware that Otter Tail Ag Enterprises has an agreement with the Fergus Falls Fish and Game Club to buy land on the east side of Fergus Falls which is a preferred site on which the ethanol plant could be located. I have learned that some acres of the site are covered by a RIM conservation easement, and that the land needs to be released from the easement in order for the ethanol project to proceed on that site. The Fish and Game Club has requested that the easement acres on the project site be released and exchanged for an easement on adjacent property owned by the Fish and Game Club, roughly 9 more acres than what is covered by the current easement. I submit this letter to you and ask that you share it with the other members of the Board of Water and Soil Resources who will act on the RIM exchange request.

22195 River Oaks Dr., Fergus Falls, Minnesota 56537 (218) 736-7777
471 State Office Building, 100 Rev Dr Martin Luther King Jr Blvd, St. Paul, Minnesota 55155-1298 (651) 296-4946
FAX: (651) 296-4121 TTY: (651) 296-9896 Email: rep.bud.nornes@house.mn (800) 336-8017

I am in full support of the request by the Fish and Game Club for the exchange, and urge the members of your Board to grant the request. Minnesota's legislators and administrative agencies need to be in unwavering support of renewable fuels projects. Permitting the requested exchange of acres will advance a project that will add proven value to our region's economy and our area farmers, and more importantly will permit a project to move forward that can produce clean burning, renewable fuels in an environmentally friendly manner. The City of Fergus Falls and the Otter Tail County Board of Commissioners are on record supporting the RIM easement exchange, and like them, I feel that the exchange would be in the best interest of the public. I think it is important to consider that the Fergus Falls Fish and Game Club, a well known steward group for conservation in our area, supports the ethanol plant and in fact makes the request for the easement exchange; this being perhaps the best evidence there is that the request should be granted.

Thank you in advance for your thoughtful consideration on this matter.

Respectfully,

Bud Nornes

Bud Nornes
State Representative, District 10(A)

OTTER TAIL COUNTY BOARD OF COMMISSIONERS

Government Services Center * 515 Fir Avenue West * Fergus Falls, MN 56537 * 218-998-8060 * Fax 218-998-8075 * *www.co.otter-tail.mn.us*

September 13, 2005

Mr. Ron Harnack
Executive Director
Minnesota Board of Water & Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Mr. Brad Mergens
District Manager
West Otter Tail SWCD
506 Western Avenue
Fergus Falls, MN 56537

IN RE: Fergus Falls Fish and Game Club Conservation Easement
Easement No. 56-01-93-01-W

Dear Gentlemen:

The Otter Tail County Board of Commissioners is aware of the efforts by Otter Tail Ag Enterprises, LLC, to develop and construct an ethanol plant in Otter Tail County near the city of Fergus Falls. The Otter Tail County Board supports Otter Tail Ag's ethanol project, which will add value to our region's economy by producing renewable fuels in an environmentally safe and efficient manner. The Otter Tail County Board has learned that Otter Tail Ag has entered into an agreement with the Fergus Falls Fish and Game Club to acquire a tract of land near Fergus Falls on which the ethanol plant may be located. Our understanding is that a portion of the land in question is subject to a Reinvest in Minnesota conservation easement. The Fish and Game Club is requesting that the portion of the tract to be sold to Otter Tail Ag be released from the easement and exchanged for an easement on adjacent property owned by the Fish and Game Club. We understand that the process of reviewing the requested RIM exchange will be governed by your agencies.

The Otter Tail County Board of Commissioners provides you with this letter as an expression of support to the Fergus Falls Fish and Game Club's request that it be permitted to exchange land within its conservation easement and thereby permit Otter Tail Ag Enterprises, LLC, to acquire the project land and construct the ethanol plant on the land. We believe that granting the request is in the best interest of Otter Tail County and its residents. We respectfully request that you grant the Fergus Falls Fish and Game Club's request.

Thank you for your consideration on this matter.

Sincerely,

Robert Block

Robert Block, Chairman
Otter Tail County Board of Commissioners

Sydney Nelson
First District

Malcolm K. Lee
Second District

Dennis Mosher
Third District

Roger Froemming
Fourth District

Bob Block
Fifth District

CAL LARSON
Senator 10th District
111 East Lincoln Avenue
Fergus Falls, MN 56537
Phone: 218-736-7823

St. Paul Office:
153 State Office Building
100 Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155
Phone: 651-296-5655
Fax: 651-767-0929
sen.cal.larson@senate.mn
www.callarson.com

Senate
State of Minnesota

November 23, 2005

Mr. Jerome Deal, Chairman
Minnesota Board of Water & Soil Resources
1501 Second Avenue South
Wheaton , MN 56296

RE: Fergus Falls Fish and Game Club Conservation Easement
Easement No. 56-01-93-01-W

Dear Jerome,

The Minnesota Board of Water & Soil Resources has been presented with a request by the Fergus Falls Fish and Game Club to exchange acres presently subject to a Reinvest in Minnesota conservation easement for an easement on adjacent property owned by the Fish and Game Club. I understand that the request, if granted, would release approximately 13 acres from the easement but would replace the easement on 22 or so acres of grassland and wetlands. The Fergus Falls Fish and Game Club has requested that the easement acres be exchanged in order for an ethanol project to proceed on that site.

This letter is submitted to the Board of Water & Soil Resources in support of the exchange request, and I personally ask that you grant the Fish and Game Club's request.

Allowing the Otter Tail Ag Enterprises ethanol project to move forward by allowing the exchange of acres is consistent with the public policy of our State to support renewable fuels ventures and initiatives. Renewable fuels like ethanol reduce toxic exhaust emissions and improve air quality. Ethanol production has a proven impact on economic development and value added for agriculture, and does so in an environmentally friendly manner – with the greater goal of moving our country toward energy independence.

Our public will not lose conservation acres, but instead will gain more acres of grasslands and wetlands, while allowing a project to proceed that will advance the State's mission to support

clean burning fuels such as ethanol. The Department of Agriculture's Minnesota Ethanol Program has published goals for our State which include establishing a new market for corn (the state's largest crop), developing corn processing/ethanol production facilities in Minnesota, reducing dependence on imported petroleum, and helping Minnesota cities meet U.S. EPA standards for carbon monoxide. The Otter Tail Ag Enterprises project will further these important State policies on energy, and approving an exchange of conservation acres to meet those policies is certainly in the best interest of our public.

Again, I urge the Board to grant the request, particularly where the RIM conservation easement program will not lose acres, but instead will gain acres.

Please share this letter with your Board Members. I appreciate the opportunity to be heard on this matter that is of utmost importance to our region's farmers, and which will further our State's initiative to be a leader in supporting clean fuel alternatives like ethanol.

Sincerely,

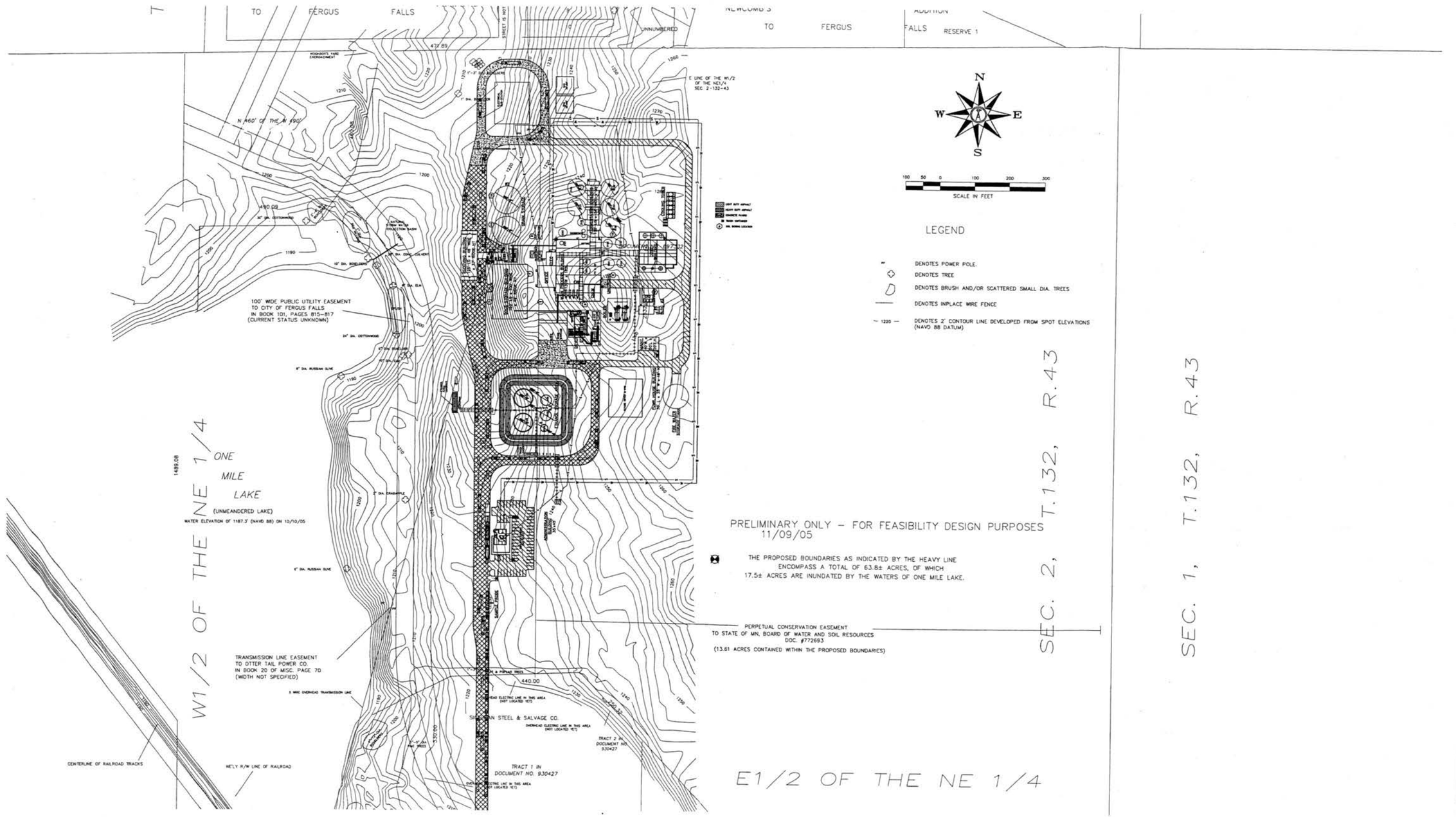
Cal Larson
State Senator

210 East Site is Unique

- 210 East Site presents unique opportunity for interaction with existing OTP Hoot Lake Power Plant.
- Hoot Lake Plant can deliver steam from an existing energy site. *OTP representative to explain details.*
- Reduces ethanol plant reliance on natural gas as energy source. Better for the environment.
- Opportunity cannot be replicated in a 3-state or greater area. ***No other site permits interaction with OTP Plant***.
- With recent advent of ethanol production, opportunity could not have been foreseen at the time the easement was granted.

210 East Site Was Sized to Minimize Need for Easement Exchange

- East border selected so as to not impact wetlands.
- Site sized for minimal acres, resulting in need to reserve use for all acres on the 210 East Site.
- With set backs, site is narrow.
- Conceptual drawing is attached.
- Final siting will depend on design and construction selected.
- Goal is to acquire and clean up salvage yards to the south.
- Site planning goal would be environmentally sensitive as possible.
- Potential for restoration as part of yard-scaping.



CONFIDENTIAL

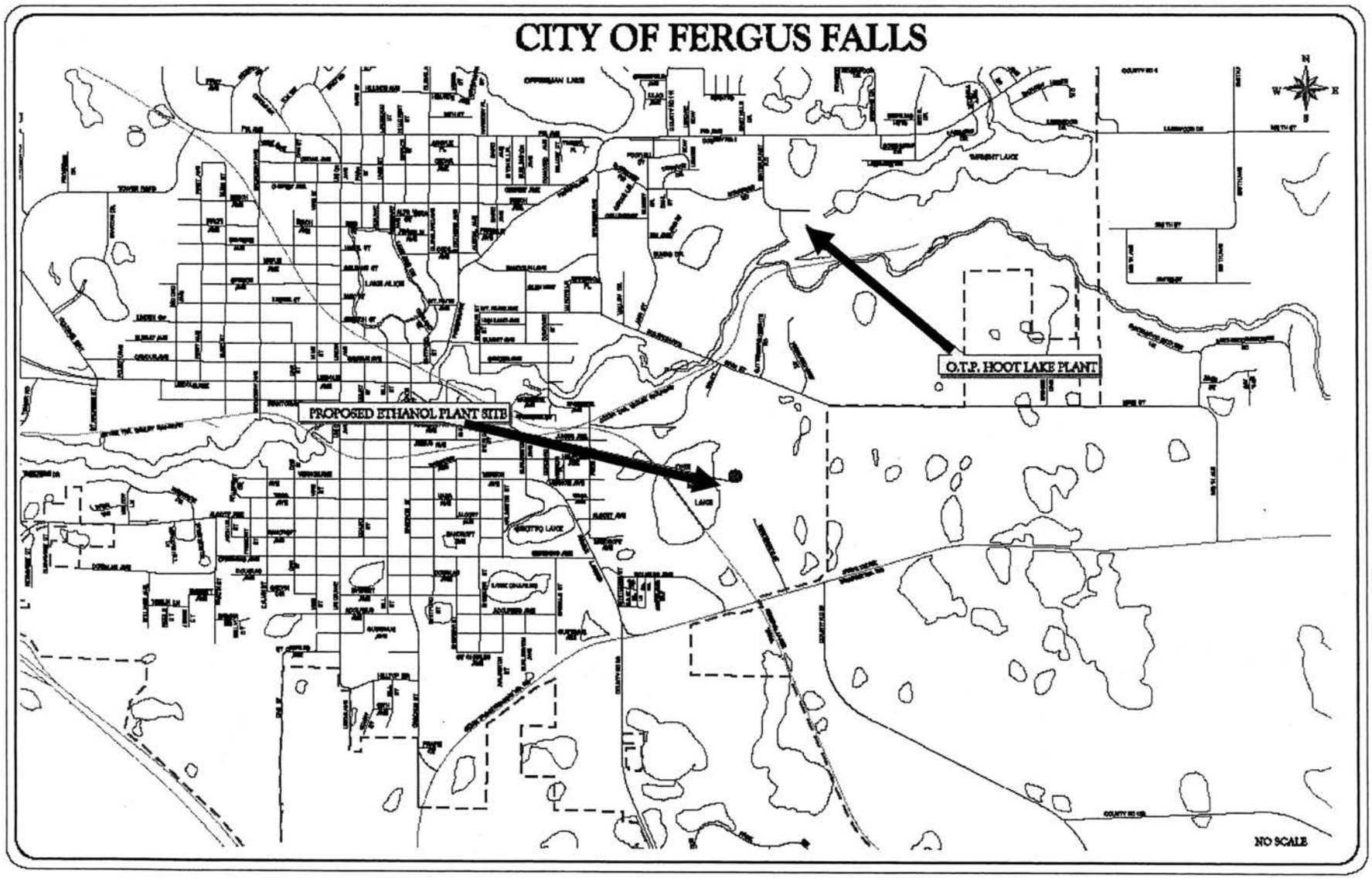
REVISIONS					
REV.	DATE	DESCRIPTION	BY	CKD	APP
A	06DEC05	PRELIMINARY SITE PLAN	AF		

Delta-T
www.deltatcorp.com
Voice (757)220-2955 ▲ Fax (757)229-1705

Drawn By: AF Date: 06DEC05

Dwg No. OT-L-01
Title 50 MGPY ETHANOL PLANT SITE PLAN
Client information OTTER TAIL
Location

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Otter Tail Ag Enterprises, LLC.

ethanol

A Clean Air Choice

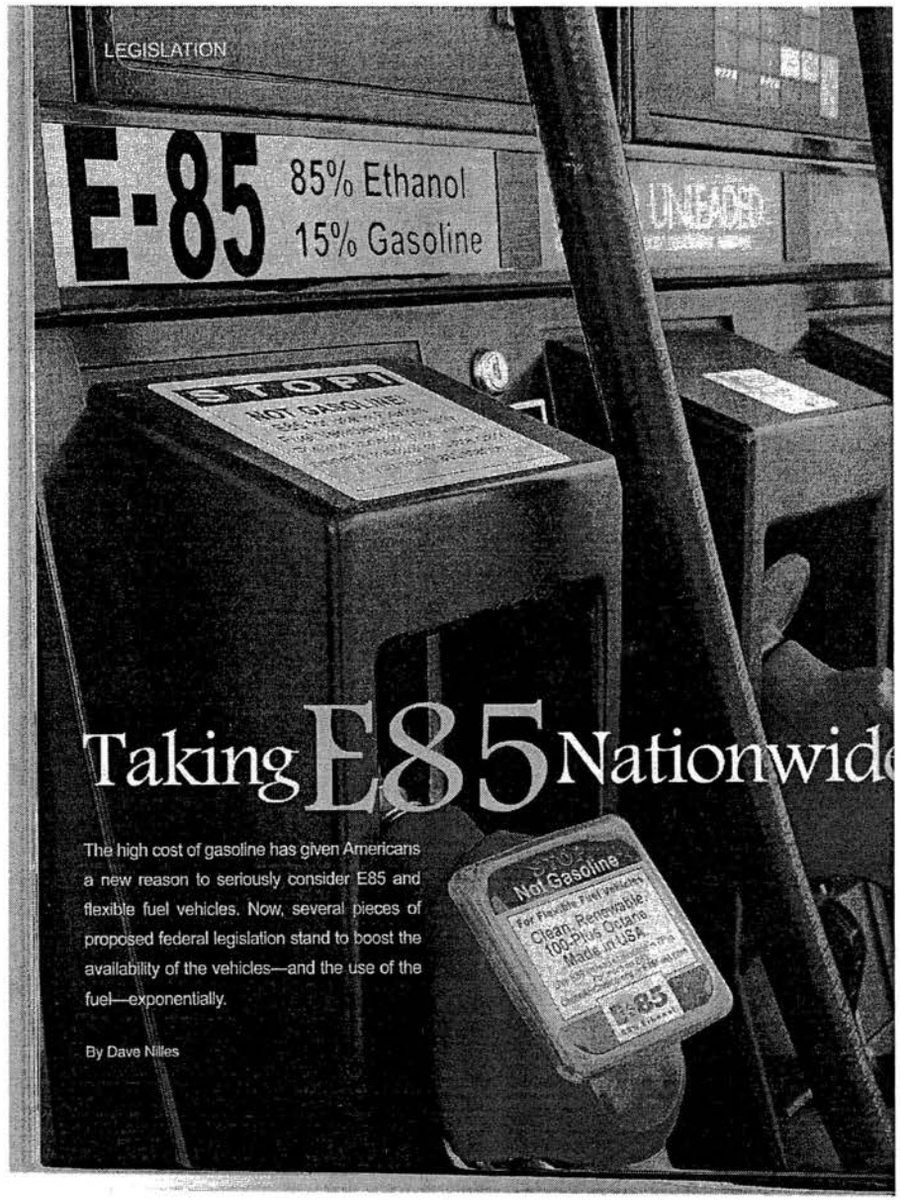
Ethanol Production is Conservation and Environment Friendly

- Ethanol is a clean burning, renewable, agricultural product based fuel.
- Minnesotans have been using ethanol blended fuels for 10 + years. E20 legislation signed into law in 2005.
- 1 acre of corn converts to 450 gallons of ethanol in our region.
- 1 bushel of corn equals 2.7 gallons of ethanol
- Ethanol production creates by products: high protein livestock ration.
- Ethanol has a positive energy balance.
  - Net energy balance is 1.77, meaning ethanol provides 77% more energy than it takes to produce.
- Ethanol is 105 Octane (good for blending)
- 13% of corn in USA (15% of Minn corn) is processed into ethanol

Otter Tail Ag Enterprises, LLC.
ethanol A Clean Air Choice

Env. Benefits of Ethanol Cont'

- Ethanol decreases the cost of gasoline.
  - Recent study estimates that gasoline prices would be 30 cents higher today if ethanol were not being blended into 3.3 billion gallons annually
- Ethanol reduces dependence on foreign oil, and creates demand for state production, not foreign.
- Ethanol burns more efficiently and cleaner than gasoline and reduces pollution.
- Ethanol provides more power and boosts top-end speed.
- EPA recognizes that ethanol-blended fuels reduces carbon monoxide tailpipe emissions by as much as 30% percent.
- Ethanol is renewable, year after year.



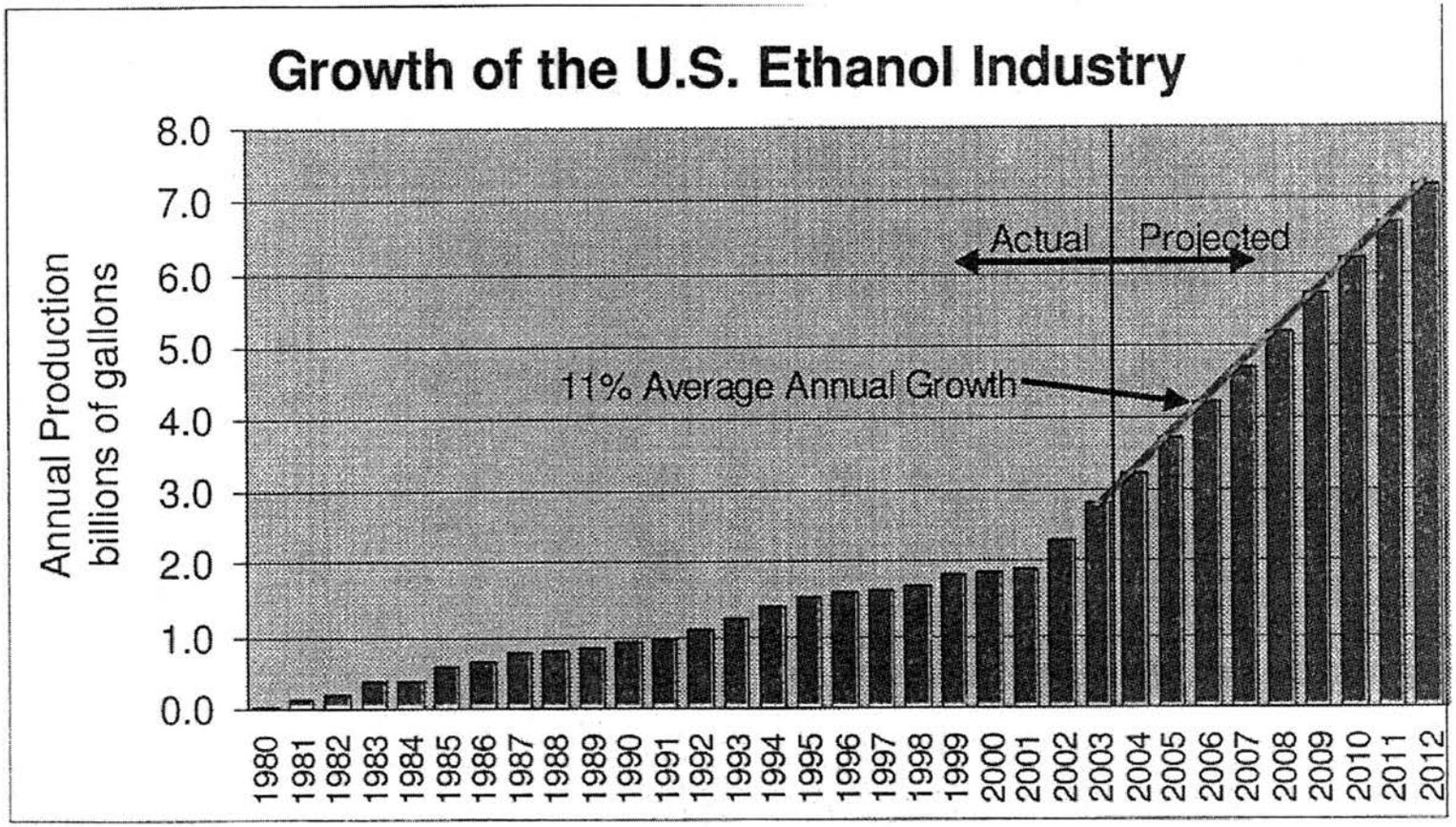
Otter Tail Ag Enterprises, LLC.
ethanol
A Clean Air Choice

MN Legislature has Passed a mandate For E-20 in 2005

.

Approvals from the Federal government are pending.

Minnesota is the LEADER in Renewable Fuels!



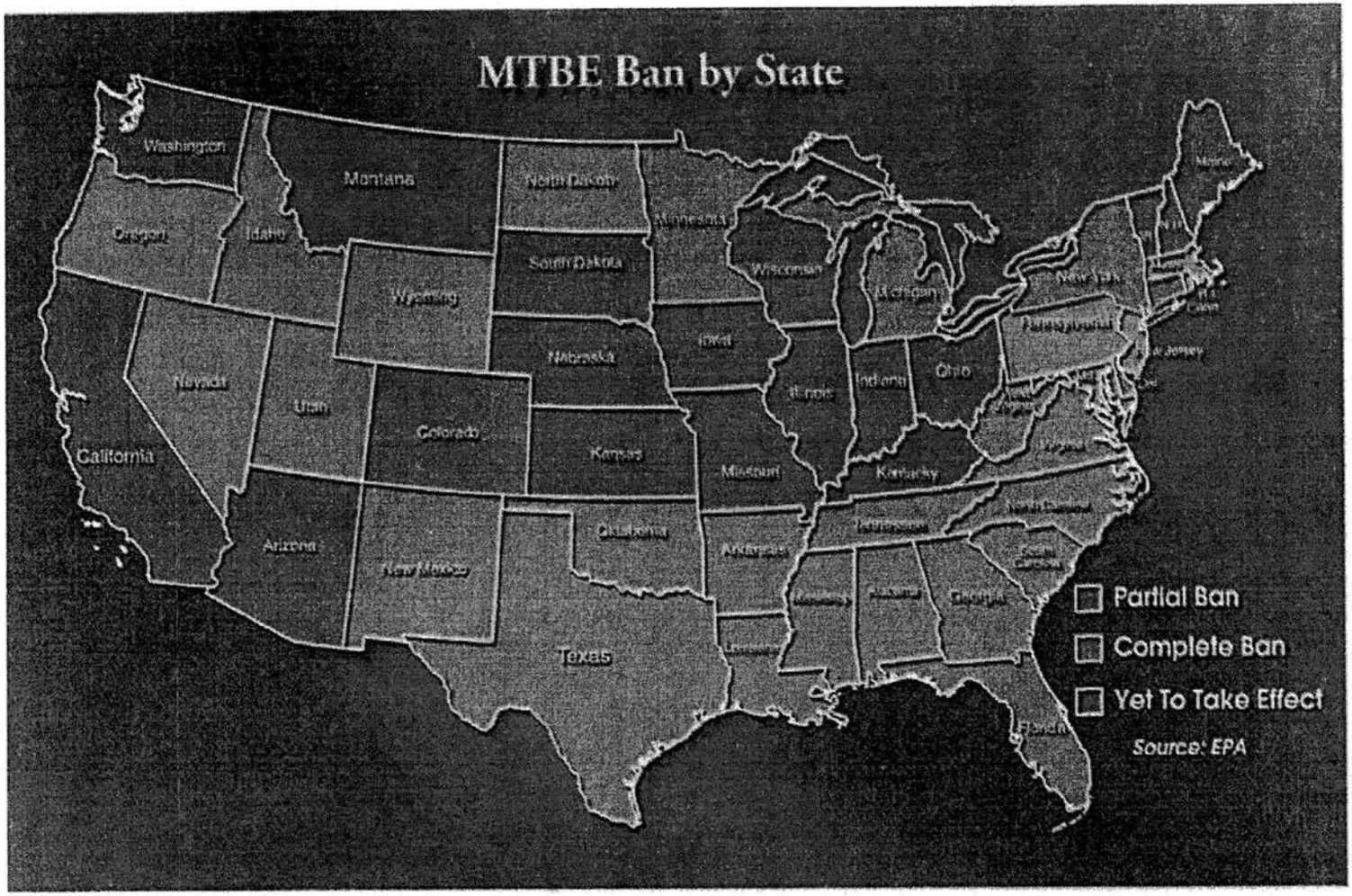
The recent bans on MTBE in New York, Connecticut and California have greatly expanded the

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Table 19 – Ethanol Use in Minnesota and Neighboring States

	Total Ethanol Consumed (gallons)		
State	2001	2002	Estimated 2005
Minnesota	259,000,000	275,000,000	284,100,000
North Dakota	9,000,000	11,000,000	11,800,000
South Dakota	23,000,000	24,000,000	30,700,000
Nebraska	33,000,000	37,000,000	43,300,000
Iowa	93,000,000	104,000,000	124,300,000
Wisconsin	130,000,000	108,000,000	132,500,000
Total	**547,000,000**	**559,000,000**	**626,700,000**

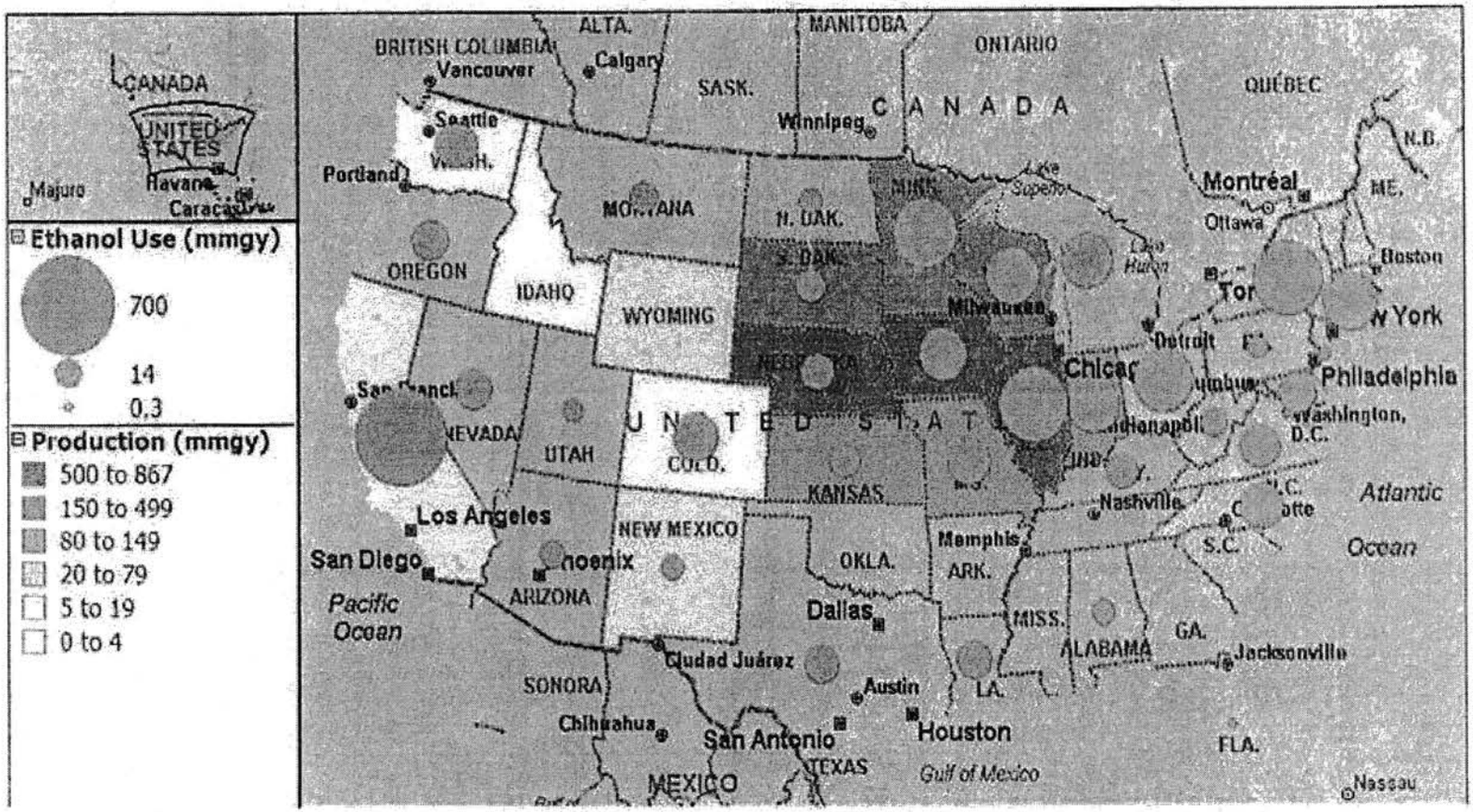
Source: U.S. Department of Transportation Highway Statistics 2001 - 2003



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U.S. Ethanol Production and Use

Figure 22 – U.S. Ethanol Production and Use



Modifying Conservation Easements

- Conservation easements can be released, modified, terminated or otherwise altered or affected in the same manner as other easements. MSA 84C.02(a).
- Easements are modified or altered by agreement of the parties.
- Fergus Falls Fish and Game Club has requested an exchange of easement acres, and the local Soils and Water Board is in agreement.
- State Water and Soil Resources Board can altere a conservation easement if the "*public interest and general welfare are better served by the alteration, release or termination.*" MSA 103F.535, Subd. 5.

Permitting Exchange Is In Public's Best Interest

- No loss of easement acres. Instead, gain of acres.
- Betterment of wetland acres.
- Fish and Game Club price will allow purchase of many additional acres of conservation land.
- Allows project to move forward on a site that cannot be replicated, and permits operational interaction with OTP.
- Lower energy cost for plant.
- Reduced dependence on natural gas as energy source.
- Consistent with state policy to promote and advance ethanol development, production and use.

Public Interest Cont'

- Advances Value-added for agriculture.
  - Plant will purchase and process over 17,000,000 bu of local corn annually.
  - Creates local market and local use for corn.
  - Corn prices will increase. Estimates show ethanol adds 20 to 40 cents of additional value to every bushel of corn produced.
  - Adds $1,350,000.00 to local basis of corn.

Public Interest Cont'

- Advances interests of the environment.
  - Promotes renewable fuel and clean burning fuel venture.
  - Reduces dependence on petroleum based fuels and dependence on foreign oil.
  - Improves air quality.
  - Lowers greenhouse emissions.
  - Most environmentally friendly octane additive.
  - Most cost effective octane additive.

Public Interest Cont'

- An opportunity that cannot be missed and cannot be replicated.
- Tremendous Impact On Economic Development:
  - Adds 40 jobs to Fergus Falls at the plant alone.
  - Spill over to support businesses; trucking, retail, etc.
  - Adds $19.6 million in household income.
  - $80,000,000.00 + construction project.
  - Expands economic base of local economy by $110,000,000.00 +.
  - Long term tax revenue (across the board) for state, county and local government.

- The Otter Tail Ag Enterprises, LLC Board of Directors and Advisory Committee respectfully urge the Minnesota Board of Water and Soil Resources to grant the conservation easement exchange request by the Fergus Falls Fish and Game Club.

- THANK YOU FOR YOUR TIME!